

Napa County Community Forum

DIRECTOR OF CORRECTIONS DINA JOSE
CHIEF PROBATION OFFICER AMANDA GIBBS
SHERIFF OSCAR ORTIZ

AUGUST 6, 2024

6:00 PM

1195 THIRD STREET, THIRD FLOOR



COMMUNITY FORUM

- ▶ What is the TRUTH Act?
- ▶ Action Report – Department of Corrections
- ▶ Action Report – Probation Department
- ▶ Action Report – Sheriff's Office
- ▶ Public Comment / Questions

TRUTH ACT

ASSEMBLY BILL NO. 2792, CHAPTER 768

- ▶ AB 2792, Bonta, Local law enforcement agencies: federal immigration policy enforcement: ICE access.
- ▶ An act to add Chapter 17.2 (commencing with Section 7283) to Division 7 of Title 1 of the Government Code, relating to local government.
- ▶ Approved by Governor on September 28, 2016. Filed with Secretary of State on September 28, 2016.
- ▶ Amended on January 1, 2022 through Assembly Bill 474

GOVERNMENT CODE SECTION 7283.1 (D)

- ▶ Beginning January 1, 2018, the local governing body of any county, city, or city and county in which a local law enforcement agency has provided federal Immigration and Customs Enforcement (ICE) access to an individual during the last year shall hold at least one community forum during the following year, that is open to the public, in an accessible location, and with at least 30 days' notice to provide information to the public about ICE's access to individuals and to receive and consider public comment.
- ▶ The local law enforcement agency may provide the governing body with data it maintains regarding the number and demographic characteristics of individuals to whom the agency has provided ICE access, the date ICE access was provided and whether the ICE access was provided through a hold, transfer, or notification request or through other means.
- ▶ Data may be provided in the form of statistics or, if statistics are not maintained, individual records, provided that personally identifiable information shall be redacted.

GOVERNMENT CODE SECTION 7283(d)

- ▶ ICE Access means, for the purpose of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:
 - 1) Responding to an ICE hold, notification, or transfer.
 - 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.

NAPA COUNTY DEPARTMENT OF CORRECTIONS

Dina Jose, Director of Corrections



NAPA COUNTY DEPARTMENT OF CORRECTIONS

POLICY AND PROCEDURE 4.12 (B) COOPERATION WITH ICE

- ▶ Valid Orders: NCDC shall comply with a valid Detainer (DHS Form I-247A Notice of Action), Federal Warrant or Court Order.
- ▶ Interpreters: NCDC staff are prohibited from using immigration authorities as interpreters.
- ▶ Responding to ICE Requests:
 - ❖ Detainer: Under no circumstance shall an individual be detained past their eligible release date based upon their immigration status.
 - ❖ Interview: ICE officers are not allowed inside of the jail to conduct interviews unless:
 - the individual has given consent and signed the appropriate forms acknowledging they understand the interview is voluntary and they have given consent; and
 - the representative of their choosing has been notified.

NAPA COUNTY DEPARTMENT OF CORRECTIONS CONT'D

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POLICY AND PROCEDURE 4.12 (B) COOPERATION WITH ICE

► Responding to ICE Requests Cont'd:

- ❖ Advanced Notice of Proposed Release: NCDC shall provide ICE with advance notice of an individual's anticipated release date and time if:
 - The individual has previously been convicted of a serious felony pursuant to 1192.7 PC or a violent felony pursuant to 667.5 (c) PC; or
 - 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 [specified] felony; or
 - The individual is currently charged with a serious felony or violent felony, and a magistrate has made a finding of probable cause as to that charge at the preliminary hearing; or

NAPA COUNTY DEPARTMENT OF CORRECTIONS CONT'D

▶ Responding to ICE Requests Cont'd:

❖ Advanced Notice or Proposed Released Cont'd:

- The individual has previously been convicted of an aggravated felony under federal law; or
- The individual is identified by ICE as the subject of an outstanding federal felony arrest warrant; or
- The individual is currently a registrant on the California Sex and Arson Registry.

❖ Notice of ICE Request: Upon receipt of any ICE detainer, interview, or notification request, NCDC shall provide a copy of the request to the individual, and inform them whether the department intends to comply with the request.

