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United Latinos

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA

18 COUNTY OF SACRAMENTO

19 MISAEL ECHEVESTE;
20 NORCAL RESIST; and
UNITED LATINOS,

21 Petitioners/Plaintiffs,

22 v.

23 SCOTT R. JONES, in his official capacity as
24 Sheriff of the County of Sacramento; and
COUNTY OF SACRAMENTO,

25 Respondents/Defendants.
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CASE NO.:

**VERIFIED PETITION FOR WRIT
OF MANDATE AND COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Petitioners/Plaintiffs Misael Echeveste, NorCal Resist, and United Latinos (“Plaintiffs”), for their Complaint and Petition for Writ of Mandate, by and through their undersigned attorneys at the American Civil Liberties Union Foundation of Northern California and Conrad | Metlitzky | Kane LLP, hereby allege as follows:

I. INTRODUCTION

1. This case arises from the Sacramento County Sheriff’s Office’s (“SCSO”) unlawful cooperation with Immigration and Customs Enforcement (“ICE”) in the enforcement of federal immigration laws.

2. For decades, ICE relied upon the cooperation of local law enforcement agencies like SCSO to arrest Californians it seeks to deport. Instead of returning home to their families and communities, sheriffs turned Californians being released from jails for minor criminal conduct over to ICE for possible detention and deportation. These practices have fallen hardest on Black and Brown immigrants who are disproportionately and unjustly arrested and jailed by the police and the criminal legal system.

3. With the passage of the California Values Act (“SB 54”) in 2017, the state Legislature sought to protect the people of California by limiting state and local law enforcement agencies’ cooperation with ICE.

4. SB 54 prohibits local law enforcement agencies from enforcing federal immigration laws or holding a person beyond their time of release for ICE to pick them up. SB 54 also bars law enforcement agencies from responding to ICE requests for notification of when a person will be released from local custody, except in narrow, specific circumstances. It similarly limits the circumstances in which a local law enforcement agency may transfer a person to ICE. Specifically, SB 54 requires a sufficiently serious qualifying criminal conviction or charge as a predicate for ICE notifications and transfers.

5. Sheriff Scott R. Jones has long championed cooperation with ICE and fiercely opposed SB 54 and similar laws. Unable to stop SB 54’s passage, the Sheriff and his office have resisted its operation through a policy and practice of notifying ICE of when a person will

1 be released from its custody and transferring that person to ICE, including in situations where
2 that person lacks a qualifying criminal conviction or charge. As a result, SCSO has violated and
3 continues to violate SB 54, resulting in people who have completed their sentences being
4 locked up by ICE rather than going home to their families and communities.

5 6. SCSO's failure to comply with SB 54 mirrors its policy and practice of violating
6 the TRUTH Act, another of the state's landmark pro-immigrant laws, which mandates that
7 people of interest to ICE receive certain due process protections. SCSO violates the TRUTH
8 Act by failing to require: (1) written consent from an individual before granting ICE access to
9 that individual; (2) that its employees inform individuals when SCSO intends to comply with
10 ICE hold, notification, or transfer requests; and (3) that its employees provide the same release
11 date notification to releasees, their attorneys, or designee, as it provides to ICE.

12 7. Plaintiffs seek declaratory, injunctive, and mandamus relief to right this harm.

13 **II. JURISDICTION AND VENUE**

14 8. This Court has jurisdiction over Plaintiffs' petition for a writ of mandate under
15 Code of Civil Procedure section 1085. The Court has jurisdiction over Plaintiffs' claims for
16 declaratory and injunctive relief under Article VI, section 10 of the California Constitution and
17 Code of Civil Procedure sections 410.10, 526, 526a, and 1060.

18 9. Venue is proper in the County of Sacramento under Code of Civil Procedure
19 section 393 because the SCSO's violations occurred in this County.

20 **III. PARTIES**

21 10. Petitioner/Plaintiff Misael Echeveste was transferred from the SCSO to ICE in
22 violation of SB 54 in 2018. Mr. Echeveste pays sales taxes in the County of Sacramento that
23 fund the SCSO and sues herein as a private taxpayer.

24 11. Petitioner/Plaintiff United Latinos is a 501(c)(3) non-profit organization based
25 in the County of Sacramento that is committed to building power for the poor and
26 marginalized. United Latinos works to ensure that Latinos are participating and engaged in the
27 American civic process by supporting voting, developing new grassroots leaders to build public
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1 relationships, conducting research, and taking direct action to improve the quality of life in
2 poor and marginalized communities. United Latinos pays sales taxes in the County of
3 Sacramento and has approximately 100 members, many of whom live and pay property taxes
4 and other taxes in the County of Sacramento that fund the SCSO.

5 12. Petitioner/Plaintiff NorCal Resist is a 501(c)(3) non-profit organization based in
6 the County of Sacramento led by community members organizing for a better world. NorCal
7 Resist hosts educational events and trainings and maintains a variety of resources and programs
8 that provide support to those in need, including immigrant communities. NorCal Resist pays
9 sales taxes in the County of Sacramento and has members who live and pay property taxes and
10 other taxes in the County of Sacramento that fund the SCSO.

11 13. Respondent/Defendant Sheriff Scott R. Jones is the head of SCSO. SCSO is an
12 agency of the County of Sacramento that has primary responsibility for managing the county
13 jail system. Sheriff Jones is named in his official capacity only.

14 14. Defendant County of Sacramento is the jurisdiction within which SCSO works
15 and which is responsible for SCSO's actions. The County of Sacramento is named as a
16 defendant only for purposes of Plaintiffs' civil complaint and not as a respondent for purposes
17 of Plaintiffs' petition for a writ of mandate.

18 IV. FACTUAL AND LEGAL BACKGROUND

19 A. CALIFORNIA LAW RESTRICTS SCSO'S ABILITY TO COORDINATE 20 WITH ICE

21 15. In recent years, ICE has arrested, detained, and deported unprecedented numbers
22 of people. One of the primary ways that ICE identifies people for possible civil detention and
23 deportation is through collaboration with local law enforcement agencies. In California, this
24 collaboration often takes the form of requests by ICE for assistance from sheriffs in
25 apprehending a person upon that person's release from local custody. ICE is able to exploit the
26 apparatus of state law enforcement because, when a sheriff's office books a person into a jail
27 on suspicion of committing a crime, the person's biometric information, including fingerprints,
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1 is fed into a system that ICE can access.

2 16. If ICE believes that person can be deported under U.S. immigration laws, it
3 often issues a U.S. Department of Homeland Security (“DHS”) I-247A “immigration detainer”
4 form to the local law enforcement agency. The I-247A form requests that the law enforcement
5 agency notify ICE of the individual’s release date and detain that person in its custody for up to
6 48 hours beyond the individual’s release time to allow ICE to arrest the individual. An ICE
7 policy requires I-247A detainer forms to be accompanied by an ICE administrative warrant,
8 which is issued on a DHS I-203 form. Administrative warrants are issued and signed by an
9 immigration officer employed by ICE, not by an immigration judge or any other type of
10 judicial officer. In other cases, ICE formally requests notification of when a person will be
11 released by the agency by issuing a DHS I-247N “voluntary notification” form. ICE may also
12 seek entry into a jail to conduct interviews during which they ask individuals where they were
13 born, their immigration status, and the nationality of their parents, among other questions. The
14 responses are then used to attempt to establish probable cause of removability.

15 17. With some exceptions not relevant to this case, collaboration between ICE and
16 local law enforcement agencies on civil immigration enforcement is completely voluntary.
17 There is no federal law that requires local agencies to detain non-citizens at ICE’s request, to
18 assist in the transfer of a person to ICE, or to notify ICE when a person of interest to ICE is
19 going to be released from custody. Under the U.S. Constitution’s anti-commandeering doctrine,
20 moreover, a federal agency like ICE cannot require local law enforcement agencies to help it do
21 its job.

