

**[DRAFT] Report of the Sheriff Civilian Oversight Commission
Immigration Ad Hoc Committee
Regarding the Los Angeles County Sheriff's Department
Cooperation with Immigration and Customs Enforcement (ICE)
and [PROPOSED] Recommendations**



Date: April 23, 2019

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
INTRODUCTION	6
ACTIONS OF THE CIVILIAN OVERSIGHT COMMISSION.....	6
I. PATROL POLICY & PROCEDURE STATUS	7
II. CUSTODY POLICY & PROCEDURE STATUS.....	9
III. LASD DISCRETION WITH ICE.....	14
IV. CRIME STATISTICS, PUBLIC SAFETY, & CRIMES REMOVED FROM THE “LIST”	16
V. LASD DISCRETION WITH ICE: IMPACT ON OTHER COUNTY DEPARTMENTS.....	18
VI. JURISDICTIONS RESTRICTING COOPERATION WITH ICE	18
VII. FISCAL IMPACT/COST	20
VIII. COMMUNITY FEEDBACK.....	20
RECOMMENDATIONS.....	22
CONCLUSION	23
ADDENDUM-“A”	24

Executive Summary

In October 2013, Governor Jerry Brown signed the Trust Act. The Trust Act prohibits law enforcement officials from detaining an individual based on an Immigration and Customs Enforcement (ICE) request to hold an inmate at the time he is eligible for release from custody, unless certain conditions are met.¹ The Trust Act provides for discretion to cooperate with ICE, only if the continued detention would not violate any law or any local policy, and where any of the following circumstances are met:²

- 1) The individual has been convicted of a serious or violent felony.
- 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, or has been convicted at any time of a felony including burglary, theft, crimes endangering children, battery, and vandalism.

In January 2017, the Truth Act placed additional requirements on California law enforcement agencies (LEA) and their dealings with ICE. The Truth Act provides that in advance of any interview between ICE and an inmate regarding civil immigration violations, the LEA shall provide the inmate with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present.³ In addition, the consent form provided to the inmate must be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean (as well as other languages set forth in Health & Safety Code Section 128552(d)).⁴ Furthermore, the Truth Act requires that upon receipt of any ICE hold, notification, or transfer request, the LEA must provide a copy of the request to the inmate and inform him or her whether the LEA intends to comply with the ICE request.⁵

In recent years, ICE agents have increased their efforts to serve civil detainers on local LEAs such as Los Angeles County, which has nearly 3.5 million immigrants living in the county.^{6,7} ICE civil detainers (Form I-247A) provide notice to LEAs that ICE intends to assume custody of an undocumented person in LEA custody.⁸ As a policy matter, ICE attaches an administrative warrant (Warrant for Arrest or Warrant for Removal/Deportation) to the civil detainer that is signed by an ICE immigration officer.⁹ Administrative warrants signed by an immigration official do not carry the same weight as criminal warrants (judicial warrants), which are issued by judges.¹⁰ In March 2017, ICE issued a policy that took note of their administrative warrant limitations and LEAs ability to decline ICE

¹ California Legislative Information. (2017). Government Code Section 7282.5. Retrieved from https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=7282.5.&lawCode=GOV

² Ibid.

³ California Legislative Information. (2017). Government Code Section 7283.1. Retrieved from https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2792

⁴ Ibid.

⁵ Ibid.

⁶ Los Angeles County Board of Supervisors Motion. (2017). Motion By Supervisors Hilda L. Solis and Sheila Kuehl. Retrieved from <http://file.lacounty.gov/SDSInter/bos/supdocs/110755.pdf>

⁷ U.S. Immigration and Customs Enforcement. (2017). Fiscal Year 2017 ICE Enforcement and Removal Operations Report. Retrieved from <https://www.ice.gov/sites/default/files/documents/Report/2017/iceEndOfYearFY2017.pdf>

⁸ United States Immigration and Customs Enforcement. (2017). Issuance of Immigration Detainers by ICE Immigration Officers. Retrieved from <https://www.ice.gov/sites/default/files/documents/Document/2017/10074-2.pdf>

⁹ Ibid.

¹⁰ Federal Law Enforcement Training Centers. (2017). ICE Administrative Removal Warrants (MP3). Retrieved from <https://www.fletc.gov/audio/ice-administrative-removal-warrants-mp3>

detainers.¹¹ California and local government agencies have elected to re-evaluate their laws, rules, policies and guidelines associated with their interactions with immigrant populations to effectively ensure public safety.

In 2016, the California legislature introduced The California Values Act of 2017 (Senate Bill 54). Among other things and subject to exceptions, SB 54 prohibits the use of state and local resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes.¹²

In January 2017, the Los Angeles County Board of Supervisors (Board) passed a motion requesting that the Sheriff Civilian Oversight Commission (COC) and other departments conduct a review and analysis of the immigration policies of the Los Angeles County Sheriff's Department (LASD), and issue associated recommendations.

This report is in response to that Board request and includes a review of related areas that the COC deemed relevant and associated to carry out the intent of the policy.

