

Information Sharing with Federal Immigration Officials

605.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines related to immigration and interacting with federal immigration officials. This policy applies to all designated personnel.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Civil Immigration Warrant - Any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered into the National Crime Information Center database.

Immigration and Customs Enforcement (ICE) Access - For the purposes of civil immigration enforcement, ICE access refers to all of the following:

1. Responding to an ICE hold, notification, or transfer request.
2. Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
3. Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
4. Allowing ICE to interview an individual.
5. Providing ICE information regarding dates and times of probation or parole check-ins.

Immigration Enforcement - Includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law OR any federal criminal immigration law that penalizes an individual's presence in, entry, or reentry to, or employment in the United States.

Judicial Probable Cause Determination - A determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual who is subject of the warrant.

Judicial Warrant - A warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal magistrate judge that authorizes a law enforcement officer to arrest and take custody of the individual who is subject of the warrant.

605.2 AUTHORITY AND REFERENCES

- Government Code §§ 7282, 7282.5, 7283, & 7284;
- United States Code, Title 8, §§ 1326(a), 1373, 1644; & 1101(a)(43);
- Penal Code §§ 667.5(c) & 1192.7(c);

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- Welfare & Institutions Code § 831.

605.3 POLICY

It is the policy of the Riverside County Probation Department that all personnel make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

To encourage cooperation with the Riverside County Probation Department, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by personnel of this department will not automatically lead to immigration inquiry and/or deportation.

605.4 IMMIGRATION INQUIRIES PROHIBITED

Personnel shall not inquire into an individual's immigration status (Government Code § 7284.6) nor should information be provided to federal agencies for the sole purpose of immigration enforcement.

605.5 DETENTIONS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

605.6 FEDERAL REQUESTS FOR INFORMATION

Requests by federal immigration officials for information from this department shall be directed to the Custodian of Records via the chain of command. The Custodian of Records is responsible for determining whether the requested information sharing would be permitted under the California Values Act (Government Code § 7284.2 et seq.). The Custodian of Records shall also be responsible for documenting all communications with federal immigration officials. Information to be maintained includes the client's name, client's CID, the date the request was made, name of the agency, the date ICE access was provided, and whether the ICE access was provided through notification request or through other means.

605.7 INFORMATION SHARING

Nothing in this policy restricts sharing information that is permissible under the California Values Act. (8 USC § 1373; Government Code § 7284.6) such as:

- (a) Sending information to, or requesting or receiving such information from federal immigration officials;
- (b) Maintaining such information in department records;
- (c) Exchanging such information with any other federal, state or local government entity.

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Pursuant to WIC § 831, juvenile court records should remain confidential regardless of the youth's immigration status. Personnel shall not release juvenile information to federal officials absent a court order of the juvenile court as provided by WIC § 827.

Refer to Government Code § 7284.6 for limitations on information sharing between personnel and federal immigration officials.

605.8 NOTIFICATION TO FEDERAL IMMIGRATION OFFICIALS

On occasion, in order to protect public safety, it may be necessary to notify ICE when an individual is reasonably suspected of being in the United States unlawfully (Judicial Warrant), and/or whose lawful status may be subject to revocation due to an arrest, detention or supervision of said individual. This notification shall only be permitted when the above individual meets one of the following conditions, in accordance with Government Code § 7282.5 and Government Code § 7284.6:

- (a) The individual has been arrested at anytime and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested anytime and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (c) The individual has been convicted at anytime of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.
- (f) The individual has been convicted of certain specified federal aggravated felonies as identified in the federal Immigration and Nationality Act (8 USC § 1101(a)(43)(A)-(P)).

When an officer concludes that notification to ICE pursuant to one of the above situations is warranted, such notification shall be made with the approval of a supervisor. The supervisor approving such notification shall ensure that any communications with ICE are documented per the provisions of the California TRUTH Act (Government Code § 7283) and routed to the department's Custodian of Records. The Custodian of Records shall be responsible for maintaining records of all communications with ICE as indicated in section 605.6 of this policy.

605.8.1 NOTICE TO INDIVIDUALS

Should the Riverside County Probation Department, for whatever reason, have to notify ICE that an individual will be released from custody at a certain date and time, the same notification shall be provided in writing to the individual and their attorney, or designee by completing the Immigration and Customs Enforcement Release Notification form (attachment) (Government Code § 7283.1).

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Attachments:

[1. Immigration and Customs Enforcement Release Notification](#)



RIVERSIDE COUNTY PROBATION DEPARTMENT

Serving Courts • Protecting Our Community • Changing Lives



MARK A. HAKE
CHIEF PROBATION OFFICER

Immigration and Customs Enforcement Release Notification

Solicito rec bir este formulario en español. / I request to receive this form in Spanish.

請寄來中文表格。 / I request to receive this form in Chinese.

Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.

Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.

저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Date: _____

RE: Immigration and Customs Enforcement Notified of Your Release

Dear: _____
Name of Inmate

Under the Transparent Review of Unjust Transfers and Holds (“TRUTH”) Act, we are required to notify you and your attorney, or another person that you choose, in writing if we inform Immigration and Customs Enforcement (“ICE”) of your release.

The purpose of this letter is to inform you that on _____ at _____, we
Date of Notice to ICE Time of Notice to ICE

notified ICE that you are scheduled to be released on _____ at _____.
Date of Release Time of Release

We have provided this same information to your _____ attorney / _____ designee:
(Check One)

_____ at _____
Name of Attorney or Designee Email and/or Phone Number

Please contact _____ if you have any questions or concerns.
Name of Officer & Contact Information

Sincerely,
Name: _____
Title: _____

CC: _____
Name of Attorney or Designee

FOR PROBATION PERSONNEL:

Served by : _____ ID#: _____ Date: _____