

## Immigration and Consulate Notifications

<b>Effective Date:</b>	6-5-24
<b>Revised Date:</b>	6-5-24
<b>Issuing Authority:</b> Chief Probation Officer	

### 409.1 PURPOSE

To establish guidelines that identifies the Probation Department's process for complying with the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, when providing the United States Immigration and Customs Enforcement (ICE) access to adults and juveniles who may be foreign-born.

The department does not determine immigration issues including, but not limited to, determining whether someone is in the country legally. This is the sole responsibility of ICE. Probation does not facilitate or participate in ICE enforcement operations or other activities that focus on facilitating arrests for immigration violations.

### 409.2 DEFINITIONS:

Administrative Warrant: A warrant signed by an ICE agent, stating that a person is being designated for possible arrest and possible deportation proceedings. An administrative warrant is not signed by a judge. These types of warrants are not accepted by our department.

Alien: Owing political allegiance to another country or foreign government.

Application For Petition (AFP): Formal document against a youth requesting charges or a violation of probation submitted to the District Attorney.

Consular Official: An official appointed by a government to reside in a foreign country and represent the individual's government's interests and assist their citizens.

Civil Immigration Authority: Any warrant for violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

Department of Homeland Security (DHS): An executive agency of the U.S. Government established on November 25, 2002, with the mission to protect America and its citizens, especially from terrorist attacks.

Foreign-born: Foreign by birth, not native to the country in which one resides.

Foreign National: Any person who is not a United States citizen.

Hold Request: When Federal Immigration and Customs Enforcement (ICE) request that a local law enforcement agency hold an individual in custody beyond the time they would otherwise be

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eligible for release in order to facilitate a transfer to ICE (The department shall not facilitate these hold requests).

ICE Access: Means (for the purposes 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:

- Responding to an ICE hold, notification, or transfer request.
- Providing notification to ICE that an individual is being or will be released at a certain date and time through data sharing or otherwise.
- Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
- Allowing ICE to interview an individual.
- Providing ICE information regarding dates and times of probation or parole check-ins.

Judicial Warrant: An official court document, usually with the designation of a specific court, and it is signed by a judge. An ICE warrant would be from a federal court.

National: Citizen of a specified country.

Notification Request: An ICE request that a local law enforcement agency inform ICE of the release date and time in advance of the public of an individual in its custody.

Transfer Request: An ICE request that a local law enforcement agency facilitate the transfer of an individual in its custody to ICE.

Transparent Review of Unjust Transfers and Holds (TRUTH) Act: Requires transparency and accountability as minimum requirements for any collaboration between state and federal agencies.

United States Immigration and Customs Enforcement (ICE): U.S. Immigration and Customs Enforcement (ICE) is an investigative agency, created through a merger of the U.S. Customs Service and the Immigration and Naturalization Service in 2003. ICE is placed under the oversight of the Department of Homeland Security (DHS) and is charged with administering the nation's immigration system.

#### **409.3 GUIDELINES:**

- A. The Department shall not participate in any specific immigration enforcement operation or ICE arrest.
- B. The Department shall only allow ICE access to a youth when the youth's offense falls under the circumstances as listed in Government Code section 7282.5 (Attachment K).
- C. Any arrest, detention, or other commitment to custody which results in a foreign national being incarcerated for more than a few hours triggers consular notification requirements.