After reviewing and analyzing LASD's policies, procedures and practices relating to its relationship with ICE, we conclude that LASD has worked diligently and effectively to implement procedures ensuring compliance with both the California Truth Act and the California Values Act. The COC commends LASD for its professionalism in this regard. Indeed, soon after appearing before the Board on January 10, 2018, LASD initiated a review of its own immigration-related policies, procedures and practices, which led to swift actions like taking a decentralized process of addressing ICE detainers and creating a more streamlined and effective centralized process. In December 2018, newly elected Sheriff Alex Villanueva announced that revised Immigration policies would be in effect as of February 1, 2019.

Based on the community feedback received by the COC on this issue, our own analysis of the public safety and fiscal issues involved, and a review of how cooperation with ICE has been handled by law enforcement agencies in other jurisdictions, we believe Los Angeles County would be better served by a more robust "bright line" separating the activities of the LASD from those of ICE. To that end, we respectfully submit the following key [draft] recommendations:

1. LASD should not provide ICE with more information than it provides to the public, nor shall LASD disseminate information regarding inmate release status or other confidential information, unless required by federal or state law.
2. LASD should continue to ensure that all department operations (e.g. custody facilities, station jails, and court lock-ups), inmate detainer release procedures, and detainer notifications/acceptance policies are consistently reviewed and updated in accordance with governing laws.
3. LASD should ensure development of an "Immigration Information" web link for posting information items such as:
 - a. Inmate detainer release procedures and/or detainer policies & flowcharts
 - b. U-Visa and/or related policies and procedures
 - c. Related helpful links including, but not limited to:
 - i. Legal and social-service resources

¹¹ United States Immigration and Customs Enforcement. (2017). Issuance of Immigration Detainers by ICE Immigration Officers. Retrieved from <https://www.ice.gov/sites/default/files/documents/Document/2017/10074-2.pdf>

¹² California Legislative Information. (2017). Senate Bill-54 Law enforcement: sharing data. Retrieved from https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB54

- ii. ICE detainee locator system
 - iii. Forms relating to the rights of inmates with detainers
4. LASD should ensure development of social media, instant communications and marketing material to apprise the public of the availability of the “Immigration Information” web link. LASD public website should include, but not be limited to a brief video in English and Spanish highlighting the Department’s policy on Immigration inquiries and notifications that is comparable to the video on the intranet for Department personnel.
 5. LASD should ensure that appropriate staff acknowledge receipt of these immigration policies and are trained in their application.
 6. LASD should not assist ICE in any operation to enforce federal immigration laws. Nothing shall prohibit LASD from continuing to participate in joint task forces with ICE, where allowed by County policy.
 7. LASD should disclose, through a publicly accessible website, on a basis consistent with state law, the following data:
 - a. Annual reports to the Department of Justice, if applicable.
 - b. Monthly reports reflecting the number of immigration-related transfers to ICE and the offenses justifying the transfer.
 - c. Monthly report on U-Visa applications submitted for certification and the percentage certified by LASD.
 8. The Sheriff should provide the COC with a quarterly report on the number of civil immigration detainees and criminal enforcement requests received from ICE as well as the number of immigration-related transfers to ICE in an effort to increase transparency and accountability.
 9. LASD should not provide ICE, or persons or entities contracted through ICE with access to the Inmate Reception Center (IRC) or other areas within the jail, or other LASD properties such as courthouse lockups and station jails, unless required by federal or state law.
 10. LASD should not honor ICE detainees, including requests by ICE to hold, detain, house, or transfer any inmate, unless specifically required by federal or state law.
 11. LASD should not approve employee’s Requests for Approval of Outside Employment with ICE and/or ICE associated operations if they are incompatible or involve conflicting functions or responsibilities to the Department.
 12. We recommend that the Board examine how LASD uses County resources on administrative and/or personnel costs involved in tracking and responding to ICE civil immigration detainees and propriety of seeking reimbursement from the federal government for such costs.

INTRODUCTION

On January 10, 2017, the Board passed a motion¹³ requesting that the COC, in collaboration with the Inspector General and the Auditor-Controller (AC), review, analyze and make recommendations concerning LASD adherence to immigration policies described in their January 10, 2017 letter¹⁴ and any other relevant policies as needed to carry out the intent of the policy and to report back in writing to the Board quarterly.

In their January 10, 2017, letter LASD referred to the following patrol and custody policies:

- Patrol Policies in MPP 5-09/271.00-Immigration Inquiries and Notifications policy
- Custody Policies in CDM 5-12/005.05-Anti-Retaliation Policy and IRC/CRDF Unit Order titled, “Release Area Procedures”

Due to the complexity of this issue the COC conducted its review of this matter over an extended period of time.

ACTIONS OF THE CIVILIAN OVERSIGHT COMMISSION

The COC established an Immigration ad hoc committee comprised of four Commissioners to work with the COC staff, Inspector General and the AC in conducting the review and analysis as requested by the Board. The committee consisted of Commissioners Hernan Vera, Lael Rubin, Heather Miller, Priscilla Ocen and Casimiro U. Tolentino, and was staffed by Tracy Jordan-Johnson. Upon the expiration of Commissioner Miller’s term, she was replaced by Commissioner Ocen.

