

ALAMEDA COUNTY PROBATION DEPARTMENT	Section 290	Page 1 of 3
ADULT SERVICES MANUAL	Authority/ Reference: Probation Administration	
Chapter: II	Approved by County Counsel: 04-18-06 Approved by Administration: 01-25-06 Approved by Teamsters 856: 03-29-07 Effective Date: 04-02-07	
Subject: IMMIGRATION ISSUES	Supercedes Section 290 Approved 09-04-02	

A. When staff has probable cause to believe that any felon is not a United States citizen, or any misdemeanant is in the United States illegally, they will contact the Immigration and Customs Enforcement (ICE) Unit of the Department of Homeland Security, to notify them of the defendant's custody and probationary status. Staff need not inquire as to the legal status of felons, because, depending on the nature of the crime, aliens in the United States legally may be deportable. The Department of Homeland Security will investigate, determine the person's immigration status and decide whether to arrest or place a detainer on the defendant.

B. Investigation

1. Investigation staff is to inquire as to all defendant's citizenship as part of the Pre-sentence Investigation process.
2. Classification is not impacted by a defendant's immigration status. Thus, aliens who are classified as High Threat Offender (HTO) are assigned to active caseloads, and defendants classified at a lower level are assigned to special program caseloads (i.e., mentor diversion, high risk, or task force) or are banked in the Services as Needed (RR3X) caseload.

C. Supervision

1. When a client assigned to an actively supervised caseload is released from County/State custody to the custody of ICE's Alien Criminal Apprehension Program (ACAP), the Deputy Probation Officer (DPO) will contact ACAP immediately to determine the client's status.

2. While High Threat Offender (HTO) clients are in ACAP custody, the supervision DPO will contact the ACAP monthly to determine the client's current status and location. To facilitate this process, ICE has requested that staff fax a request to verify status and location to them at (415) 844-5202. (See the attached sample fax request, which is available in the Adult Templates folder.)

The monthly contact requirement is waived if the DPO determines that the client is being held under the Aggravated Felony Provision, as detainees being held pursuant to this provision (other than DUI) must be kept in custody until deported. For non-HTO clients, contact is only required to the extent necessary to make a determination if/when the case should be transferred to the Services as Needed (RR3X) caseload.

3. When a client is released from ACAP custody without being deported, the DPO will determine that status of ICE's interest in the client, will continue to coordinate with ICE to the extent necessary, and will supervise the client in the community per normal standards.
4. Once a client is confirmed to have been deported, the DPO need not contact ICE unless it is determined that the client has returned to the United States. When a HTO client is deported, the DPO is to (a) retain the case in the caseload until probation expires, or (b) transfer the case to RR3Y "Deported HTO." When a non-HTO client, who had been actively supervised, is deported, the case is to be transferred to the Services as Needed (RR3X) caseload.

D. General Information

1. The CII rap sheet notes deportation status. When staff receive a CII printout noting INS, ICE, ACAP, or Department of Homeland Security activity, they shall contact ICE to determine the defendant's status.
2. Questions regarding previously deported aliens should be directed to the Criminal Deportation Unit of the Detention and Removal Unit of the Department of Homeland Security.
3. The Department of Homeland Security's Law Enforcement Center (LESC) can respond to general immigration questions and provide information on how to do inquiries via CLETS.
4. Department of Homeland Security can be reached at the following telephone numbers:
 - Immigration and Customs Enforcement (415) 844-5556
 - Alien Criminal Apprehension Program (Fax #) (415) 844-5700
 - Criminal Deportation Unit: (415) 844-5512
 - Law Enforcement Center (802) 872-6020



**ALAMEDA COUNTY
PROBATION DEPARTMENT**

DAVID MUHAMMAD
Chief Probation Officer

FAX TRANSMISSION

To: Immigration and Customs Enforcement, ACAP

Attention: Agent

Voice: (415) 844-5411

Fax: (415) 844-5202

From: [Name], Deputy Probation Officer

Voice:

Fax:

Date: _____

RE: [Name of Client and DOB, plus SSN and/or FBI #]

Number of Pages: 1, including this cover page.

Message:

According to our most recent information, the above-referenced Subject was in the custody of the Alien Criminal Apprehension Program. Will you please verify if this individual is still in your custody, current location, and immigration case status?

Thank You.

[Sign]

Mail Reply to Address Indicated:

- | | | |
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| <input type="checkbox"/> Probation Center
400 Broadway, P.O. Box 2059
Oakland, CA 94604-2059 | <input type="checkbox"/> Community Probation
7200 Bancroft Avenue, Suite 270
Oakland, CA 94605 | <input type="checkbox"/> 24085 Amador Street, Suite 400
Hayward, CA 94544-1299 |
| <input type="checkbox"/> Juvenile Hall/Institution Administration
2500 Fairmont Drive
San Leandro, CA 94578-1090 | <input type="checkbox"/> Camp Wilmont Sweeney
2600 Fairmont Drive
San Leandro, CA 94578-1090 | <input type="checkbox"/> 24085 Amador Street, 3 rd Floor
Hayward, CA 94544-1299 |
| | | <input type="checkbox"/> 5672 Stoneridge Drive
Pleasanton, CA 94588-8559 |