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- D. Officers shall not detain individuals based solely on immigration status.
- E. All notifications and information must be documented in CE in attributes and events.
- F. The Department shall not initiate contact with ICE to advise them of a subject's detention or immigration status.
- G. The Department shall not detain a youth beyond their court date unless a judicial warrant has been issued.
- H. All documents shall be provided in the youth's preferred language, which can also be found at: <https://travel.state.gov/content/travel/en/consularnotification/QuarantinedForeignNationals/countries-and-jurisdictions-with-mandatory-notifications.html>

#### **409.4 RESPONSIBILITIES**

- I. Intake Probation Corrections Officer:
  - A. Provide the Intake Probation Officer with a copy of all Application For Petitions (AFP).
  - B. Ensure the AFP includes the youth's place of birth.
  - C. When applicable, activate the warning screen alert in Caseload Explorer (CE) stating the youth is a Foreign National to ensure consular notification is completed.
- II. Intake Probation Officer (PO):
  - A. Ensure the AFP is fully completed, including the youth's place of birth.
    - 1. During intake, if the youth is found to be a Foreign National:
      - (a) Provide the youth and parent/guardian with a copy of "Know Your Rights" Form (Attachment A) informing the youth of their rights should an ICE Agent want to interview them.
      - (b) When applicable, complete the consulate notification and remove the Foreign National warning from CE.
      - (c) Determine if the youth is already in removal (deportation) proceedings by asking them. If the youth is in removal proceedings, allow them contact with their immigration attorney.
  - B. Mandatory Notification:
    - 1. If the youth's reported place of birth is outside of the United States (including a U.S. Territory or Commonwealth) and notification is mandatory (Attachment F, Immigration and Customs Enforcement Mandatory Notification Countries and Jurisdictions) complete, read, and provide the youth with a copy of the "For Foreign Nationals from Mandatory Notification Countries" form (Attachment H). Document the information and import the completed form (Attachment H) in CE.

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2. Notify the appropriate Consulate (pursuant to the Vienna Convention on Consular Relations) by fax using the "Consular Fax Notification" form (Attachment G). To find consulate contact information go to: <https://travel.state.gov/content/travel/en/consularnotification/QuarantinedForeignNationals/countries-and-jurisdictions-with-mandatory-notifications.html>
  3. The Consulate of Mexico is a Non-Mandatory Notification Country. Mexico has requested, pursuant to the Vienna Convention on Consular Relations, they be notified by fax when any Mexican Citizen is detained in a JDAC. Consulate of Mexico, 293 North D Street, San Bernardino, CA 92401. Telephone (909) 889-9836/9837/9808, FAX (909) 889-8285.
- C. Non-Mandatory Notification:
1. If the youth's reported place of birth is outside of the United States (including a U.S. territory or Commonwealth) and notification is not mandatory, the PO shall:
    - (a) Ask the youth if they would like to notify their consulate of their detention and complete the "For All Foreign Nationals Except Those from Mandatory Notification Countries" form (Attachment I). Document the information and import the completed form (Attachment I) in CE.
    - (b) If the youth requests that their consulate be notified, complete the "Consular Fax Notification" form (Attachment G) and fax to the consulate of their citizenship. If the PO has reason to believe the youth is a victim of abuse or trafficking and contacting the parent or legal guardian would place the youth in danger, the PO shall notify the consulate using the "Consular Fax Notification" form (Attachment J), and complete a Child Protective Services (CPS) form.
    - (c) If the PO has reason to believe notification to the consulate could be detrimental to the youth (example, the youth is seeking asylum in the United States), the PO should ask the court to determine whether notification would be in the best interest of the youth.
    - (d) Consular notification is required in any case if the court initiates proceedings to appoint a guardian or trustee for the detained youth.
- D. ICE Request to Interview Youth:
1. Notify the youth, and read their rights. Complete the "Consent Form for Immigration and Customs Enforcement Interview" form (Attachment B) with the youth.
  2. If the youth agrees to be interviewed:
    - (a) Schedule an appointment for the interview.