The committee members took the following actions:

1. Initiated contact with Office of Inspector General (OIG) Max Huntsman to collaborate with the COC and the AC in the review and analysis process
2. Initiated contact with AC office Alysa Serdengecti and Steven Lee to collaborate with the COC and the OIG in the review and analysis process
3. Review and analysis of LASD Policy Manuals and related materials from March 2017 to October 2018
4. Conducted on-site facility tours:
 - March 1, 2017 of Men’s Central Jail and Twin Towers
 - May 2, 2017 of Inmate Reception Center Release Area/AB4 desk
 - June 15, 2017 of Century Regional Detention Facility
 - August 17, 2017 of Inmate Reception Center Release Area/AB4 desk
 - February 20, 2018 of Inmate Reception Center Release Area/AB4 desk
5. Conducted Town Hall meetings
6. Conducted ride-a-long observations
7. Staff observation and interviews
8. Reviewed LASD public website and related online materials
9. Reviewed relevant legislation, literature and related materials

This report is the outcome of the ad hoc committee review and is to be presented to the Board and the COC.

¹³ Los Angeles County Board of Supervisors Motion. (2017). Motion By Supervisors Hilda L. Solis and Sheila Kuehl. Retrieved from <http://file.lacounty.gov/SDSInter/bos/supdocs/110755.pdf>

¹⁴ Los Angeles County Sheriff’s Department. (2017). Los Angeles County Sheriff’s Department Report on our Policies, Practices, and Procedures Relating to our Immigrant Residents. Retrieved from <http://file.lacounty.gov/SDSInter/bos/supdocs/110712.pdf>

I. PATROL POLICY & PROCEDURE STATUS

The ad hoc committee and COC staff arranged for a number of patrol ride-a-longs with LASD to determine adherence during the review period. The committee reviewed and analyzed LASD policies, practices and procedures referenced in their January 10, 2017, letter to the Board and any other relevant policies.

Patrol Policies

LASD patrol policies and procedures apply to four Patrol Divisions throughout Los Angeles County.¹⁵ Policies that were referenced in the letter to the Board and relevant policies discovered during our review include:

- Immigration Inquires and Notifications Policy in the MPP 5-09/271.00 was last revised September 21, 2015. This policy covers immigration inquires and notifications, and it notes that Department members shall investigate criminal activity without regard to an individual's legal status and shall not initiate police action with the objective of discovering the individual's immigration status. Furthermore, this policy clearly notes that Department members shall neither arrest nor book an individual solely on suspicion of violating a federal immigration law relating to illegal entry, being unlawfully present, or overstaying a visa.
- U-Visa Policy in the MPP 5-09/271.00 was last revised September 21, 2015. This policy covers U-Visas by noting that nothing in their policies is intended to interfere with Department responsibility to assist undocumented immigrants who are victims and/or witnesses in certain criminal matters in obtaining U-Visas under the Victims of Trafficking and Violence Protection Act of 2000. LEA's such as LASD provide certification that the undocumented victim is helping in the investigation and prosecution of the crime of which he or she was a victim.¹⁶ The U-visa allows eligible undocumented crime victims to live and work in the United States for up to four years with the possibility of obtaining permanent resident status.¹⁷
- Emergency Operations Bureau Policy in MPP Policy 2-11/040.00 was last revised January 31, 2007. This policy covers LASD Joint Regional Intelligence Center working together with various agencies such as, but not limited to, the Federal Bureau of Investigation and the Department of Homeland Security. This policy in part notes that they work to develop and maintain a liaison information sharing process, which includes law enforcement and public safety. LASD services associated with this area of policy involve participation in the Operation Stonegarden (OPSG) Grant Program, which may include the participation in task force operations related to Homeland Security. LASD participation in the OPSG is to enhance law enforcement preparedness and operational readiness along the land and water borders of the United States. LASD OPSG participation only consists of enforcing local and state laws and will not consist of enforcing immigration laws.¹⁸

During our research and request for follow-up information from LASD, the COC received a copy of Field Operations Directive 09-002 on Procedures for Law Enforcement Certification for U Nonimmigrant Status that was dated May 18, 2016. The date of this policy directive precedes the

¹⁵ Los Angeles County Sheriff's Department. (2010). Overview of LASD Patrol Stations. Retrieved from http://www.la-sheriff.org/s2/page_render.aspx?pagename=patrol_detail_01

¹⁶ Los Angeles County District Attorney's Office. (2017). U Visas. Retrieved from <http://da.lacounty.gov/vwap/uvisa>

¹⁷ Ibid.

¹⁸ Los Angeles County Sheriff's Department. (2017). Letter seeking Authority to Execute Agreement for Participation in Operation Stonegarden. Retrieved from <http://file.lacounty.gov/SDSInter/bos/supdocs/111889.pdf>

Board passing of the January 10, 2017 motion. However, the directive was not previously presented to the Board or the COC.

Procedures for Law Enforcement Certification for U Nonimmigrant Status in Field Operations Directive (FOD) 09-002 were last revised on May 18, 2016. This policy gives background information on the creation of the U Visa and the U Visa Rules. This FOD further describes the Detective Bureau Responsibilities related to completion of certification forms. The swearing in of Sheriff Alex Villanueva in December 2018 further impacted field operations policies and will be described in the next section.

