The California Values Act (S54)

524.1 PURPOSE

To provide staff with guidelines on their duties and responsibilities associated with the California Values Act, SB54.In summary, this law, restricts communications between a local law enforcement agency and Immigration Customs Enforcement (ICE).It limits inmate transfers to ICE in some cases, and expressly prohibits transfers for certain crimes.

524.2 POLICY

The Monterey County Sheriff's Office will follow the provisions of the California Values Act. The Sheriff's Office will only honor ICE Notification Requests as allowable under state law.

Under no circumstances shall a person be contacted, detained, arrested, or have their custody time extended by agency members based solely on his/her immigration status whether known or unknown. transfers to ICE in some cases, and expressly prohibits transfers for certain crimes.

524.3 ICE ACCESS

A. ICE Interviews: The Values Act permits ICE agents to access county jail inmates IF the Inmate gives consent.Before an individual in custody is made available for an interview with ICE, Sheriff's Personnel will provide the inmate with a consent form (Truth Act Form 1).The consent form contains a header with the required language translations as defined in the California Government Code.

1. Interview Access: ICE will only be permitted to proceed with interviews on those inmates that consent.If the inmate wants an attorney present, the interview will have to be postponed until such time the attorney is available to represent the inmate during the interview.

524.4 ICE REQUESTS FOR HOLDS, NOTIFICATIONS, OR TRANSFERS

A. Upon receiving an ICE hold, notification, or transfer request for any individual:

1. All ICE requests must be accompanied by supporting documentation to show that the inmate in question has a qualifying charge.ICE is required to attach supporting criminal history information if a qualifying charge exists.Personnel must view and verify NCIC or CLETS source document (or copy) to verify charges before searching the SB54 charges list.

i. Once supporting documentation is received, personnel will query the SB54 charges list to determine if the inmate has a qualifying conviction or current charge.

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2. There are many variables that could impact an inmate's SB54 status.The current charges and / or criminal history will show specific criminal convictions.Based on charges or convictions; there are many options addressing whether a transfer to ICE is appropriate.Personnel will compare the proof of conviction / charges to the SB54 list.If a qualifying charge exists, personnel will determine if the conviction in question is an allowable charge and within appropriate time requirements.
3. The majority of qualifying offenses within SB54 require a conviction.However, violent felonies (667.5 PC) and serious felonies (1192.7 PC) need only to be charged and have a probable cause finding by a court (872 PC).If a current inmate is charged with a serious or violent felony and the court has made a probable cause finding; the inmate is eligible for transfer to ICE.

524.5 ICE REQUESTS FOR HOLDS, NOTIFICATIONS, OR TRANSFERS

1. Sheriff's Personnel must verify there is a qualifying charge or conviction BEFORE agreeing to share an inmate outdate with ICE.If information sharing is allowable:
   (a) The inmate will be given a copy of the request.
   (b) The inmate will be given a copy of the attached notification form (Truth Act Form 2) indicating whether the Department intends to comply with the request.
   (c) Monterey County Sheriff's Office will comply with ICE notification requests (I-247N).
   (d) Monterey County Sheriff's Office will NOT comply with ICE detainer requests (I-247D

524.6 NOTIFYING ICE OF INMATE RELEASES

A. If the Department notifies ICE that an inmate is being, or will be, released on a certain date and time, the officer providing that information to ICE shall promptly provide the same notice, using TRUTH Act Form 3, to the inmate.The Department will also notify the individual's attorney or other designee, using the contact information provided by the individual on TRUTH Act Form 2.If notification to the attorney or designee is provided by phone, the Department shall subsequently provide, by email, the attorney or designee with a written copy of the notice given to the individual on TRUTH Act Form 3.

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