22 18. In recent years, California enacted laws to restrict the role of local law
23 enforcement in ICE’s detention and deportation system. The TRUTH Act (AB 2792), which
24 became effective on January 1, 2017, sought to address “a lack of transparency and
25 accountability” in ICE’s programs and “to promote public safety and preserve limited local
26 resources because entanglement between local law enforcement and ICE undermines
27 community policing strategies and drains local resources.” AB 2792, § 2(b), (i). The TRUTH
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1 Act includes the following restrictions on local law enforcement agencies, including SCSO:

- 2 a. **Prior consent:** Prior to an interview by ICE of an individual in custody, the
3 agency must provide a written consent form explaining the purpose of the
4 interview, that it is voluntary, and that the individual may decline the
5 interview or may choose to be interviewed only with their attorney present,
6 Gov. Code § 7281.3(a);
- 7 b. **Notice of ICE interest in an individual:** If the agency receives an ICE
8 hold, notification, or transfer request, it must provide a copy of the request to
9 the individual and inform them whether the agency plans to comply with the
10 request, *id.*, § 7283.1(b); and
- 11 c. **Notice of agency cooperation with ICE:** If the agency provides ICE with
12 notification of an individual's release date and time, it must provide the
13 same notification to the individual and their attorney or permitted designee,
14 *id.*

15 19. A related statute, the California Values Act (SB 54), became effective January 1,
16 2018. The Legislature set forth certain findings and declarations in the statute, including that
17 "[i]mmigrants are valuable and essential members of the California community." Gov. Code,
18 § 7284.2(a). The Legislature further recognized the danger to the public and its safety when
19 local law enforcement agencies entangle themselves with federal immigration authorities. *Id.*
20 § 7284.2(c). To protect the safety, well-being, and constitutional rights of the people of
21 California, the Legislature prohibited local law enforcement agencies from using personnel or
22 funds for immigration enforcement purposes. *Id.* §§ 7284.2(d)-(f), 7284.6.

23 20. In keeping with this legislative intent, SB 54 strictly regulates when a local law
24 enforcement agency like SCSO may notify ICE about a person's release from custody or
25 facilitate the transfer of a person to ICE.

- 26 a. **Notifications:** SB 54 prohibits the SCSO from providing a person's release
27 date or other information to ICE or responding to a request for notification
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1 (i.e., ICE detainer form or ICE voluntary notification form), *unless*: (1) that
2 information is available to the public, or (2) the individual has criminal
3 history factors specified in the statute. Gov. Code, § 7284.6(a)(1)(C).

4 b. **Transfers:** SB 54 also prohibits the SCSO from transferring an individual to
5 ICE, *unless*: (1) the person has criminal history factors specified in the
6 statute, or (2) the transfer is authorized by a judicial warrant or judicial
7 probable cause determination. *Id.*, § 7284.6(a)(4).

8 c. **Criminal history carve-outs:** The criminal history factors that are specified
9 by the statute, which allow the SCSO to respond to either notification or
10 transfer requests, are: (1) a conviction for specified offenses; (2) registration
11 on the California Sex and Arson Registry; or (3) a federal criminal arrest
12 warrant. *Id.*, § 7282.5. These are commonly called “SB 54 qualifying
13 convictions.”

14 21. The specified offenses that allow a local law enforcement agency to notify ICE
15 of a person’s release time and date or to transfer a person to ICE are carefully limited. For
16 example, an agency may notify or transfer a person to ICE when the person has been convicted
17 of a “serious or violent felony,” as defined in the Penal Code; or a felony punishable by
18 incarceration in state prison; or when a person has recently been convicted of other specified
19 crimes that pose certain risks to the public. But, for instance, misdemeanor DUIs, misdemeanor
20 controlled-substance offenses, and many property crimes do not qualify a person for
21 notification or transfer to ICE.

22 22. Sheriff Jones fiercely opposed the Legislature’s actions to protect immigrant
23 communities and celebrated SCSO’s cooperation with ICE. For example, during congressional
24 testimony in 2015, Sheriff Jones bemoaned state and local efforts to limit cooperation with ICE
25 and opined that only sheriffs “are concerned with the dire consequences of releasing someone
26 they know who should not be released, that they know ICE already wants.” In March 2017,
27 Jones told the *Los Angeles Times* that “[n]o one cooperates with ICE as much as” the SCSO.
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1 Indeed, that month Sheriff Jones organized and held a joint press conference with President
2 Trump's then-acting director of ICE, with the goal of mobilizing public opinion against SB 54.
3 Having failed to thwart their enactment, Sheriff Jones and the SCSO apparently have turned to
4 frustrating the operation of these laws instead.

5 23. Sheriff Jones and SCSO have also resisted or ignored calls to stop violating SB
6 54. At public forums before the Board of Supervisors in each of the past three years, which
7 Sheriff Jones and other senior SCSO personnel attended, advocates and community members
8 raised concerns about recurrent violations of SB 54 by the SCSO, including the unlawful
9 transfers of specific individuals. At these forums, Sheriff Jones insisted that that the SCSO is
10 fully complying with SB 54, though information disclosed in response to public records
11 requests have shown that this is false. Moreover, on or around September 13, 2019, an
12 advocacy group sent Sheriff Jones a letter explaining several ways that SCSO policies violate
13 SB 54. In response, the SCSO claimed that recent revisions to its policies addressed the
14 advocacy group's concerns, but SCSO's violations have continued. Contrary to Sheriff Jones'
15 claims, SCSO's policies were and are deficient and unlawful.

16 **B. SCSO'S PRACTICES AND POLICIES VIOLATE CALIFORNIA LAW**

17 24. Sheriff Jones has routinely collaborated with ICE in the arrest of Sacramento
18 area residents in violation of state law through the operation of an illegal notification and
19 transfer system at the Rio Consumnes Correctional Center ("RCCC"), one of two jails operated
20 by SCSO. In a practice memorialized in the facility's "ICE Log Book" and elsewhere, SCSO
21 staff at RCCC notify ICE of the date and time of a person's release, even if that person does not
22 have a criminal history that authorizes such notification under SB 54 and even though the
23 release time is not publicly available. This shadow notification and transfer system appears to
24 flow from the SCSO's policy implementing SB 54, which fails to apply the law faithfully and
25 provides SCSO's staff with instructions that result in illegal notifications.

26 25. The Sheriff and his office began the shadow notification and transfer system at
27 RCCC no later than early 2018—almost immediately after SB 54 went into effect—as
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1 indicated in “ICE Log Book” entries and also in internal SCSO communications about release
2 protocols.

3 26. For example, a June 25, 2018 email from a RCCC booking supervisor to dozens
4 of SCSO staff instructed them to “notify ICE of the time of release” for “all local cases (time
5 served, OR, bail, cite, etc.)”—even though release times are not publicly disclosed.

6 27. SCSO staff have also sought to evade SB 54’s limitations on transfers through
7 word games, hypothesizing about what ICE may or may not do with someone whom SCSO
8 helps ICE to arrest. On January 3, 2019, a SCSO deputy explained to a SCSO lieutenant in an
9 email:

10 [B]asically we decided that we are not really transferring them to custody because
11 we are not 100% sure that ICE is going to place them into custody, detain them
12 momentarily, or just talk to them in the central control lobby and let them go. Due
13 to the fact that we have so many variables, it is better for us to say that we only
14 notified ICE within the limitations of SB54 and that the inmate was released. There
is no reason to back ourselves into a corner saying that we transferred them to ICE
when we have no idea if that is actually going to happen.

15 The lieutenant responded, “Much better. Thank you.” The email containing this exchange is
16 attached as **Exhibit A** to this complaint.

17 **i. Illegal Shadow Notifications**

18 28. SCSO has repeatedly given illegal notifications to ICE of individuals’ release
19 dates and times. As explained above, SB 54 prohibits the SCSO from providing a person’s
20 release date or other information in response to an ICE notification request unless that
21 information is available to the public or falls within one of the SB 54 criminal carve-outs. Gov.
22 Code, § 7284.6(a)(1)(C).