Patrol Procedure Status

LASD Patrol Policy observation consisted of more than a dozen COC staff ride-a-longs with deputies who provided insight into a day on duty as deputies perform their patrol duties without inquiring about immigration status. Staff ride-a-longs involved observation of personnel at stations throughout the county including deputies assigned to Mental Evaluation Teams. Ride-a-long opportunities also provided the ability to view station lobbies and observe wall postings or lack thereof of materials displayed for community members related to relevant matters impacting their communities such as LASD interactions with ICE. During the review period, COC staff held more than ten (10) Town Halls or similar events throughout Los Angeles County for community engagement purposes. Residents were given the opportunity to provide public comments during these events but did not specifically complain about LASD deviating from their patrol policy and procedure adherence requirements referenced in the board letter.

In May 2018, LASD personnel attended a COC Town Hall and distributed brochures titled “Immigration Information Guide” in English¹⁹ and Spanish²⁰ to attendees. During the review period, a number of LASD immigration policies, procedures and guidelines were not readily accessible online for public access similar to other LEAs. At the time of the review, the LASD public website homepage (first page individuals see) and Patrol Station Operations homepage (first page individuals see associated with patrol operations) did not have links to immigration information and/or policies. Further review of the LASD public website also revealed that viewers would have to search through the public data sharing links to eventually locate the Manual of Policies and Procedures (MPP) before they then had to further search for immigration information and/or policies. MPP information that viewers see provide limited information about the U-Visa process and/or who to contact for further information. A search of the LASD public website did not return a copy of FOD 09-002 associated the U-Visa rules, qualifying crimes, how to apply or any of the attachments. In addition, the LASD public website MPP information that viewers see does not alert them to when the policies became effective, when they were last revised and/or if they are current. Further search of the LASD public website public data sharing section reflected the absence of data related to U-Visa applications submitted for certification and participation or lack thereof in any taskforces involving ICE. However, an LASD presentation before the Board on December 18, 2018, reflects the compilation of LASD U-Visa data and appears to reveal no real change in the number of applications received from 2017-2018.²¹

¹⁹ Los Angeles County Sheriff's Department. (2017). Immigration Information Guide. Retrieved from <http://lasd.org/pdfjs/web/viewer.html?file=ccb.pdf>

²⁰ Los Angeles County Sheriff's Department. (2017). Guia Informativo De Inmigracion. Retrieved from <http://lasd.org/pdfjs/web/viewer.html?file=ccbSP.pdf>

²¹ Los Angeles County Board of Supervisors. (2018). Board of Supervisors December 18, 2018 Agenda Item-52 Presentation. Retrieved from <http://file.lacounty.gov/SDSInter/bos/supdocs/130924.pdf>

COC staff also registered to receive reliable high-speed important local law enforcement information by cellphone, email and over the web from NIXLE.²² During the review period, COC staff received a number of LASD NIXLE advisories and community information distributions. However, none of the distributions consisted of immigration information and/or policies.

After the election of Sheriff Villanueva in late 2018 and as of March 2019, LASD field operations policies and procedures now include, but are not available via the LASD public website:

- ICE Agents, Detainers, and Station Jails policy in Field Operations Newsletter Volume 19 Number 03 was last revised as of February 15, 2019 (**Attachment A**). This policy refers to Inmate Reception Center (IRC) Release Compliance Desk (RCD) being responsible for informing the station if ICE plans on taking custody of an inmate and arranging transportation with ICE. This policy also refers to transportation officers being retained by ICE taking custody of and transporting inmates within the standard time of release. Furthermore, this policy refers field operations to Custody Division Directive (CDD) 19-001-ICE Access to Custody Facilities with a notation that ICE agents shall not be permitted into any custody facility, station jail, or court lock-up to conduct civil immigration enforcement. This newsletter policy then goes further in noting that ICE agents may be permitted access to inmates regarding criminal enforcement, including interviews pursuant to Custody Division Manual (CDM) section 5-10/055.00. Thus, according to this newsletter policy ICE agents may not be completely removed from the station jails.²³
- Personnel may only participate in joint task forces with federal immigration officials where the purpose of the task force is to investigate violations of local, state or federal criminal laws unrelated to immigration enforcement.

Based upon our observations, the COC concludes that LASD has made substantial improvement to ensure adherence with policies, practices and procedures in this area. The COC should continue to monitor the LASD field operations for adherence.

II. CUSTODY POLICY & PROCEDURE STATUS

The ad hoc committee and COC staff arranged for a number of jail facility tours with LASD to determine adherence during the review period. The committee reviewed and analyzed LASD policies, practices and procedures referenced in their January 10, 2017, letter to the Board and any other relevant policies.

Custody Policies

LASD custody policies and procedures apply to several jail facilities throughout Los Angeles County. The LASD Inmate Reception Center (IRC) custodial personnel are responsible for processing hundreds of new bookings, moving thousands of inmates to court, transferring inmates to the custody of Federal, State and other County agencies.²⁴ Policies that were referenced in the letter to the Board and relevant policies discovered during our review include:

²² NIXLE. (2018). FAQs (Resident). Retrieved from <http://www.nixle.com/resident-faqs/>

²³ NBC Los Angeles. (2018). New LA County Sheriff Promises to 'Physically Remove ICE' from Jails. Retrieved from <https://www.nbclosangeles.com/news/local/Alex-Villanueva-Limit-Cooperation-ICE-503111661.html>

²⁴ Los Angeles County Sheriff's Department. (2014). Custody Services Division. Retrieved from <http://shq.lasdnews.net/pages/PageDetail.aspx?id=1716>

