
Foreign Born Reporting

Chapter: Admission and Release

Effective Date: 2-1-2008

Revised: 1/14

Reference: California Penal Code 1192.7 and 667.5 subsection C. Government Code 7282 and 7282.5.

Purpose:

A percentage of persons who commit crimes in Yuba County and who are arrested, are foreign born and have entered the United States illegally. These foreign-born criminals affect crime and public safety in our community. Immigration officials will screen foreign-born arrestees for immigration status and may place immigration holds on those arrestees.

Policy:

It is the policy of the Yuba County Jail to identify those prisoners who are foreign born and under arrest for qualifying local charges, and to report the arrest to Immigration and Customs Enforcement (ICE) within a timely manner.

Procedure:

- I. Identification at Booking:** During the booking process the booking officer will determine the country in which the arrested person was born.
- II. Foreign Born – ICE questionnaire:** When the arrested person is in custody on qualifying charges and identified as foreign born, the booking deputy shall have the arrestee complete the ICE questionnaire.
- III. Foreign Born – Likely to remain in custody:** If it is determined the foreign born arrestee will likely remain in custody, the booking officer will place the ICE questionnaire and a copy of the booking sheet in the “Foreign Born” file on the transportation desk with the notation “ICE not notified”.
- IV. Foreign Born – Soon To Be Released:** When it is determined that the prisoner is foreign born and will likely be released prior to the next business day, the booking officer is to contact the ICE duty officer by telephone to report the arrest and fax the ICE questionnaire and a copy of the booking sheet to ICE. The booking officer will place the ICE questionnaire and a copy of the prisoner’s booking sheet in the “Foreign Born” file at the transportation desk with the notation containing the date, time and which ICE agent was notified.

- V. Transportation Officer's Duty:** The transportation officer will check the "Foreign Born" file daily and make additional notifications to ICE as it becomes necessary. The transportation officer will monitor holds and prepare the foreign-born statistics for the division.

- VI. ICE Detainer:** The Yuba County Sheriff's Department will no longer accept ICE detainers for foreign born arrestees.