23 29. SCSO documents show that Sheriff Jones and SCSO has a practice and policy of
24 affirmatively providing information to ICE about the date and time a person will be released,
25 even where the SCSO is aware that the person being released does not fall within an SB 54
26 criminal carve-out. SCSO is knowingly and intentionally violating SB 54 with its
27 indiscriminate, illegal notifications to ICE. The following instances—just a few among dozens
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1 of unlawful notifications documented in the Log Book—are emblematic of these violations:

2 30. On July 7, 2018, a SCSO officer contacted an ICE agent to advise that Z.L.¹
3 “was not SB 54 eligible” and would be released the next morning at 6:15 a.m.

4 31. On February 25, 2020, D.M. was released from RCCC. SCSO records state that
5 D.M. did not qualify for any SB 54 criminal history carve-out. Nonetheless, after receiving a
6 detainer request from ICE for D.M., SCSO personnel notified ICE of D.M.’s pending release.
7 The Log Book states that D.M. was not transferred to ICE custody only because ICE agents
8 were unavailable to “come in RCCC” for the “pickup.”

9 32. On March 6, 2020, O.T.S. was released from RCCC. ICE had sent a detainer
10 request for him, but SCSO records state that “he is not SB 54 qualified.” Nonetheless, SCSO
11 personnel notified ICE of the date and time of O.T.S.’s release.

12 33. On February 14, 2021, M.O.L. was released from RCCC. ICE had sent a
13 detainer request for him, but SCSO records state that he did not qualify for any SB 54 criminal
14 history carve-out. Nonetheless, SCSO personnel “contacted ICE” to advise them of M.O.L.’s
15 release. The Log Book states that ICE did not “pick-up” M.O.L. only because he was “in
16 quarantine.”

17 **ii. Illegal Shadow Transfers**

18 34. In addition to prohibiting notifications, SB 54 bars SCSO from transferring an
19 individual to ICE unless (1) the transfer is authorized by a judicial warrant or judicial probable
20 cause determination, or (2) the individual falls within an SB 54 criminal carveout. *See* Gov.
21 Code, § 7284.6(a)(4).

22 35. Documents obtained through public records requests reveal that SCSO has a
23 practice and policy of violating this prohibition—either by simply ignoring it, or through a
24 cynical policy of transferring “non-SB 54-qualifying” individuals to ICE mere steps outside the
25 gates of its jails.

26 36. Although “transfer” is not defined in SB 54, the TRUTH Act defines a “Transfer

27 ¹ Non-parties’ initials are used in this document to protect them for privacy purposes.
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1 request” as “an Immigration and Customs Enforcement request that a local law enforcement
2 agency facilitate the transfer of an individual in its custody to ICE, and includes, but is not
3 limited to, DHS Form I-247X.” Gov. Code, § 7283(g). In other words, a local law enforcement
4 agency “transfers” a person for purposes of state law when it “facilitate[s]” a transfer of a
5 person from local custody to ICE. As discussed below, SCSO often does so in ways prohibited
6 by SB 54.

7 37. The following instances are emblematic of SCSO’s practice and policy of
8 transferring individuals to ICE custody, even where the SCSO is aware that the person being
9 released does not fall within an SB 54 criminal carve-out.

10 38. In January 2018, long-time Sacramento resident M.A.A. was booked into SCSO
11 custody on suspicion of driving under the influence of alcohol and driving without a valid
12 license. When M.A.A. was released from custody the next day, a SCSO deputy took M.A.A. to
13 a room where ICE officers were waiting and interviewed him. The deputy then handed
14 M.A.A.’s belongings to the ICE officials, who arrested him. M.A.A. had not even been notified
15 that ICE had issued a detainer for him. And he had no criminal history that would have
16 authorized SCSO to transfer him to ICE. As a result of SCSO unlawfully transferring him to
17 ICE, he was deported by ICE and permanently separated from his family in Sacramento.

18 39. In July 2018, H.N. was booked into SCSO custody on suspicion of driving under
19 the influence of alcohol. His booking paperwork states that he was released on July 9, 2018 at
20 11:54 a.m., but SCSO did not actually release him until around 3:30 p.m. that day—additional
21 detention that also violated SB 54 as an unlawful “hold.” When SCSO staff took H.N. to the
22 lobby of RCCC to be released, ICE officers were waiting with his property and release
23 paperwork. The ICE officers held up a picture of H.N.’s face to identify him. H.N. did not
24 receive notification that ICE had issued a detainer against him and did not have any convictions
25 that would have allowed his transfer under SB 54. As a result of SCSO unlawfully transferring
26 him to ICE, he continues to face possible deportation.

1 40. In August 2019, E.N.A. was arrested by SCSO on suspicion of driving under the
2 influence. Instead of releasing E.N.A. once his criminal custody ended, SCSO deputies
3 transferred him to ICE agents inside RCCC. E.N.A. did not receive notification that ICE had
4 issued a detainer against him and did not have any convictions that would have allowed his
5 transfer under SB 54. As a result of SCSO unlawfully transferring him to ICE, he was ripped
6 from his loved ones and thrown into inhumane immigration detention conditions for nearly
7 eight months, including several months during the COVID-19 pandemic. During these months,
8 E.N.A. lost his liberty, lost his job, and suffered from the fear that he would never see his
9 family, including his then-five-year-old U.S.-citizen daughter, and other loved ones again.

10 41. On December 11, 2019, J.C.C.S., who has lived in the Sacramento region since
11 he was a young child, was scheduled to be released from RCCC after serving several days for a
12 misdemeanor DUI conviction. He did not have any convictions that would have allowed his
13 transfer under SB 54. His wife arrived to pick him up and he believed he was going home to his
14 children. But instead of releasing J.C.C.S., SCSO turned him over to two ICE officers, who
15 came into the jail's secured booking area where he was being processed for release. As a result
16 of his unlawful transfer to ICE, he continues to face possible deportation.

17 42. On March 5, 2020, S.O. was scheduled to be released from RCCC. SCSO
18 records state that ICE had sent a detainer request for him, but that he was "Not SB 54
19 Qualified." Nonetheless, SCSO personnel made at least two calls to ICE to notify them of
20 S.O.'s release time, and participated in a subsequent call with an "Agent Dunkard" who
21 "confirmed release date and time." On information and belief, ICE agents arrested S.O. upon
22 his release from RCCC.

23 43. On January 14, 2021, S.V. was scheduled to be released from RCCC. Even
24 though SCSO records state that he did not qualify for any SB 54 criminal history carve-out, a
25 SCSO officer "contacted ICE [redacted] advising of the advanced i203 detainer in the inmate
26 file (along w/i247a [detainer request]) and that inmate DID NOT meet SB 54 requirements
27 [redacted]" but that S.V. had been ordered released on his own recognizance and was "to be
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1 released f/w [forthwith].” An ICE agent informed the SCSO officer that “he will be coming to
2 pick up OUTSIDE the gates upon release.” Minutes later, ICE agents arrived at RCCC and
3 “check[ed] in” with SCSO personnel, at which point the SCSO officer “advised” ICE that S.V.
4 “was a late court return and will be back at RCCC shortly.” On information and belief, the ICE
5 agents arrested S.V. at RCCC upon his return to the jail.

6 44. Internal SCSO emails establish SCSO’s knowledge that individuals who do not
7 have SB 54 qualifying convictions cannot be lawfully transferred under SB 54, but that SCSO
8 intentionally subjects such persons to a specific transfer process “outside the gates” of the jail.
9 For example, an internal January 2020 email reflects SCSO’s practice and policy of releasing
10 “[an] inmate [who] does not meet SB54 qualifications . . . outside the gate” to evade California
11 law.

12 45. Together, the ICE Log Book and the January 2020 email indicate that where
13 ICE notification or transfer is permitted by SB 54, SCSO will transfer a person to ICE’s
14 custody *inside* its gates, but where SB 54 explicitly prohibits such cooperation, SCSO will
15 transfer the individual to ICE’s custody *just outside* its gates. ICE knows when to wait outside
16 RCCC’s gates to effect an arrest because SCSO personnel inform ICE of the time that SCSO
17 expects to release a person whom ICE wants to arrest.