- IRC Unit Order “Release Area Procedures”-Unit Order 5-22/001.10 policy was last revised October 27, 2015. This policy covers, but is not limited to ICE detainer processing and release procedures and notes that an ICE Department of Homeland Security I-274D form, dated May of 2015, shall only be honored if it meets all of the following three (3) qualifying criteria: (1) Electronic database screening by ICE agents indicating a “high likelihood of the inmate being in the United States illegally”, (2) Inmate’s criminal history meets the Priority Enforcement Program “PEP” (priority category 1, 2, or 3), and (3) Inmate’s current or past history meets the qualifying criteria of the “Trust Act” (Assembly Bill 4 (AB4)), pursuant to California Government Code Section 7282.5(a), as set forth in the LASD list of qualifying AB4 charges. This area of policy refers to LASD providing ICE agents with a seven (7) day notice list of all inmates scheduled for release and that such list is sent on a daily basis to the message center. The IRC Unit Order also notes that agents have the opportunity to electronically screen the list of inmates to establish the PEP priority, high likelihood of being illegally in U.S. and criminal history.
- CRDF Release Area Procedures policy was last revised October 24, 2014. This policy covers, but is not limited to ICE detainer release and court procedures and notes that an ICE Department of Homeland Security I-274D form, dated December 2012, shall only be honored if it meets all of the following three (3) qualifying criteria: (1) ICE telephonically requests the person be detained for pickup by ICE, (2) ICE can meet booking’s six hour time limit (three hours for Bail, Bond, 849(b)(1) and 849(b)(2) releases and, (3) IRC approves the transfer to ICE.
- Anti-Retaliation policy in Custody Division Manual (CDM) 5-12/005.05 was last revised November 17, 2015. This policy covers anti-retaliation and notes that inmates shall not be subjected to retaliation for any reason. This policy further notes that inmates shall not be deprived of basic human necessities as a form of retaliation such as housing.
- ICE Detainer Notifications policy in CDM Policy 4-06/005.00 was last revised March 11, 2013. This policy covers immigration detainees that are sent to Department locations such as station jails, court lock-ups, and custody facilities. This policy notes: (1) If an inmate receives an “Immigration Detainer” and claims to be in the U.S. legally, personnel shall immediately notify the watch commander who shall immediately notify the IRC and (2) IRC personnel shall log notifications in the log book used exclusively to record ICE Detainer Disputes.
- ICE Detainer Acceptance and Processing Procedures in CDM 4-06/005.05 were last revised March 13, 2013. This policy covers immigration detainees acceptance by IRC. This policy does not refer to AB4 (Trust Act). LASD later provided a copy of this policy that was revised July 6, 2017 that did refer to AB4.

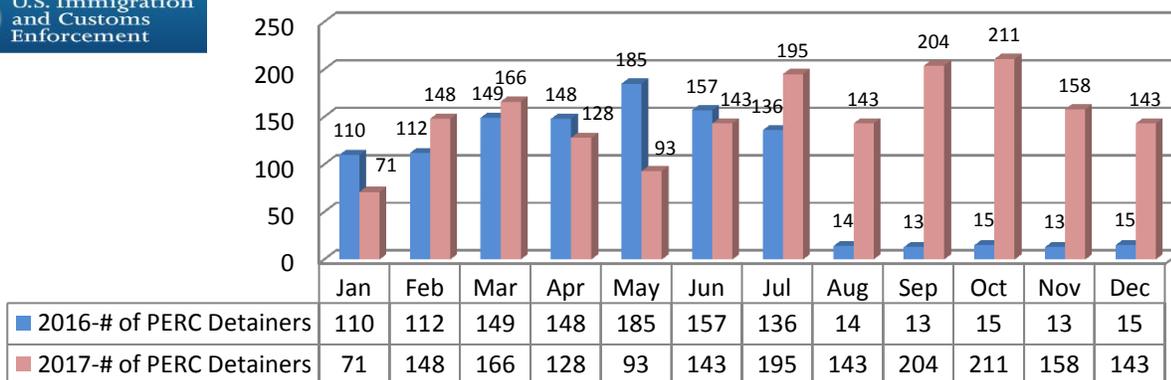
LASD initiated review, revision and implementation of a number of the above referenced policies soon after the Board passed the January 10, 2017 motion. The election of Sheriff Alex Villanueva in December 2018 further impacted the LASD immigration policies and will be explored in the next section.

Custody Procedure Status

During the August 2017 COC staff jail facility tour at the Inmate Reception Center (IRC), LASD personnel advised that the release process had been centralized via a “Release Compliance Desk” (RCD), which has been in operation since May 2017. The RCD is the LASD centralized process for ensuring consistency in addressing the acceptance and processing of ICE detainers. As of 2019 RCD has a total of seven custody assistants assigned (previously eight in 2018) and the IRC Release Area (IRC-RA) component has a total of six custody assistants assigned. LASD personnel assigned to work in this operation primarily carry out duties associated with inmate releases, which is associated with ICE civil detainer requests (ICE notice to LEAs that ICE intends to assume custody of an undocumented person in the LEA’s custody). RCD staff electronically receives two types of ICE civil detainer requests: (1) Pacific Enforcement Response Center (PERC) detainer requests (associated with booking and fingerprints), and (2) ICE/L.A. County Jail detainer requests (associated with Custody Reports-Inmates Pending Release) for undocumented persons. The RCD staff does not require the ICE civil detainers be accompanied by proof signed by a judge. When an ICE civil detainer is received, RCD staff review to determine if certain conditions are met associated with the involved inmate’s past or current criminal history that would meet the qualifying criteria specified in the Trust Act²⁵ such as: convicted of a serious or violent felony and/or convicted of a felony punishable by imprisonment in state prison.

