FAQ: SB 54

HOW THE CALIFORNIA VALUES ACT APPLIES IN JAILS

What is the California Values Act?

On January 1, 2018, the California Values Act, also known as SB 54, went into effect, limiting the cooperation between local law enforcement and Immigration and Customs Enforcement (ICE) and providing noncitizens with protections when it comes to immigration enforcement.

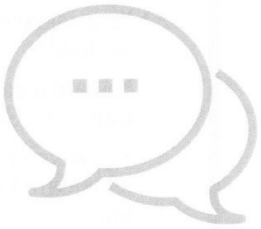
Local law enforcement, like the police or sheriff, CANNOT:

- Ask about your immigration status
- Share your personal information, like your home or work address, with ICE unless that information is already available to the public
- Provide office space only for ICE's use in their facility
- Use immigration officers as interpreters for them during their own investigation

Can the Sheriff's Department hold me in jail extra time for the purpose of having ICE pick me up?

No.

Can an ICE agent interview me in jail?



- Yes, but **only if they have received your written consent.** A jail official must first give you a consent form to read and sign before making you available for questioning by ICE. This form must be available in a number of languages.* ICE conducts these interviews to collect information that may be used against you in your deportation case. **You have the right to decline these interviews.**

*including Spanish, Chinese, Tagalog, Vietnamese, and Korean.

What are my options if an ICE agent wants to interview me?

You can indicate one of the following on the consent form:

- ☐ "No, I do not want to be interviewed"
- ☐ "Yes, I will do the interview with my attorney present"
- ☐ "Yes, I will do the interview alone"

If you were interviewed by an ICE agent:

- Without ever getting a consent form
- After indicating "No" to an interview on the consent form
- After saying you wanted your lawyer present but your lawyer was not called
- After having received a consent form in English when your preferred language is another language, or
- After being pressured or threatened by local law enforcement to agree to the interview.

Please write us at the address below describing exactly what happened.

Can the Sheriff's Department tell ICE when I will be released from jail?

No, the Sheriff's Department cannot give ICE your release date **unless**:

- Your release date is already publicly available
- You are a current registrant on the California Sex and Arson Registry
- You were convicted of a felony that is considered serious or violent under state law
- You were convicted of most any felony in the last 15 years that is not serious or violent
- You were convicted of a felony that is punishable by imprisonment in state prison
- You were convicted within the past 5 years of a misdemeanor for a crime that is punishable as either a misdemeanor or felony
- You were convicted of a federal crime that meets the definition of an aggravated felony, or
- The charge you are currently facing is for a crime that is considered a serious or violent felony or is punishable by a term in state prison and where a judge has made a probable cause finding.

Can the Sheriff's Department transfer me to an ICE detention center?

No, the Sheriff's Department cannot transfer you into immigration custody **unless**:

- You are a current registrant on the California Sex and Arson Registry
- You were convicted of a felony that is considered serious or violent under state law
- You were convicted of a felony that is punishable by imprisonment in state prison
- You were convicted of most any felony in the last 15 years that is not serious or violent
- You were convicted within the past 5 years of a misdemeanor for a crime that is punishable as either a misdemeanor or felony
- You were convicted of a federal crime that meets the definition of an aggravated felony
- The charge you are currently facing is for a crime that is considered a serious or violent felony or punishable by a term in state prison and where a judge has made a probable cause finding; or
- A warrant or probable cause determination from a judge finding you violated federal criminal immigration law.

If the Sheriff's Department receives a request from ICE

- to hold you beyond your release date,
- to have them notify ICE of your release date,
- or to have them transfer you to immigration custody,

they must give you and your attorney or a person you trust ("designee") a copy of that request and tell you whether they will comply with that request or not. If they do not give you a copy, make sure to ask the jail staff for a copy of these documents.

If you believe that your rights were violated under SB 54, please write to:

Jails Project
ACLU SoCal
Attn: SB54
1313 W 8th Street
Los Angeles, CA 90017

ACLU California