18 **iii. SCSO’s Deficient Policies Sanction Illegal Notifications and Transfers**

19 46. SCSO’s formal policy on notifications and transfers suggests that SCSO
20 personnel *should* make notifications and transfers in violation of SB 54:

21 The Release Officer shall notify ICE as soon as possible about inmates being released
22 that have:

- 23 1. A cancelled ICE Immigration Detainer – Notice of Action (DHS Form I-247A),
24 and;
- 25 2. A completed Order to Detain or Release Alien (DHS Form I-203) or;
- 26 3. A completed Record of Deportable/Inadmissible Alien (DHS form I-213) and;
- 27 4. A completed “Values Act Verification” form.

28 This SCSO policy is attached as **Exhibit B** to this Complaint.

47. By endorsing notification for mere “complet[ion]” of a “Values Act

1 Verification” form, without expressly requiring that the “completed” verification form
2 demonstrate a *qualifying criminal history factor*, this SCSO policy further sanctions the
3 unlawful notification and transfer system.

4 48. Moreover, the same SCSO policy incorrectly states that a Form I-203 is
5 sufficient documentation to justify an ICE transfer. I-203s do not provide proof of a judicial
6 warrant, judicial probable cause determination, or a qualifying offense under SB 54. *See* Gov.
7 Code, § 7282.5(a).

8 49. In addition to the formal SCSO policy, SCSO also maintains a “SB 54 Cheat
9 Sheet,” which further demonstrates the way SCSO’s standard operations promote unlawful
10 transfers to ICE.

11 50. The “Cheat Sheet” distinguishes between two ways that SCSO facilitates an
12 arrest by ICE: “Rollovers (Inside the gate)” and “Releases (Outside the gate).” “Rollovers”
13 must “meet[] criteria of SB54” and thus appear to involve the SB 54-sanctioned notification
14 and transfer procedure. “Releases,” on the other hand involve a “release[] under standard
15 procedures if not qualified under criteria above for SB54.” For “Releases,” ICE can “meet them
16 outside the gates, detain them, then bring them back into Booking,” but SCSO “may not assist
17 in this process until they are brought back inside the gates.” Because ICE agents do not sit
18 outside the gates of RCCC at all times, ICE would only know that a non-SB 54-qualified
19 person was being released “outside the gates” if SCSO had already informed and/or
20 coordinated with ICE about a person’s “Release.” A “Release” to ICE pursuant to the guidance
21 of the “Cheat Sheet” constitutes an unlawful transfer. A copy of the “Cheat Sheet” is attached
22 as **Exhibit C** to this complaint.

23 51. This unlawful notification and transfer system also appears to be reflected in
24 SCSO’s records on ICE arrests. In 2019, SCSO reported to the California Department of Justice
25 that it had transferred 52 people to ICE under SB 54. However, an internal SCSO spreadsheet
26 entitled “2019 RCCC_SAC MAIN ARRESTS” includes 76 people, many of whom have listed
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1 “crimes” that do not qualify for SB 54 notification or transfer (*e.g.*, misdemeanor DUI,
2 trespassing, or property crimes).

3 52. SCSO thus made a record showing that it cooperated in 24 more ICE arrests in
4 2019 than it reported to the California Department of Justice.

5 **iv. The TRUTH ACT**

6 53. In addition to the repeat violations of SB 54 shown above, SCSO policies and
7 practices violate various TRUTH Act provisions designed to provide incarcerated people
8 advance notice of ICE’s interest in arresting them. *See* Gov. Code, § 7283.1(a) & (b). The
9 TRUTH Act requires the SCSO receive written consent from an individual before granting ICE
10 access to that individual.

11 54. But SCSO’s policy provides for the scheduling of ICE interviews through
12 SCSO’s “JIMS” system and the “Law Enforcement Desk,” with “No additional criteria []
13 required for the Law Enforcement Desk to schedule an ICE interview.”

14 55. In other words, SCSO policy does *not* contemplate the written consent required
15 by the TRUTH Act. Instead, SCSO’s policy is to provide “[a]ll inmates who are booked into
16 RCCC ... a written ICE Interview Advisement form,” which “will explain the purpose of an
17 ICE interview, that it is voluntary, and individuals may decline to be interviewed and/or request
18 their attorney be present during an interview.” However, the ICE Interview Advisement Form
19 does not provide a method of an incarcerated person to provide written consent. A copy of the
20 ICE Interview Advisement Form is attached as **Exhibit D** to this complaint.

21 56. The TRUTH Act also requires SCSO to inform individuals whether SCSO
22 intends to comply with any ICE hold, notification, or transfer requests. *Id.* SCSO’s policy is to
23 give a copy of any immigration detainer to the person that is the subject of that detainer and to
24 “inform[]” the person “that the Sheriff’s Office does not intend to comply with the request.”
25 However, in practice, SCSO does not provide people detained at RCCC with a copy of any
26 detainer that has been lodged against them. Moreover, the fact that SCSO may not comply with
27 a detainer’s *hold* request by detaining a person for up to 48 hours beyond the time they would
28

1 have otherwise been released does not meet the TRUTH Act’s requirement that SCSO inform a
2 person whether SCSO will comply with a *notification* or *transfer* request.

3 57. The TRUTH Act also requires SCSO to provide the same release date
4 notification as it provides to ICE, in writing, to the individual, their attorney, or designee. But
5 SCSO’s policies do not require such notifications and in practice, SCSO does not provide them.

6
7 **FIRST CAUSE OF ACTION:**
8 **WRIT OF MANDATE (CODE CIV. PROC., § 1085) FOR VIOLATION OF THE**
9 **CALIFORNIA VALUES ACT, GOV. CODE, § 7284, *ET SEQ.*,**
10 **BY ALL PLAINTIFFS AGAINST DEFENDANT SHERIFF JONES**

11 58. Plaintiffs repeat and re-allege each of the preceding paragraphs as though set
12 forth fully herein.

13 59. Defendant has an obligatory duty to “not . . . [p]rovide information regarding a
14 person’s release date or respond[] to requests for notification by providing release dates or
15 other information unless that information is available to the public[.]” Gov. Code,
16 § 7284.6(a)(1)(C).

17 60. Defendant has an obligatory duty to “not . . . [t]ransfer an individual to
18 immigration authorities unless authorized by a judicial warrant or judicial probable cause
19 determination, or in accordance with Section 7282.5.” Gov. Code, § 7284.6(a)(4).

20 61. Only when the warrant, probable cause, or Section 7282.5 conditions are met
21 does Defendant have discretion to transfer a person to ICE. Absent those conditions, because
22 SB 54’s statutory framework “clearly defines the specific duties or course of conduct that [law
23 enforcement agencies] must take, that course of conduct becomes mandatory and eliminates
24 any element of discretion.” *Cape Concord Homeowners Assn. v. City of Escondido*, 7 Cal. App.
25 5th 180, 189 (2017).

26 62. There is no meaningful alternative remedy to this action. An individual damages
27 action would not prevent future violations of the statute. Moreover, SB 54 does not contain an
28 alternative remedial scheme that aggrieved persons might pursue.

63. Plaintiffs seek a writ of mandate pursuant to Code of Civil Procedure section 1085 from this Court directing Defendant to follow the requirements of SB 54 and granting other appropriate relief.

**SECOND CAUSE OF ACTION:
WRIT OF MANDATE (CODE CIV. PROC., § 1085) FOR VIOLATION OF THE
CALIFORNIA TRUTH ACT, GOV. CODE, § 7283, ET SEQ.,
BY ALL PLAINTIFFS AGAINST DEFENDANT SHERIFF JONES**

64. Plaintiffs repeat and re-allege each of the preceding paragraphs as though set forth fully herein.

65. Defendant has an obligatory duty to obtain written consent from an individual before granting ICE access to that individual. Gov. Code, § 7283.1(a).