In 2017, ICE sent LASD more than 1,800 PERC detainer requests, which is a 68.9% increase in the receipt of PERC detainers from 2016 (Table 1). In 2017, ICE also issued more than 1,120 ICE/L.A. County Jail detainer requests (ICE knowledge of inmates pending release), which is a 110.4% increase in the number of such detainers received in 2016 (Table 2). ICE detainers received by LASD recently resulted in more than 1,140 individuals being placed in ICE custody as of October 2017.²⁶ At the time of this review, the LASD public website Custody Operations homepage (first page individuals see associated with detention operations) did not have links to “Release Compliance Desk” information and/or other custody operation immigration information or policies. In addition, an October 2018 search of the LASD public website public data sharing ICE Statistics-Custody data reflected that the data ceased update in February 2018. At the time of the November 2018 draft report, COC staff was pending a response from LASD on updated ICE Statistics.

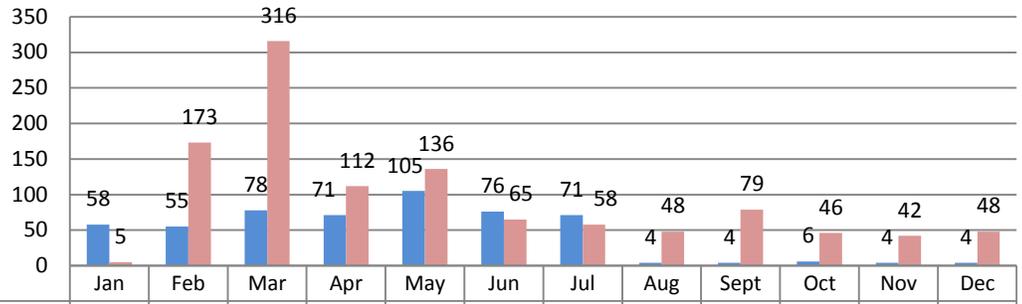
Table 1. LASD ICE Statistics-Custody-PERC Detainers (data & logo retrieved from <http://lasd.org/>)



²⁵ California Legislative Information. (2017). Government Code Section 7282.5. Retrieved from https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=7282.5.&lawCode=GOV

²⁶ Los Angeles County Sheriff’s Department. (2017). U.S. Immigration and Customs Enforcement Stats 2017. Retrieved from <http://lasd.org/>

Table 2. LASD ICE Statistics-Custody-LAC Jail Detainers (data & logo retrieved from <http://lasd.org/>)



■ 2016-# of ICE/LAC Jail Detainers Placed	58	55	78	71	105	76	71	4	4	6	4	4
■ 2017-# of ICE/LAC Jail Detainers Placed	5	173	316	112	136	65	58	48	79	46	42	48

LASD staff (IRC-RA) is also responsible for notifying inmates of the receipt of ICE detainers and providing them with a consent form (Truth Act form). The Truth Act provides that in advance of any interview between ICE and an inmate regarding civil immigration violations, the LEA shall provide the inmate with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present.²⁷ In addition, the consent form that the LEA provides to the inmate must be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean (as well as other languages per Health & Safety Code Section 128552(d)).²⁸ During the August 2017 tour, COC staff noticed that copies of translated Truth Act forms were not readily accessible and that there was a “general/outside law enforcement use room” (e.g. room all law enforcement officers have access to when conducting official business) in the IRC release area. During this tour, LASD updated COC staff on the status of policy revisions and noted that updated forms were still pending approval.

During our February 2018 jail facility tour of IRC, LASD personnel advised that policies were still pending. COC staff was advised that ICE agents still have physical access to the general/outside law enforcement use room in IRC release area, but ICE computers have been removed. COC staff observed that Truth Act forms were available in the release area only in English and Spanish. LASD advised a business decision was made for cost effectiveness to only print forms in the other languages as needed.

Effective January 1, 2018, Senate Bill 54, The California Values Act prohibits law enforcement agencies from using public resources to investigate, interrogate, detain, detect or arrest persons for immigration purposes, including:²⁹

- Cooperating in any case with ICE associated individuals convicted of misdemeanors that were previously felonies prior to the passage of Proposition 47,
- Providing information regarding inmates’ release dates or other information unless that information is available to the public or in response to ICE in accordance with the Trust Act,

²⁷ California Legislative Information. (2017). Government Code Section 7283.1. Retrieved from https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2792

²⁸ Ibid.

