MARIN COUNTY SHERIFF'S OFFICE
GENERAL ORDER

CHAPTER 5 - OPERATIONS **DATE:** December 29, 2016
GO-05-28

IMMIGRATION STATUS (TRUTH ACT IMPLEMENTATION)

POLICY

The Marin County Sheriff's Office will fully abide by the requirements set forth in AB 2792, also known as the "Truth Act."

DEFINITIONS

ICE Access is defined as 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 inmate 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.

ICE Hold Request: A request by ICE that the Marin County Sheriff's Office maintain custody of an inmate currently in its custody beyond the time he or she would otherwise be eligible for release to facilitate transfer to ICE and includes, but is not limited to, Department of Homeland Security (DHS) Form I-247D. (See General Order 05-24 re Trust Act Implementation)

ICE Notification Request: A request made by ICE that the Marin County Sheriff's Office inform ICE of an inmate's release date and time and includes, but is not limited to, DHS Form I-247N.

ICE Transfer Request: A request made by ICE that the Marin County Sheriff's Office facilitate the transfer of an inmate in its custody to ICE, and includes, but is not limited to, DHS Form I-247X.

ICE Notice of Rights: Written notification to an inmate that the Marin County Sheriff's Office has received a request for ICE access.

ICE Notice of Request: Written notification to an inmate that the Marin County Sheriff's Office has received an ICE hold, notice, or transfer request.

PROCEDURES

Prior to any interview between ICE and an inmate in the custody of the Marin County Sheriff's Office regarding civil immigration violations, the Sheriff's Office shall provide the inmate with an

ICE Notice of Rights form that explains the purpose of the interview, that the interview is voluntary, that he or she may decline to be interviewed, and that he or she may choose to be interviewed only with his or her attorney present. The written consent form will be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

Upon receiving any ICE hold, DHS Form I-247D, notification, DHS Form I-247N, or transfer request, DHS Form I-247X, the Marin County Sheriff's Office shall provide a copy of the request to the inmate and advise him or her whether the Marin County Sheriff's Office intends to comply with the request. If the Marin County Sheriff's Office provides ICE with notification that an inmate is being, or will be released on a certain date, the Marin County Sheriff's Office will promptly provide notification of that fact, in writing, to the inmate, and to his or her attorney or to one additional person who the inmate is allowed to designate. The ICE Notice of Request form will be used to make that notification. That written form will be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

The Truth Act ensures that all communications to ICE and all records related to ICE access are subject to the California Public Records Act and its attendant exceptions. Beginning in January of 2018, the Sheriff's Office may supply the Marin County Board of Supervisors copies of the data it maintains regarding the number and demographic characteristics of individuals to whom the agency has provided ICE access to.

RELATED STANDARDS
California Assembly AB 2792, "Truth Act"

AFFECTED DIVISIONS:
All

BY ORDER OF:

ROBERT T. DOYLE
SHERIFF-CORONER