66. Defendant has an obligatory duty to inform individuals of whether SCSO intends to comply with ICE hold, notification, or transfer requests. Gov. Code, § 7283.1(b).

67. Defendant has an obligatory duty to provide the same release date notification as it provides to ICE, in writing, to the individual, their attorney, or designee. Gov. Code, § 7283.1(b).

68. There is no meaningful alternative remedy to this action. An individual damages action would not prevent future violations of the statute. Moreover, the TRUTH Act does not contain an alternative remedial scheme that aggrieved persons might pursue.

69. Plaintiffs seek a writ of mandate pursuant to Code of Civil Procedure section 1085 from this Court directing Defendant to follow the requirements of the TRUTH Act and granting other appropriate relief.

**THIRD CAUSE OF ACTION:
TAXPAYER ACTION (CODE CIV. PROC., § 526a),
BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS**

70. Plaintiffs repeat and re-allege each of the preceding paragraphs as though set forth fully herein.

71. Defendants are illegally expending public funds by performing their duties in

violation of SB 54 and the TRUTH Act, in violation of Code of Civil Procedure section 526a.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

A. Issue a writ mandating Defendant Sheriff Jones to comply with SB 54 and the TRUTH Act.

B. Issue a declaration that Defendants' actions and policies violate SB 54 and the TRUTH Act.

C. Issue an injunction directing Defendants to take other appropriate steps necessary to ensure that violations of SB 54 and the TRUTH Act do not recur.

D. Order Defendants to pay Plaintiffs' attorneys' fees and costs pursuant to Code of Civil Procedure section 1021.5 and other applicable statutes.

E. Grant Plaintiffs such further relief as the Court deems just and proper.


DATED: November 15, 2021

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA


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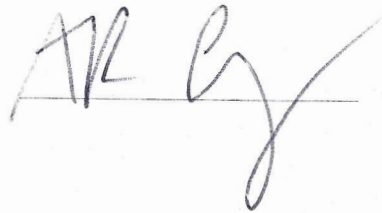
Attorneys for Petitioners/Plaintiffs

VERIFICATION

I, Autumn Gonzalez, am the Board Secretary of NorCal Resist, a Petitioner in the above-entitled action. I have read this Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief. I am informed, and do believe, that the matters herein are true. On that ground I allege that the matters stated herein are true. In addition, the facts within paragraph 12 are within my own personal knowledge and I know them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: November 11, 2021


A handwritten signature in blue ink, appearing to read 'AR Gonzalez', is written over a horizontal line.

1 **VERIFICATION**

2 I, Josephine Morales, am the Financial Secretary and a Board Member of United
3 Latinos, a Petitioner in the above-entitled action. I have read this Verified Petition for Writ of
4 Mandate and Complaint for Declaratory and Injunctive Relief. I am informed, and do believe,
5 that the matters herein are true. On that ground I allege that the matters stated herein are true. In
6 addition, the facts within paragraph 11 are within my own personal knowledge and I know
7 them to be true.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

10
11 DATED: November 9, 2021



Josephine Morales

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Miguel Edmunds

Misael Echeveste

Exhibit A

From: [McCamy, Alex](#)
To: [Rowe, Patrick](#)
Subject: RE: ICE / SB54
Date: Thursday, January 3, 2019 1:48:41 PM

Much better. Thank you.

Lieutenant Alex McCamy

Main Jail Division
Sacramento County Sheriff's Department
(916) 606-1370
amccamy@sacsheriff.com

From: Rowe, Patrick
Sent: Thursday, January 3, 2019 1:43 PM
To: McCamy, Alex <amccamy@sacsheriff.com>
Subject: RE: ICE / SB54

I don't have documentation to prove it, but basically we decided that we are not really transferring them to custody because we are not 100% sure that ICE is going to place them into custody, detain them momentarily, or just talk to them in the central control lobby and let them go. Due to the fact that we have so many variables, it is better for us to say that we only notified ICE within the limitations of SB54 and that the inmate was released. There is no reason to back ourselves into a corner saying that we transferred them to ICE when we have no idea if that is actually going to happen.

When we do a regular transfer, say to another county or prison, we know for a fact that they are going to be placed into custody of that organization.

Does that help at all?

Deputy Rowe #28

Tech Services
711 G Street Sacramento, CA 95814
Desk: 916-874-7054
Cell: 916-412-3815

From: McCamy, Alex
Sent: Thursday, January 3, 2019 1:29 PM
To: Rowe, Patrick <prowe@sacsheriff.com>
Subject: RE: ICE / SB54

No, not really. I guess I'm more interested in how we allow ICE to handcuff them in our secure area and not call that a transfer.

Lieutenant Alex McCamy

Main Jail Division

Sacramento County Sheriff's Department

(916) 606-1370

amccamy@sacsheriff.com

From: Rowe, Patrick

Sent: Thursday, January 3, 2019 12:39 PM

To: McCamy, Alex <amccamy@sacsheriff.com>

Subject: ICE / SB54

This is where we have the authorization to give someone to ICE. The SB54 verification form came from the highlighted areas.

Info from: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB54

Senate Bill No. 54

CHAPTER 495

An act to amend Sections 7282 and 7282.5 of, and to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of, the Government Code, and to repeal Section 11369 of the Health and Safety Code, relating to law enforcement.

[Approved by Governor October 05, 2017. Filed with Secretary of State
October 05, 2017.]

SEC. 2.

Section 7282.5 of the Government Code is amended to read:

7282.5.

(a) A law enforcement official shall have discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act (Chapter 17.25 (commencing with Section 7284)). Additionally, the specific activities described in subparagraph (C) of paragraph (1) of subdivision (a) of, and in paragraph (4) of subdivision (a) of, Section 7284.6 shall only occur under the following circumstances:

- (1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.
- (2) The individual has been convicted of a felony punishable by imprisonment in the state prison.
- (3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

- (A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.
- (B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.
- (C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.
- (D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.
- (E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.
- (F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.
- (G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.
- (H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.
- (I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.
- (J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.
- (K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

It goes longer.

7284.6.

(a) **California law enforcement agencies shall not:**

- (1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:
 - (A) Inquiring into an individual's immigration status.
 - (B) Detaining an individual on the basis of a hold request.
 - (C) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.
 - (D) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.
 - (E) Making or intentionally participating in arrests based on civil immigration warrants.
 - (F) Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.
 - (G) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.
- (2) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.
- (3) Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.
- (4) **Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.**

Does this answer your questions?

Deputy Rowe #28

Tech Services

711 G Street Sacramento, CA 95814

Desk: 916-874-7054

Cell: 916-412-3815

Exhibit B

**POST ORDER****ICE Detainer Releases****I. Purpose**

The purpose of this Post Order is to establish protocol regarding the release of inmates with Immigrations and Customs Enforcement (ICE) Immigration Detainers into ICE custody and procedures for ICE access to inmates at the Rio Cosumnes Correctional Center.

II. Values Act Compliance For Transfer

- A. ICE shall provide written proof of a judicial warrant or judicial probable cause determination, or a qualifying offense pursuant to Government Code section 7282.5 to the Release Officer. Written proof will consist of a completed "Order to Detain or Release Alien" (DHS Form I-203) or a "Record of Deportable/ Inadmissible Alien" (DHS Form I-213). These forms will minimally contain the qualifying conviction meeting the Values Act criteria. This shall be done for every custody session.
- B. Release Officers shall verify that the information provided by ICE is correct using the "Values Act Verification" form. (See attached)
- C. The completed "Values Act Verification" form shall be placed in the inmate's file.
- D. "SB 54" shall be entered on the release line of the inmates "PF4" screen in JIMS.
- E. No remarks will be placed in the inmates "PF2" screen in JIMS regarding Values Act qualifications.
- F. The release of Federal Inmates to the custody of ICE does not fall under the Values Act. Federal Inmates held on behalf of federal law enforcement agencies shall be released to ICE upon request, regardless of Values Act criteria.
- G. The severity of the arrestee's current charges have no bearing on whether they meet the criteria for the Values Act. The determining factor will be the previous convictions contained in the arrestee's criminal history.
- H. Values Act criteria may be met by out of state charges in the arrestee's

criminal history. Values Act charges are not limited to the California criminal codes.

