

LCS Unit Order 64

LANCASTER STATION

UNIT ORDER # 64

IMMIGRATION DETAINERS

PURPOSE:

The purpose of this unit order is to ensure personnel assigned to Lancaster Station adhere to the below Custody Operations Directive 17-004. This directive establishes release procedures for inmates being housed at station jails who have an Immigration and Customs Enforcement (ICE) Detainer.

OVERVIEW:

The California Trust Act (California Government Code 7282 et seq. or "AB4") prohibits law enforcement officials from detaining an inmate for a United States Immigration and Customs (ICE) detainer after the inmate becomes eligible for release from custody, unless, certain conditions are met, including one or more of the following conditions:

- The inmate has a prior serious violent felony conviction as described in California Government Code 1192.7(c) and California Penal Code 667.5(c);
- The inmate has been convicted of a felony punishable by imprisonment in state prison;
- The inmate is currently on, or is required to register with, the California Sex and Arson Registry in accordance with California Penal Code 290; or
- The inmate has been convicted of a federal crime which meets the definition of an aggravated felony as set forth in subparagraphs (A) through (P), inclusive, of paragraph (43) of subsection (a) of section 101 of the Federal Immigration and Nationality Act (8 U.S.C. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal warrant.

An ICE Detainer (Department of Homeland Security [DHS] I-247 form – "Immigration Detainer – Request for

Voluntary Action”) shall only be honored if the inmate’s current or past criminal history meets the qualifying criteria specified in California Government code 7282.5.

Qualifying inmates, upon completion of custody time, or upon the posting of bail or bond, or when all court proceedings are terminated, can be immediately made available to ICE. ICE agents will be required to take custody and transport the inmate within the standard time for release processing **without additional delay**.

PROCEDURES:

Release Compliance Desk (RCD)

- All detainers issued for inmates live scanned at a station will be sent directly to the Inmate Reception Center (IRC) RCD
- The RCD will send an email with a copy of the detainer and required forms to the station jailer. The email will contain the following instructions:
 - Print two (2) copies of the attached detainer, one (1) copy of the attached TRUST Act form, one (1) copy of the TRUTH Act form, and one (1) copy of the attached advocate list
 - Have the inmate complete the TRUST Act form
 - Give the inmate one (1) copy of the detainer and one (1) copy of the advocate list
 - Place the blank TRUTH Act form in the booking packet – do not complete the TRUTH Act form at this time
 - Fax the signed detainer and TRUST Act form to the RCD at (323) 415-7992
 - Notify the RCD the detainer was served and the TRUST Act form was completed
 - Place a copy of the detainer and the completed TRUST Act form in the booking packet

Inmate for Release – Station Jail

- At the start of the release process for ALL inmates, regardless of the presence of a detainer, update the inmate’s housing location to “PRPR” using the MC07 transaction (this will ensure pending releases are updated to the public information portal and the RCD is notified of the pending release)
 - The RCD will be automatically notified of the pending release and verify if the inmate has a valid detainer. A phone call to the RCD is not necessary.
- If the inmate has a valid detainer, the RCD will contact the station and instruct the jailer to complete a

TRUTH Act form (the form should be in the booking packet; however, if necessary, the RCD will re-send the form)

- Notify the RCD when the form has been completed
- Fax the form to the RCD (323) 415-7992
- Place the completed form in the booking packet
- The RCD will inform the station if ICE plans on taking custody of the inmate and arrange transportation with ICE. No phone call or contact with ICE is required.
- **DO NOT DELAY THE RELEASE PROCESS WAITING FOR ICE. IF THE RELEASE PROCESS IS COMPLETED PRIOR TO ICE TAKING CUSTODY OF THE INMATE, THE INMATE SHALL BE RELEASED NORMALLY.**
- Notify the RCD of the final disposition of the inmate (released to ICE, released prior to ICE's arrival, etc.)
 - Inmates released to ICE shall be released from JDIC/AJIS using the RL13 CUST USIM transaction
 - Inmates not released to ICE shall be released from JDIC/AJIS using the appropriate release code (BOND, OR, CITE, etc.)

The watch commander shall be notified of any inmate who has an Immigration and Customs Enforcement Detainer. The watch commander will ensure the proper guidelines of Custody Operations Directive 17-004 are followed.

Questions regarding this directive should be directed to Inmate Reception Center, Release Compliance Desk at (213) 893-6505 or via email under the "IRC Release Compliance Desk" group in Outlook.