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- (b) If the youth would like their attorney or immigration attorney to be present, allow the youth to contact the attorneys to schedule the interview.
    - 3. If the youth refuses to be interviewed:
      - (a) Inform ICE of the youth's decision.
  - E. ICE Request for Hold, Notification, and Transfer:
    - 1. With a Court Order:
      - (a) If ICE provides documentation requesting a court-ordered hold, notification, judicial warrant or transfer, provide the youth with "Immigration and Customs Enforcement Request" (Attachment C) and a copy of ICE's request documentation.
      - (b) In the event the department complies with an ICE judicial warrant, Notification, or Transfer, the PO shall document in CE the department's intent as well as the notifications to the youth.
  - F. Notification of Release:
    - 1. If the department is providing release information on a youth who is detained, notice of release "Immigration and Customs Enforcement Notified of Your Release" form (Attachment D) shall be provided to the youth, parent/guardian, ICE, attorney, and immigration attorney.
      - (a) Send ICE notification of release by faxing them the "Notification of Release Date" (Attachment E).
  - G. Notification of Death, Serious Injury, or Illness:
    - 1. In case of death, serious injury, or illness, notify the nearest consulate of the youth's country immediately utilizing the "Notification of Death or Serious Injury or Illness of a National of Your Country" fax form (Attachment J).
- III. Adult or Juvenile Probation Officer (PO):
  - A. If contacted by ICE, communicate with a supervisor prior to taking action.
  - B. The Department will cooperate with judicial warrants.
  - C. All ICE collaboration shall be documented in CE.
- IV. Intake Supervising Probation Officer (SPO) or Designee:
  - A. Ensure documentation, notifications, referrals and applicable documents have been entered/imported into CE when reviewing and/or transferring cases.
  - B. Facilitate matters regarding ICE holds, judicial warrants, administrative warrants, transfers, and notifications.

### **Agency Responsibilities:**

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All records relating to ICE access provided by the department, including communication with ICE, shall be public records for purposes of the California Public Records Act (Chapter 3.5, commencing with Section 6250), including exemptions provided by the Act and as permitted under that Act, personal identifying information may be redacted prior to public disclosure.

Records relating to ICE access include, but are not limited to, data maintained by the Department regarding the number and demographic characteristics of individuals to whom the Department has provided ICE access, the date ICE access was provided, and whether the ICE access was provided through a hold, judicial warrant, administrative warrant, transfer, or notification request or through other means.

The local governing body of any country, city, or city and county in which a local law enforcement agency has provided 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.

#### **409.5 ATTACHMENTS:**

See attachment: [Immigration\\_Attachments A-K \(Lexipol 6-5-2024\)-combined.pdf](#)

## Attachments

## **Immigration\_Attachments A- K (Lexipol 6-5-2024)-combined.pdf**





## KNOW YOUR RIGHTS

Starting January 1, 2017, a new California law called the TRUTH Act protects immigrants' basic rights in local detention facilities. Know your rights!

### **You always have the right to remain silent.**

When talking to or in front of law enforcement, anything you say can and will be used against you—don't talk about your immigration status, citizenship, when or how you came to the US, or where you're from.

### **You have the right to say "no" to an interview with Immigration and Customs Enforcement (ICE).**

Under the TRUTH Act, ICE can only interview you in custody if you *sign* a consent form beforehand and agree to the interview. **This means that you have the right to refuse the interview and the right to remain silent!**

If for any reason ICE tries to interview you, you can exercise your right to remain silent. **You can also request to have your attorney present.** If you do not have an immigration attorney, you can find one at your own expense or, in some places, from a local non-profit organization.

### **You have the right to know** if ICE agents are looking for you in custody.

Under the TRUTH Act, Probation has to give you a copy of any ICE holds (requests by ICE to the juvenile detention facility to hold you for extra time\*\*) or ICE notification requests (requests by ICE for the date and time you will be released from custody).

The Probation Department also needs to inform you and your attorney, or a person that you choose in writing if Probation is going to tell ICE when you will be released from custody. This gives you more time to prepare to fight your case.

\*\*In most cases, it is against the law for local juvenile detention facilities to hold someone for extra time, just for deportation purposes. If any local law enforcement agency like the Probation Department, Police, or Sheriff - detains you on an ICE hold without probable cause issued by a Judge they can be sued and they may have to pay you compensation.