III. Communication and Notification to ICE

- A. At no time shall Sheriff's Office personnel initiate contact with ICE about an inmate's custody based solely on an inmate's place of birth or citizenship status. Notifications include telephone calls, teletypes, emails, faxes and face to face contact with ICE agents.
- B. The Release Officer shall notify ICE as soon as possible about inmates being released that have:
 - 1. A cancelled ICE Immigration Detainer – Notice of Action (DHS Form I-247A), and;
 - 2. A completed Order to Detain or Release Alien (DHS Form I-203) or;
 - 3. A completed Record of Deportable/Inadmissible Alien (DHS form I-213) and;
 - 4. A completed "Values Act Verification" form.
- C. The Values Act authorizes ICE to be in RCCC and conduct investigations about inmates they believe may be in violation of federal law. These investigations include, but are not limited to face to face interviews with inmates, review of any inmate's current custody file and access to JIMS.
- D. ICE requests to interview an inmate shall be scheduled, via JIMS, through the Law Enforcement Assistance desk. The interview shall be entered into JIMS as a law enforcement interview with ICE. No additional criteria is required for the Law Enforcement Desk to schedule an ICE interview. Any further questions from ICE shall be directed to the Booking Supervisor and answered in accordance with this policy and the Values Act.
- E. A binder shall be kept at the Release Desk. A copy of every Values Act Verification form shall be added to the binder, arranged by date. In addition the binder will include this order, copies of applicable code sections, examples of current DHS forms and the DOJ reporting form. The binder shall also include the quick reference guide for Release Officers and Booking Officers.
- F. There shall be an ICE Communication logbook maintained at the Release Desk. All inmates released or transferred to ICE shall be recorded in the logbook. All communication with ICE involving non-public information about an inmates shall be documented in the logbook.
- G. When an inmate is transferred to the custody of ICE, the inmate's name, X-ref, and qualifying criminal code section shall be documented.
- H. Communication with ICE about a particular inmate shall be documented with the inmate's name, X-ref and brief summary of information given to

ICE.

IV. Notification to Inmates

- A. All inmates who are booked into RCCC shall receive a written ICE Interview Advisement form. The form will explain the purpose of an ICE interview, that it is voluntary, and individuals may decline to be interviewed and/or request their attorney be present during an interview. The ICE Interview Advisement form shall comply with Government Code section 7283.1(a). This form shall be provided to all inmates after the intake fingerprinting process at the same time the arrestee receives his or her booking paperwork. See Attachment A for the form.
- B. Upon receiving any Immigration Detainer – Notice of Action (DHS Form I-247A), a copy shall be given to the inmate by the Release Officer as soon as practical, but no later than the end of their current shift. The inmate shall be informed that the Sheriff's Office does not intend to comply with the request.

V. Detainers

- A. No ICE Immigration Detainer – Notice of Action (DHS Form I-247) will be honored on its own. All versions of I-247 detainers will be entered and immediately canceled. The comments line shall state "Per Main Jail Policy."
- B. No ICE detainer, with or without a "Values Act Verification" form, or notification to ICE shall delay an inmate's release date or time frame.
- C. Failing to honor I-247 detainers, with or without a "Values Act Verification" form, will not constitute a wrongful release.

VI. Physical Release of Inmates

- A. Inmates with cancelled ICE detainers, **without** a "Values Act Verification" form, shall be released from the Sheriff's Office custody in the same manner as all other releases. No secure area transfers to ICE shall take place.
- B. SSO staff shall not assist ICE with any arrest or detention on the public side unless exigent circumstances dictate such a response.
- C. At the time of release, ICE agents may take physical custody of any individual on the secured side of RCCC that meets Values Act criteria for detention, if the following is met:
 - 1. A standalone judicial warrant; **or**
 - 2. A standalone judicial probable cause determination; **or**

The following combination of forms:

1. A cancelled ICE Immigration Detainer – Notice of Action (DHS Form I-247A); **and**
 2. A completed Order to Detain or Release Alien (DHS Form I-203), **or** a completed Record of Deportable/Inadmissible Alien (DHS form I-213); **and**
 3. A completed “Values Act Verification” form.
- D. For purposes of this Order, a transfer occurs when SSO employees assist, deliver or make available in the secured side of the facility, or inside the vehicle sally port area, any inmate or arrestee. SSO employees shall not escort inmates into the vehicle sally port as a means to avoid meeting transfer criteria.

VII. Special Releases

A. Medical Expedites

1. Inmates with medical issues that require a release for emergency medical needs will be released immediately regardless of a detainer.

B. Bonds

1. It is the responsibility of the bail agency to be aware of detainers placed on inmates. Release Officers shall not communicate with the bond agency regarding detainers.

C. Warrants

1. If an inmate has an active warrant from an outside agency that is not releasable by citation and an ICE detainer, the warrant supersedes the ICE detainer. Personnel should provide a copy of the detainer to the agency upon transfer.
2. If the outside agency later refuses or fails to pick up the inmate, the inmate shall be released according to this order.

References: CA GOV 7282-7282.5, CA GOV 7283-7283.2, CA SB 54 (2017)

Attachments: Attachment A
Attachment B
Attachment C
Attachment D

ICE Interview Advisement Form
Quick Reference Guide
Form I-247A, I-203 and I-213
Values Act Verification form

Related Orders: Operations Order 4/09, Releases; Operations Order 2/07, Access to
RCCC PAGE 4 OF 10 (REV 12/19)

Facilities

ICE INTERVIEW ADVISEMENT
SACRAMENTO SHERIFF'S OFFICE

English

An Immigration and Customs Enforcement (ICE) agent may request to interview you to find out whether you can be deported. You have the right to remain silent and can refuse to speak with an ICE agent. You can also speak to a lawyer before the interview or have your lawyer present at the interview. The government will not pay for your lawyer. Anything you say to the ICE agent at the interview may be used against you in immigration court.

Spanish

Un agente del Servicio de Inmigración y Control de Aduanas (ICE, por sus siglas en inglés) puede solicitar entrevistarle para averiguar si usted puede ser deportado/a. Usted tiene derecho a permanecer en silencio y puede negarse a hablar con un agente del ICE. También puede hablar con un abogado antes de la entrevista o hacer que su abogado esté presente en la entrevista. El gobierno no le pagará su abogado. Cualquier cosa que le diga al agente del ICE en la entrevista puede ser usando en su contra en el tribunal de inmigración.

Vietnamese

Một cán bộ Cơ quan Thực thi Di trú và Hải quan (Immigration and Customs Enforcement) (ICE) có thể yêu cầu phỏng vấn quý vị để tìm hiểu xem liệu quý vị có thể bị trục xuất. Quý vị có quyền giữ im lặng và có thể từ chối nói chuyện với cán bộ ICE. Quý vị cũng có thể trao đổi với luật sư trước cuộc phỏng vấn hay đề nghị luật sư của quý vị có mặt tại cuộc phỏng vấn. Chính phủ sẽ không chi trả cho luật sư của quý vị. Bất kỳ điều gì quý vị nói với cán bộ ICE tại cuộc phỏng vấn đều có thể được sử dụng để chống lại quý vị tại tòa án di trú.

Arabic

"يمكن أن يطلب ممثل دائرة الهجرة والجمارك (ICE) مقابلة لك لمعرفة ما إذا كان يمكن ترحيلك. لديك الحق في التزام الصمت ويمكنك رفض التحدث مع ممثل ICE. يمكنك أيضًا التحدث إلى محام قبل المقابلة أو يكون لديك محام حاضراً في المقابلة. الحكومة لن تدفع لمحاميك. أي شيء تقوله إلى ممثل ICE في المقابلة يمكن استخدامه ضدك في محكمة الهجرة."