²⁹ California Legislative Information. (2017). Senate Bill-54 Law enforcement: sharing data. Retrieved from https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB54

- Transferring an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Government Code Section 7282.5,
- Providing office space exclusively dedicated for immigration authorities for use within a city or county law enforcement agency, and
- Places conditions on joint law enforcement task force activities whose primary purpose shall not be immigrant enforcement
 - If a law enforcement agency chooses to participate in a joint law enforcement task force, it shall submit a report annually to the Department of Justice

On October 8, 2017, the OIG provided the COC with their “Immigration: Public Safety and Public Trust” report. Although we will not summarize the report, the OIG’s key findings and recommendations are available online at <https://oig.lacounty.gov/Reports>. Former Sheriff Jim McDonnell concurred with the OIG’s recommendations and thanked the OIG staff for their efforts. On June 14, 2018, the OIG presented their report to the Board related to LASD adherence to its immigration policies.³⁰ This report identified one significant issue related to an adult being released to ICE at a juvenile delinquency court and noted that LASD is no longer posting information regarding appearances in the juvenile delinquency court on the LASD public website. The OIG continues to monitor LASD jail facilities and patrol operations.

After the election of Sheriff Villanueva and as of March 2019, LASD custody operations policies and procedures now include:

- ICE Access to Custody Facilities policy in Custody Operations Directive 19-001 was last revised February 11, 2019 (**Attachment B**). This policy covers, but is not limited to ICE agents shall not be permitted access to any custody facility, station jail, or court lock-up to conduct civil immigration enforcement. This policy also covers transportation officers’ access to custody facilities that are retained by ICE. However, this policy also notes that ICE agents may be permitted access to inmates regarding criminal enforcement, including interviews pursuant to Custody Division Manual (CDM) section 5-10/055.00. In addition, this policy also refers to ICE Detainer Acceptance and Processing Procedures policy in CDM section 4-06/005.05, which was last revised June 22, 2018 and still notes in part that, “ICE agents, or their designees, will be required to take custody and transport the inmate, within the standard time for release processing...” Thus, according to this policy ICE agents may not be completely removed from the jails.³¹
- Release Procedures Related to Government Code 7282.5 and 7283.1, policy in Custody Services Division Unit Order 5-22/001.10 was last revised on February 14, 2019 (**Attachment C**). This policy notes that ICE detainers shall only be honored if the inmate’s current or past criminal history meets the qualifying criteria set forth in the California Values Act and that IRC records staff ensure inmate notifications consistent with the Truth Act. This policy also refers to the processing of In-Custody Transfers to ICE and the involvement of the SB54 Desk (formerly AB4 Desk-a centralized process for addressing immigration detainers to minimize the chance for varying practices by facility). According to this policy, when a qualified inmate

³⁰ Office of Inspector General. (2018). Report Back on the Sheriff’s Department’s Adherence to Policies Regarding Cooperation with Immigration Authorities. Retrieved from <https://oig.lacounty.gov/Reports>

³¹ NBC Los Angeles. (2018). New LA County Sheriff Promises to ‘Physically Remove ICE’ from Jails. Retrieved from <https://www.nbclosangeles.com/news/local/Alex-Villanueva-Limit-Cooperation-ICE-503111661.html>

becomes eligible for release from custody as defined in the California Values Act, they can be immediately made available to transportation officers retained by ICE. This policy also refers to Custody Services Division IRC Duty Statement policy in 5-21/002DS, which was last revised April 5, 2019 and notes in part that, “All inmates entering the Release hallway shall sign the TRUTH ACT NOTICE form”. LASD advised that all inmates sign this form as notification that ICE has access to inmate release information listed on the LASD public website.

- Lists of all inmates “LASD Pending Releases” and “Inmate Release Report” from Sheriff’s custody are updated daily and made available to all members of the public on the LASD website Public Data Sharing Custody Reports homepage. This homepage does not consist of links to resources or the ICE detainee locator system to aid individuals in potentially locating released inmates that may have been detained by ICE after release. On March 26, 2019³², Sheriff Villanueva made a presentation at the COC meeting and advised that these lists are accessed by ICE, but citizens are also using this information as well to know about picking up their loved ones. In addition, it is equally important for victims of crime to have the ability to stay abreast of when inmates are being released.³³
- The release area has a new electronic board that displays inmates’ booking number, last name and first name.

Based upon our observations, the COC agrees with the OIG’s recommendations and further concludes that LASD has made substantial improvement to ensure adherence with policies, practices and procedures and the development of other relevant policies associated with immigrant populations. The COC should continue to monitor the LASD operations for adherence.

III. LASD DISCRETION WITH ICE

On December 18, 2018, newly elected Sheriff Alex Villanueva’s transition into the Department included the attendance of the Board of Supervisors (Board) Meeting to address the Board on an item related to the “Truth Act Community Forum.”³⁴ The Sheriff was requested to return to the Board with among other things, a status on his plan once ICE is no longer in Sheriff’s facilities and include outside stakeholders. In 2019, Sheriff Villanueva formed an SB 54 Workgroup in response to the Board’s request.

The SB 54 Workgroup included representatives from organizations such as the National Immigration Law Center (NILC), American Civil Liberties Union (ACLU), National Day Laborer Organizing Network (NDLON), California Immigrant Policy Center, Los Angeles County Office of the Public Defender, Los Angeles County Office of the Alternate Public Defender, Office of County Counsel and LASD executives. The workgroup was in part responsible for collaborating with LASD in the discussion of the existing AB4 list and the decision to reduce the list of eligible crimes as well as limit the span of years for qualifying misdemeanor offenses.

³² Los Angeles County Sheriff Civilian Oversight Commission. (2019). Civilian Oversight Commission Meeting Audio for March 26, 2019. Retrieved from http://lacountymediahost.granicus.com/MediaPlayer.php?clip_id=7324

³³ Ibid.