**If you or a loved one are interviewed by ICE in a juvenile detention facility without your consent or are wrongly transferred to ICE from the local juvenile facility you can call the ICE Out of California Hotline at 1-844-878-7801.**



**Consent Form for Immigration and Customs Enforcement Interview**

- Solicito recibir este formulario en español. / I request to receive this form in Spanish.
- 請寄來中文表格。 / I request to receive this form in Chinese.
- Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
- Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
- 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

This notice is to inform you that Immigration and Customs Enforcement (“ICE”) wants to interview you, either in person or by phone, to get information that they may use to try to deport you. **You have the right to agree or to refuse this interview.**

This notice is intended to provide you with information about your rights:

- (1) **ICE interviews are voluntary.** You can say no to an interview by ICE.
- (2) **You have the right to remain silent.** Even if you decide to say yes to an interview, you can refuse to answer any questions, including questions about your immigration status. This includes where you were born and how you came to the United States. Anything you say may be used against you in criminal and/or immigration proceedings. You should not sign any forms you do not understand.
- (3) **You may request to have an attorney present during any interview.** If you request an attorney in this form below, the Probation staff may not bring you to an ICE interview without your attorney present.
- (4) **If you are already in removal (deportation) proceedings,** you have the right to have your immigration lawyer present during any questioning. You should tell ICE to contact your attorney (if you have one) before the interview.

***By checking the box and signing below, you are indicating whether or not you agree to an interview with ICE. The Probation staff or Police Officer will inform ICE of your decision. The Probation staff is only allowed to bring you to an ICE interview if you agree.***

Name: \_\_\_\_\_ PIN #: \_\_\_\_\_  
Signature: \_\_\_\_\_

- \_\_\_\_\_ I do **not** agree to speak to ICE.
- \_\_\_\_\_ I **agree** to speak with ICE, **only** with my attorney present.
- \_\_\_\_\_ I **agree** to speak with ICE, **without** an attorney present.

**FOR LAW ENFORCEMENT PERSONNEL:**

Served by: \_\_\_\_\_ ID #: \_\_\_\_\_ Date: \_\_\_\_\_



## Immigration and Customs Enforcement Request

- Solicito recibir este formulario en español. / I request to receive this form in Spanish.
- 請寄來中文表格。 / I request to receive this form in Chinese.
- Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
- Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
- 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

The purpose of this letter is to inform you that Immigration and Customs Enforcement (“ICE”) has requested that we:

- Hold you for up to 48 hours after your release from criminal custody to allow ICE time to take you into immigration detention. (I-247 or I-247D)
- Notify ICE of your release date, so that ICE may detain you. (I-247N)
- Transfer you into immigration detention. (I-247X or other request)
- Under the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, we are required to provide you with a copy of ICE’s request and inform you whether we intend to comply with the request. A copy of the request is attached.

**We  DO/  DO NOT intend to comply with ICE’s request. (check one)**

You will promptly receive a separate letter if we notify ICE of your release date. **We are required to notify both you and your attorney or another person that you choose if we notify ICE of your release. Please provide contact information, including phone number and/or email, for your attorney or another person that you choose on the next page.**

Please contact if you have any questions or concerns.  
Name of Officer & Contact Information

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### FOR LAW ENFORCEMENT PERSONNEL:

Served by: \_\_\_\_\_ ID #: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Youth: \_\_\_\_\_ PIN# \_\_\_\_\_

Attorney or Designee (choose one): \_\_\_\_\_

Name of Attorney or Designee: \_\_\_\_\_

Email for Attorney or Designee: \_\_\_\_\_

Phone Number for Attorney or Designee: \_\_\_\_\_



## Immigration and Customs Enforcement Notified of Your Release

- Solicito recibir este formulario en español. / I request to receive this form in Spanish.
- 請寄來中文表格。 / I request to receive this form in Chinese.
- Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
- Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
- 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Under the Transparent Review of Unjust Transfers and Holds (“TRUTH”) Act, we are required to notify you and your attorney or another person that you choose in writing if we inform Immigration and Customs Enforcement (“ICE”) of your release.