Punjabi

"ਇਕ ਇਮੀਗ੍ਰੇਸ਼ਨ ਅਤੇ ਕਸਟਮ ਐਨਫੋਰਸਮੈਂਟ (ਆਈ ਸੀ ਈ ਏਜੰਟ) (immigration and Customs Enforcement, ICE) ਇਹ ਪਤਾ ਲਗਾਉਣ ਲਈ ਕਿ ਕੀ ਤੁਹਾਨੂੰ ਵਾਪਸ ਭੇਜਿਆ ਜਾ ਸਕਦਾ ਹੈ, ਤੁਹਾਡੇ ਨਾਲ ਇੰਟਰਵਿਊ ਕੀਤੇ ਜਾਣ ਲਈ ਬੇਨਤੀ ਕਰ ਸਕਦਾ ਹੈ। ਤੁਹਾਡੇ ਕੋਲ ਚੁੱਪ ਰਹਿਣ ਦਾ ਅਧਿਕਾਰ ਹੈ ਅਤੇ ਤੁਸੀਂ ਆਈ ਸੀ ਈ (ICE) ਏਜੰਟ ਦੇ ਨਾਲ ਗੱਲ ਕਰਨ ਤੋਂ ਇਨਕਾਰ ਕਰ ਸਕਦੇ ਹੋ। ਤੁਸੀਂ ਇੰਟਰਵਿਊ ਤੋਂ ਪਹਿਲਾਂ ਵਕੀਲ ਨਾਲ ਗੱਲ ਵੀ ਕਰ ਸਕਦੇ ਹੋ ਜਾਂ ਇੰਟਰਵਿਊ ਦੇ ਸਮੇਂ ਆਪਣੇ ਵਕੀਲ ਨੂੰ ਹਾਜ਼ਰ ਰੱਖ ਸਕਦੇ ਹੋ। ਸਰਕਾਰ ਤੁਹਾਡੇ ਵਕੀਲ ਦੇ ਲਈ ਭੁਗਤਾਨ ਨਹੀਂ ਕਰੇਗੀ। ਕੋਈ ਵੀ ਗੱਲ ਜੋ ਤੁਸੀਂ ਆਈ ਸੀ ਈ (ICE) ਏਜੰਟ ਨੂੰ ਦੱਸਦੇ ਹੋ ਉਸਨੂੰ ਇਮੀਗ੍ਰੇਸ਼ਨ ਕੋਰਟ ਵਿਚ ਤੁਹਾਡੇ ਵਿਰੁੱਧ ਵਰਤਿਆ ਜਾ ਸਕਦਾ ਹੈ।"

Somali

Wakiilka Fullinta sharciga Socdaalka iyo Dhaqanka (ICE) waxay kaa codsan kartaa inay ku wareysato si ay u ogaato haddii lagu celin karo. Waxaad xaq u leedahay inaad aamusnaato oo waad diidi kartaa inaad la hadashid wakiilka ICE. Waxaad sidoo kale la hadli kartaa qareen wareysiga ka hor ama qareenkaaga kugu matalo wareysiga. Dowlada ma bixineyso qarashka qareenkaaga. Wax walba oo aad ku dhahdid wakiilka ICE ee waqtiga wareysiga waxaa loo isticmaali karaa cadeynta maxkamada.

Tagalog

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Chinese

「移民及海關執法局 (ICE) 人員會要求會晤您以了解您是否可以出境。您有權保持緘默及拒絕與 ICE 人員談話。您也可以在此會晤前跟律師談話或讓您的律師在會晤時出席。政府不會支付您的律師費用。您於會晤時對 ICE 人員所說的一切都可能於移民法庭作不利於您的用途。」

Korean

이민 및 세관 단속국 (Immigration and Customs Enforcement, ICE) 직원이 귀하의 강제 추방 여부를 판단하기 위한 인터뷰를 요청할 수 있습니다. 귀하에게는 침묵을 지키고, ICE 직원과의 대화를 거부할 권리가 있습니다. 귀하는 인터뷰 전에 변호사와 상담하거나, 이 인터뷰에 변호사와 함께할 수도 있습니다. 정부는 변호사 비용을 지급하지는 않습니다. 인터뷰 동안 ICE 직원에 대한 귀하의 발언은 이민법 법정에서 귀하에게 불리하게 사용될 수 있습니다

French

Il se pourrait qu'un agent de l'Immigration et des Douanes (ICE) demande une entrevue avec vous afin de savoir s'il y a possibilité de vous expulser. Vous avez le droit de garder le silence et de refuser de parler à un agent de l'ICE. Vous pouvez également parler à un avocat avant l'entrevue ou avoir votre avocat présent à l'entrevue. Le gouvernement ne couvrira pas vos frais d'avocat. Tout ce que vous dites à l'agent de l'ICE au cours de l'entrevue peut être utilisé contre vous devant le tribunal d'immigration.

QUICK REFERENCE GUIDE

Booking Staff

Ensure any received Immigration Detainer – Notice of Action (DHS form I-247) has been entered.

Immediately cancel the detainer adding “Per Main Jail Policy” in the comment section.

Schedule ICE interviews with inmates using JIMS. Note the interview is with ICE

Refer any questions outside the scope of interview scheduling to Release Officers.

Immediately notify Release Officers of any proof of qualifying convictions emailed or faxed by ICE. (DHS Forms I-203 or I-213).

Release Officers

Ensure Immigration Detainer – Notice of Action (DHS form I-247) is on file.

Verify Immigration Detainer – Notice of Action (DHS form I-247) has been canceled in JIMS.

Ensure written Values Act eligibility (DHS Forms I-203 or I-213) is on file.

Complete Values Act Verification form.

Or;

Ensure ICE provides a Judicial Warrant or Judicial Order of Probable Cause.

Place a copy of completed Values Act Verification form in binder, arranged by date.

Notify ICE of release information when the above criteria is met.

Inmates meeting the above criteria may be transferred to ICE on the secure side of the facility.

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: Event #:	File No: Date:
TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)	FROM: (Department of Homeland Security Office Address)

Name of Alien: _____

Date of Birth: _____ Citizenship: _____ Sex: _____

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).

- ☐ A final order of removal against the alien;
- ☐ The pendency of ongoing removal proceedings against the alien;
- ☐ Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).

- ☐ Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling ☐ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at _____. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
- **Maintain custody** of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
- Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
- Notify this office in the event of the alien's death, hospitalization or transfer to another institution.

- ☐ If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).

(Name and title of Immigration Officer) (Signature of Immigration Officer) (Sign in ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____.

Local Booking/Inmate #: _____ Estimated release date/time: _____

Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____

This form was served upon the alien on _____, in the following manner:

- ☐ in person ☐ by inmate mail delivery ☐ other (please specify): _____

(Name and title of Officer) (Signature of Officer) (Sign in ink)

ORDER TO DETAIN OR RELEASE ALIEN						
TO: (NAME and TITLE of Person in Charge of Facility)						
(Name of Facility)						
Please <input type="checkbox"/> Detain <input type="checkbox"/> Release					Date	Time
Name of Alien					File Number	
Age	Date of Birth (Mo.Day.Yr.)	Sex	Nationality	Foreign Address		
Nature of Proceedings			Signature of Officer Receiving Alien			
REMARKS:						
Signature of Officer Authorizing Action				Title	Office	
Form I-203 (Rev. 08/01/07)						
UNITED STATES DEPARTMENT OF HOMELAND SECURITY						