Examples of Previous Convictions

Violent/Serious Crimes – PC 667.5 and/or 1192.7

- ▶ Murder
- ▶ Attempted Murder
- ▶ Criminal Street Gang
- ▶ Carjacking
- ▶ Rape by Means of Force, Duress, Menace or Fear of Immediate Injury
- ▶ Assault with Deadly Weapon on Peace Officer
- ▶ Continuous Sexual Abuse of Child

Examples of Past Misdemeanors & Felonies

- ▶ Entice minor into prostitution
- ▶ Advertising Child Pornography
- ▶ Felony Child Neglect
- ▶ First Degree Burglary
- ▶ DUI with Priors or Bodily Injury
- ▶ Possess Firearm while Committing Felony
- ▶ Malicious Discharge of Firearm from Vehicle
- ▶ Human Trafficking
- ▶ Felony Hit and Run Involving Injury

Examples of Federal Aggravated Felonies Pursuant to 8 U.S.C. 1101(43)

- ▶ Murder
- ▶ Rape
- ▶ Illicit Trafficking of Controlled Substances
- ▶ Domestic Abuse by a Habitual Offender
- ▶ Sexual Exploitation of Children
- ▶ Sex Trafficking of Children by Force, Fraud or Coercion
- ▶ Interstate Transport of Minors for Prostitution

NCDC ACCESS DATA REPORT, 2023

TYPE OF ACCESS	INCIDENTS OF ACCESS
Requests Received	84
1. Responding to ICE hold, notification or transfer	21
2. Providing notification of release	21
3. Providing non-publicly available information	21
4. Allowing interview	0
5. Providing information about probation or parole check-ins	0
Taken Into Custody By ICE	3

- ▶ 1 – Responding to an ICE hold, notification, or transfer (NCDC began cooperating with the I-247A Form on July 27, 2019).*
- ▶ 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.
- ▶ *Received an I-247A Form and responded with a release date and time.

NCDC ACCESS DATA REPORT CONT'D

In summary:

- NCDC does not respond to the ICE request until the inmate is eligible for release from the facility, or if they are pending transfer to another local or state facility.
- When criteria was met, NCDC responded to ICE requests 21 times;
- ICE took custody of 3 incarcerated persons from NCDC;
- ICE did not take into custody 18 incarcerated persons that met the criteria.

DATE ICE ACCESS WAS GRANTED

Booking Date	Release Date	Individual Immigration Eligible	ICE Interview Requested	Release to ICE
02/06/2024	02/08/2023	Yes	No	No
02/16/2023	03/02/2023	Yes	No	No
02/22/2023	04/03/2023	Yes	No	No
02/28/2023	03/02/2023	Yes	No	No
03/16/2023	05/12/2023	Yes	No	No
05/02/2023	08/02/2023	Yes	No	No
05/07/2023	05/10/2023	Yes	No	No
06/12/2023	07/07/2023	Yes	No	No
07/22/2023	07/25/2023	Yes	No	No
08/26/2023	11/01/2023	Yes	No	No
09/01/2023	09/13/2023	Yes	No	No
09/01/2023	09/01/2023	Yes	No	No
09/07/2023	11/09/2023	Yes	No	Yes
09/30/2023	11/17/2023	Yes	No	No
10/01/2023	10/01/2023	Yes	No	No
10/01/2023	10/05/2023	Yes	No	No
10/08/2023	12/28/2023	Yes	No	No
10/10/2023	10/13/2023	Yes	No	Yes
10/10/2023	10/27/2023	Yes	No	No
10/12/2023	10/13/2023	Yes	No	No
11/30/2023	12/20/2023	Yes	No	Yes

NCDC TRUTH ACT DEMOGRAPHICS

	<u>Access Provided to ICE</u>	<u>Age</u>	<u>NCDC Responses</u>	<u>Total Access</u>
Asian				
Male	0	0	0	0
Female	0	0	0	0
Black				
Male	0	0	0	0
Female	0	0	0	0
Hispanic				
Male	3	35, 53, 59	3	3
Female	0	0	0	0
White				
Male	0	0	0	0
Female	0	0	0	0
Total	3		3	3

NAPA COUNTY PROBATION DEPARTMENT

Amanda Gibbs, Chief Probation Officer



NAPA COUNTY PROBATION DEPARTMENT ACCESS DATA REPORT, 2023

TYPE OF ACCESS	INCIDENTS OF ACCESS
Requests Received	0
1. Responding to ICE hold, notification or transfer	0
2. Providing notification of release	0
3. Providing non-publicly available information	0
4. Allowing interview	0
5. Providing information about probation or parole check-ins	0
Taken Into Custody By ICE	0

NAPA COUNTY SHERIFF'S OFFICE

Oscar Ortiz, Sheriff / Coroner



NAPA COUNTY SHERIFF'S OFFICE

POLICY 413

- ▶ Equal enforcement of the law and equal service to members of the public – increases the effectiveness of the Office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.
- ▶ Deputies shall not inquire into an individual's immigration status.
- ▶ Deputies shall not detain any individual, for any length of time, for a civil or criminal violation of federal immigration laws.
- ▶ Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance should be directed to a supervisor. Requested assistance would only occur consistent with the California Values Act (Government Code Section 7284.2 et. seq.).

NAPA COUNTY SHERIFF'S OFFICE ACCESS DATA REPORT, 2023

TYPE OF ACCESS	INCIDENTS OF ACCESS
Requests Received	0
1. Responding to ICE hold, notification or transfer	0
2. Providing notification of release	0
3. Providing non-publicly available information	0
4. Allowing interview	0
5. Providing information about probation or parole check-ins	0

QUESTIONS