The purpose of this letter is to inform you that on \_\_\_\_\_ at \_\_\_\_\_ (Date and Time of notice to ICE), we notified ICE that you are scheduled to be released on \_\_\_\_\_ at \_\_\_\_\_ (Date of release Time of release). We have provided this same information to your attorney/designee: (Circle one) \_\_\_\_\_ (Name of attorney or designee (see Attachment C) Email and/or Phone Number) on \_\_\_\_\_ (Date).

Please contact if you have any questions or concerns.  
(Name of officer & Contact Information)

CC: \_\_\_\_\_  
(Name of attorney or designee)

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**FOR LAW ENFORCEMENT PERSONNEL:**

Served by: \_\_\_\_\_ ID #: \_\_\_\_\_ Date: \_\_\_\_\_



## Notice of Release Date

Date:

\_\_\_\_\_

To: Immigration and Customs Enforcement      Ph #      (909) 386-3271  
Alien Criminal Apprehension Program      FAX #      (909) 386-3303

From: \_\_\_\_\_ FAX# \_\_\_\_\_

Central Valley Juvenile Detention and Assessment Center (CVJDAC)

High Desert Juvenile Detention and Assessment Center (HDJDAC)

Total Pages Including Cover Sheet \_\_\_\_\_

\_\_\_\_\_  
Youth's Name (Last, First, Middle)

\_\_\_\_\_  
Aliases

\_\_\_\_\_  
DOB(s)

\_\_\_\_\_  
Reported Country of Birth

\_\_\_\_\_  
Date of Release

All the cases listed above must have a Dispositional report face sheet included with this fax

**Notice of Confidentiality:** This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address listed above via the U.S. Postal Service. Thank you.



## IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) MANDATORY NOTIFICATION COUNTRIES AND JURISDICTIONS

Albania	Malaysia
Algeria	Malta
Antigua and Barbuda	Mauritius
Armenia	Moldova
Azerbaijan	Mongolia
Bahamas, The	Nigeria
Barbados	Philippines
Belarus	Poland
Belize	Romania
Brunei	Russia
Bulgaria	Saint Kitts and Nevis
China (Including Macao)	Saint Lucia
Costa Rica	Saint Vincent and the Grenadines
Cyprus	Seychelles
Czech Republic	Sierra Leone
Dominica	Singapore
Fiji	Slovakia
Gambia, The	Tajikistan
Georgia	Tanzania
Ghana	Tonga
Grenada	Trinidad and Tobago
Guyana	Tunisia
Hong Kong	Turkmenistan
Hungary	Tuvalu
Jamaica	Ukraine
Kazakhstan	United Kingdom
Kiribati	Uzbekistan
Kuwait	Zambia
Kyrgyzstan	Zimbabwe



## CONSULAR FAX NOTIFICATION

**SUBJECT:**

NOTIFICATION OF ARREST OR DETENTION OF A NATIONAL OF YOUR COUNTRY

**DATE/TIME:** \_\_\_\_\_

**TO:** Embassy/Consulate of \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_  
(Country) (City) (State)

**FROM:**

Name/Office \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Telephone (\_\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_\_) \_\_\_\_\_

***We arrested/detained the following foreign national, who we understand is a National of your country, on \_\_\_\_\_  
(Date)***

Name: \_\_\_\_\_  
Date of Birth/Place of Birth: \_\_\_\_\_  
Nationality/Country: \_\_\_\_\_  
Passport Issuing Nation: \_\_\_\_\_  
Passport Number: \_\_\_\_\_

***This person has been or may be charged with the following offense(s):***

\_\_\_\_\_

For more information, please call \_\_\_\_\_ between the hours of \_\_\_\_\_.  
Please refer to case number \_\_\_\_\_ when you call.