Family Name (CAPS)		First	Middle	Sex	Hair	Eyes	Complexion
Country of Citizenship	Passport Number and Country of Issue		File Number	Height	Weight	Occupation	
U.S. Address				Scars and Marks			
Date, Place, Time, and Manner of Last Entry			Passenger Boarded at	F.B.I. Number		<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated	
Number, Street, City, Province (State) and Country of Permanent Residence				Method of Location/Apprehension			
Date of Birth	Date of Action	Location Code		At/Near		Date/Hour	
City, Province (State) and Country of Birth	AR <input type="checkbox"/>	Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>		By			
NIV Issuing Post and NIV Number	Social Security Account Name			Status at Entry		Status When Found	
Date Visa Issued	Social Security Number			Length of Time Illegally in U.S.			
Immigration Record			Criminal Record				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)						Number and Nationality of Minor Children	
Father's Name, Nationality, and Address, if Known			Mother's Present and Maiden Names, Nationality, and Address, if Known				
Monies Due/Property in U.S. Not in Immediate Possession		Fingerprinted? <input type="checkbox"/> Yes <input type="checkbox"/> No		Systems Checks		Charge Code Words(s)	
Name and Address of (Last/Current) U.S. Employer		Type of Employment		Salary		Employed from/to	
				Hr			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
Alien has been advised of communication privileges _____ (Date/Initials) _____ (Signature and Title of Immigration Officer)							
Distribution:				Received: (Subject and Documents) (Report of Interview)			
				Officer: _____			
				on: _____ (time)			
				Disposition: _____			
				Examining Officer: _____			

VALUES ACT VERIFICATION

X REFERENCE: _____

LAST NAME: _____

FIRST NAME: _____

DETAINDER ENTERED AND CANCELLED IN JIMS (CIRCLE ONE): YES / NO

ICE PROOF BY (SEE ATTACHED): IN PERSON / FAX / EMAIL

QUALIFYING CRIME INFORMATION

JURISDICTION: _____

CASE #: _____

YEAR CONVICTED: _____

CHARGE: _____

SEVERITY (CIRCLE ONE): FELONY / MISDEMEANOR

VERIFIED USING (CIRCLE ONE): JIMS / ICLETS RAP SHEET / PHONE CALL / EMAIL

VERIFIED BY DEPUTY: _____ BADGE # _____

DATE: _____

Exhibit C

Criteria for transferring to ICE under Senate Bill 54

- 1.) Serious or Violent Felony
Listed in PC 1192.7(c)
or PC 667.5(c)
- 2.) Felony punishable by imprisonment in the state prison
- 3.) Convicted of a misdemeanor crime that is punishable as a misdemeanor or felony within the last 5
Convicted of a felony in the last 15 years
****See list (A-AE)**
- 4.) The individual is a current registrant on the California Sex and Arson Registry.

Rollovers *(Inside the gate)*

- 1.) Must have a warrant, probable cause, or a 203 with "meets criteria of SB54". SSD staff will verify with rap sheet highlighted (leave in file)
- 2.) ICE agent (not G4S) must be present in Booking at the time of the rollover.
- 3.) ICE can only be notified of public information (release date and time).
- 4.) If ICE is not here at the scheduled release date and time, the inmate is released, keeping them with the group. No exceptions.

Releases *(Outside the gate)*

- 1.) Must be released under standard procedures if not qualified under criteria above for SB54.
- 2.) ICE can meet them outside the gates, detain them, then bring them back into Booking.
- 3.) SSD may not assist in this process until they are brought back inside the gates.

Exhibit D

SACRAMENTO COUNTY SHERIFF'S DEPARTMENT ICE ADVISEMENT

English

An Immigration and Customs Enforcement (ICE) agent may request to interview you to find out whether you can be deported. You have the right to remain silent and can refuse to speak with an ICE agent. You can also speak to a lawyer before the interview or have your lawyer present at the interview. The government will not pay for your lawyer. Anything you say to the ICE agent at the interview may be used against you in immigration court.

Spanish

Un agente del Servicio de Inmigración y Control de Aduanas (ICE, por sus siglas en inglés) puede solicitar entrevistarle para averiguar si usted puede ser deportado/a. Usted tiene derecho a permanecer en silencio y puede negarse a hablar con un agente del ICE. También puede hablar con un abogado antes de la entrevista o hacer que su abogado esté presente en la entrevista. El gobierno no le pagará su abogado. Cualquier cosa que le diga al agente del ICE en la entrevista puede ser usando en su contra en el tribunal de inmigración.

Vietnamese

Một cán bộ Cơ quan Thực thi Di trú và Hải quan (Immigration and Customs Enforcement) (ICE) có thể yêu cầu phỏng vấn quý vị để tìm hiểu xem liệu quý vị có thể bị trục xuất. Quý vị có quyền giữ im lặng và có thể từ chối nói chuyện với cán bộ ICE. Quý vị cũng có thể trao đổi với luật sư trước cuộc phỏng vấn hay đề nghị luật sư của quý vị có mặt tại cuộc phỏng vấn. Chính phủ sẽ không chi trả cho luật sư của quý vị. Bất kỳ điều gì quý vị nói với cán bộ ICE tại cuộc phỏng vấn đều có thể được sử dụng để chống lại quý vị tại tòa án di trú.

Arabic

"يمكن أن يطلب ممثل دائرة الهجرة والجمارك (ICE) مقابلة لك لمعرفة ما إذا كان يمكن ترحيلك. لديك الحق في التزام الصمت ويمكنك رفض التحدث مع ممثل ICE. يمكنك أيضًا التحدث إلى محام قبل المقابلة أو يكون لديك محام حاضراً في المقابلة. الحكومة لن تدفع لمحاميك. أي شيء تقوله إلى ممثل ICE في المقابلة يمكن استخدامه ضدك في محكمة الهجرة."

Punjabi

“ਇਕ ਇਮੀਗ੍ਰੇਸ਼ਨ ਅਤੇ ਕਸਟਮ ਐਨਫੋਰਸਮੈਂਟ (ਆਈ ਸੀ ਈ ਏਜੰਟ) (immigration and Customs Enforcement, ICE) ਇਹ ਪਤਾ ਲਗਾਉਣ ਲਈ ਕਿ ਕੀ ਤੁਹਾਨੂੰ ਵਾਪਸ ਭੇਜਿਆ ਜਾ ਸਕਦਾ ਹੈ, ਤੁਹਾਡੇ ਨਾਲ ਇੰਟਰਵਿਊ ਕੀਤੇ ਜਾਣ ਲਈ ਬੇਨਤੀ ਕਰ ਸਕਦਾ ਹੈ। ਤੁਹਾਡੇ ਕੋਲ ਚੁੱਪ ਰਹਿਣ ਦਾ ਅਧਿਕਾਰ ਹੈ ਅਤੇ ਤੁਸੀਂ ਆਈ ਸੀ ਈ (ICE) ਏਜੰਟ ਦੇ ਨਾਲ ਗੱਲ ਕਰਨ ਤੋਂ ਇਨਕਾਰ ਕਰ ਸਕਦੇ ਹੋ। ਤੁਸੀਂ ਇੰਟਰਵਿਊ ਤੋਂ ਪਹਿਲਾਂ ਵਕੀਲ ਨਾਲ ਗੱਲ ਵੀ ਕਰ ਸਕਦੇ ਹੋ ਜਾਂ ਇੰਟਰਵਿਊ ਦੇ ਸਮੇਂ ਆਪਣੇ ਵਕੀਲ ਨੂੰ ਹਾਜ਼ਰ ਰੱਖ ਸਕਦੇ ਹੋ। ਸਰਕਾਰ ਤੁਹਾਡੇ ਵਕੀਲ ਦੇ ਲਈ ਭੁਗਤਾਨ ਨਹੀਂ ਕਰੇਗੀ। ਕੋਈ ਵੀ ਗੱਲ ਜੋ ਤੁਸੀਂ ਆਈ ਸੀ ਈ (ICE) ਏਜੰਟ ਨੂੰ ਦੱਸਦੇ ਹੋ ਉਸਨੂੰ ਇਮੀਗ੍ਰੇਸ਼ਨ ਕੋਰਟ ਵਿਚ ਤੁਹਾਡੇ ਵਿਰੁੱਧ ਵਰਤਿਆ ਜਾ ਸਕਦਾ ਹੈ।”

Somali

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French

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