



KERN COUNTY PROBATION DEPARTMENT

Policies And Procedures

TITLE: Federal Immigration Enforcement Policy		Article: 1701.02	
APPROVED: William Dickinson, Chief Probation Officer			
EFFECTIVE: June 2023	REVIEWED: June 2023	REVISED: September 2024	UPDATED:

California has passed, and the Department must adhere to, numerous laws which regulate the parameters under which state and local law enforcement agencies may engage in immigration enforcement-related activities. These include the TRUST, Values, and TRUTH Acts.

PURPOSE

The California Legislature determined that “a relationship of trust between California’s immigrant community and state and local agencies is central to the public safety of the people of California.” The core purpose of the Values Act is to ensure effective policing and to protect the safety, well-being, and constitutional rights of the people of California.

POLICY

It is the policy of the Kern County Probation Department to comply with the TRUTH Act, TRUST Act and California’s Values Act and provide guidance to employees of the department regarding their responsibilities in relation to the enforcement of federal immigration law.

PROCEDURE

I. Immigration Related Activities

- A.** When contacted by personnel from Immigration and Customs Enforcement (hereinafter “ICE”) requesting information regarding persons under the supervision of the Probation Department, all KCPD staff , shall immediately report the contact up the chain of command to the Deputy Chief Probation Officer, who will provide direction as to the appropriate action to be taken regarding the request.
- B.** KCPD will not make, or intentionally participate in, arrests based on civil immigration warrants; nor will department personnel detain an individual in response to a hold request or “administrative warrant/detainer” issued by Immigration and Customs Enforcement (ICE) unless otherwise authorized by law and approved by the Deputy Chief.
- C.** KCPD staff are prohibited from using any department resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including detaining an individual in response to a hold request.

- D.** KCPD staff shall not inquire into an individual's place of birth, citizenship, or immigration status unless: necessary to advance a criminal investigation, process an arrestee for a criminal offense, for other legitimate law enforcement or employment purposes unrelated to immigration enforcement or when otherwise required by law.
- E.** KCPD shall not respond to transfer or detainer requests nor provide information regarding a person's release date unless authorized by law and approved by the Deputy Chief.

II. Custody Requirements

- A.** Before permitting any interview between ICE and an individual in the custody of the Probation Department regarding civil immigration violations, KCPD personnel shall provide the individual with a written consent form, which explains: the purpose of the interview; that the interview is voluntary; and that the individual may decline the interview or may choose to be interviewed with only their attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean. The written consent form shall also be available in any additional languages that meet the county threshold as defined in subdivision (d) of Section 128552 of the Health and Safety Code if certified translations in those languages are made available to the local law enforcement agency at no cost.
- B.** Upon receiving any ICE hold, notification, or transfer request, KCPD staff will provide a copy of the request to the individual subject to the request and inform the individual whether Probation intends to comply with the request. If KCPD staff provides ICE with notification that an individual is being or will be released on a certain date, KCPD staff shall promptly provide the same notification in writing to the individual and to his or her attorney or to an additional person who the individual shall be permitted to designate.
- C.** KCPD staff will not hold an individual past the time that he or she normally would be released, regardless of an ICE request to detain the individual or to delay the individual's release from custody.

III. Records and Reporting

- A.** All records of KCPD personnel communicating with ICE, including access provided by local law enforcement agencies, shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that Act. As permitted by that Act, personal identifying information may be redacted prior to public disclosure.

- B.** When required by law, KCPD staff shall annually participate in at least one community forum 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 (if any) and to receive and consider public comment
- C.** The Probation Department will comply with all statistical reporting requirements of the California Values Act.