**ADDITIONAL INFORMATION:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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## For Foreign Nationals from “Mandatory Notification” Countries

Because of your nationality, we are required to notify your country’s consular officers here in the United States that you have been arrested or detained. We will do this as soon as possible. In addition, you may communicate with your consular officers. You are not required to accept their assistance, but your consular officers may be able to help you obtain legal representation and may contact your family and visit you in detention, among other things. Please sign to show that you have received this information.

Do you want to contact your consular officer?

- Yes, I want to contact my consular officer. \_\_\_\_\_ (youth’s initials)
- No, I do not want my consular officer notified at this time. I understand that I may request to contact my consular at any time in the future. \_\_\_\_\_ (youth’s initials)

Youth’s name: \_\_\_\_\_

Youth’s signature: \_\_\_\_\_

PIN Number: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_





## For All Foreign Nationals Except Those from “Mandatory Notification” Countries

As a non-U.S. citizen who is being arrested or detained, you may request that we notify your country’s consular officers here in the United States of your situation. You may also communicate with your consular officers. A consular officer may be able to help you obtain legal representation and may contact your family and visit you in detention, among other things. If you want us to notify your consular officers, you can request this notification now, or at any time in the future. Do you want us to notify your consular officers at this time?

- Yes, I want my consular officer notified. \_\_\_\_\_ (youth’s initials)
- No, I do not want my consular officer notified at this time. I understand that I may request to contact my consular at any time in the future. \_\_\_\_\_(youth’s initials)

Youth’s name: \_\_\_\_\_

Youth’s signature: \_\_\_\_\_

PIN Number: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_



## FAX SHEET – CONSULAR NOTIFICATION

### NOTIFICATION OF DEATH, SERIOUS INJURY OR ILLNESS OF A NATIONAL OF YOUR COUNTRY

**DATE/TIME:** \_\_\_\_\_

**TO:** Embassy/Consulate of \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_  
(COUNTRY) (CITY) (STATE)

**FROM:**

Name/Office \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone (\_\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_\_) \_\_\_\_\_

**The following individual, who we understand is a national of your country:**

*Has died, was seriously injured, OR is seriously ill within our jurisdiction.*

**(CIRCLE ONE)**

Name: \_\_\_\_\_

Date of Birth/Place of Birth: \_\_\_\_\_

Nationality/Country: \_\_\_\_\_

Passport Issuing Nation: \_\_\_\_\_

Passport Number: \_\_\_\_\_

Date of Death: \_\_\_\_\_ Place of Death: \_\_\_\_\_

Apparent Cause of Death: \_\_\_\_\_

For more information, **please call** \_\_\_\_\_ between the hours of \_\_\_\_\_.

Please refer to **case number** \_\_\_\_\_ when you call.

**ADDITIONAL INFORMATION:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## GOVERNMENT CODE 7282.5

1. The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.
2. The individual has been convicted of a felony punishable by imprisonment in the state prison.
3. 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 felony for, any of the following offenses:
  - a. Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.
  - b. Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.
  - c. Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.
  - d. Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.
  - e. Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.
  - f. Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.
  - g. Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.
  - h. Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.
  - i. Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.
  - j. Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.
  - k. Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.
  - l. Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).
  - m. An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.
  - n. Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.
  - o. Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.
  - p. An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.
  - q. A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

- r. Possession or use of a firearm in the commission of an offense.
  - s. An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.
  - t. False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.
  - u. Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.
  - v. Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.
  - w. A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.
  - x. Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.
  - y. A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.
  - z. Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.
  - aa. Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.
  - bb. An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.
  - cc. Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.
  - dd. Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.
  - ee. A violation of subdivision (c) of Section 20001 of the Vehicle Code.
4. The individual is a current registrant on the California Sex and Arson Registry.
  5. The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.
  6. In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.
  7. In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.