³⁴ The County of Los Angeles Board of Supervisors Meeting. (2018). Regular Meeting of the Board of Supervisors December 18, 2018. Retrieved from http://file.lacounty.gov/SDSInter/bos/sop/1049099_121818.pdf

On February 26, 2019, LASD executives attended the COC Meeting and presented on their compliance with the Trust Act³⁵. During their presentation, LASD referenced their new SB 54 2019 Misdemeanor Crimes List (**Attachment D**) and advised of their intention to use their discretion to respond to Immigration and Customs Enforcement (ICE) transfer or notification requests associated with 101 misdemeanor crimes as opposed to 151 set forth in the TRUST Act, Government Code Section 7282.5, subdivision (a).

On March 11, 2019, the COC staff requested additional information from LASD associated with the SB 54 Workgroup. The additional materials were requested to secure a clear understanding of any methodology and criteria utilized by the workgroup to determine which crimes would remain or be deleted. On March 19, 2019, LASD advised the COC staff that they would not be able to provide a response in time for this report due to the recent departure of Undersheriff Ray Leyva.³⁶ On March 21, 2019, LASD responded to the COC staff with information that included advising that no report was prepared associated with the decision to reduce the list of eligible crimes. However, after careful review a decision was made to reduce the list of eligible misdemeanors. LASD further advised that the proposed revised “list” was distributed at two meetings attended by members of the public who participate in advocacy groups and the advocacy groups later requested the span of years for qualifying misdemeanors be reduced. Sheriff Villanueva is said to have honored the request and limited the span of years to three (3) years.

Crimes on the LASD List

When former Sheriff Jim McDonnell created LASD Immigration Policy and the former “AB4” list, it was intended to assure all people, including those who were undocumented to come forward to report crimes, without fear of deportation.³⁷ The “AB4” list, which consisted of felony and misdemeanor qualifying criminal conviction codes in one list has been recently referred to by Sheriff Alex Villanueva and LASD personnel as the “SB54 2019 Misdemeanor Crimes List” and consists of 151 misdemeanor crimes. The list in its current state consists primarily of “wobblers”. This list does not serve as an LASD qualifying felony conviction code list. Upon further research it was determined that LASD has a separate “SB54 2018-Felony Charge List” (**Attachment E**) and a “SB54 2018-Serious/Violent Crimes List” (**Attachment F**) that were not previously referenced. These two lists serve as LASD’s qualifying criminal conviction code lists for cooperating with ICE associated with charges for a crime that is serious, violent, or punishable by a term in state prison.³⁸

The “SB54 2018-Felony Charge List” refers to a number of “wobblers” that are on the “SB54 2019 Misdemeanor Crimes List”. The new lists are similar to the “AB4” list in that qualifying conviction codes appear on the lists consistent with assembly and senate bills.

For transparency purposes, all SB54 qualifying conviction code lists should be made available for public access on the LASD public website and should consist of a legend associated with the

³⁵ Los Angeles County Sheriff Civilian Oversight Commission. (2019). Civilian Oversight Commission February 26, 2019 Agenda. Retrieved from http://file.lacounty.gov/SDSInter/bos/commissionpublications/agenda/1051823_Febuary26_2019MeetingAgenda.pdf#search=

³⁶ Los Angeles Times. (2019). L.A. County sheriff abruptly removes second-in-command Ray Leyva, promotes Tim Murakami to undersheriff. Retrieved from <https://www.latimes.com/local/lanow/la-me-undersheriff-20190318-story.html>

³⁷ Los Angeles County Sheriff's Department. (2018). 2018 Year in Review. Retrieved from <http://lasd.org/pdfs/publications/2018-YIR-VIEW2.pdf>

³⁸ Asian Americans Advancing Justice-Asian Law Caucus. (2019). Turning the Golden State into a Sanctuary State. Retrieved from https://www.advancingjustice-alc.org/wp-content/uploads/2019/03/SB54-Report_FINAL.pdf

“Justifications”. In addition, the Department should consider consolidating the lists into one “SB54” list as opposed to three (3) separate lists.

Crimes Removed from the LASD List

On February 26, 2019, LASD Commander Elier Morejon presented at the COC Meeting and advised attendees that the Department was reducing its SB54 2019 Misdemeanor Crimes List (List) from 151 misdemeanor crimes to 101.³⁹ Among some of the crimes on the SB54 2019 Misdemeanor Crimes List that LASD intends to remove are misdemeanor crimes that involve a “Victim”⁴⁰ that has been harmed by criminal acts as opposed to only “Victimless”⁴¹ crimes that generally involves just the criminal offender and societal interest that has been harmed. A glimpse at Table 3 reflects the intention to remove crimes involving victims such as “Threatening a juror” and “Hazing that results in death/great bodily injury. LASD advised that most of the crimes proposed to be removed are “property crimes” or “minor criminal acts”. Further review of the potential impact that removal of some of these types of crimes may have on public safety will be addressed by looking at crime statistics.

IV. CRIME STATISTICS, PUBLIC SAFETY, & CRIMES REMOVED FROM THE “LIST”

LASD provides public safety services in the Los Angeles County area totaling approximately 4,084 square miles with a population of almost 10 million people.⁴² LEAs take public safety into consideration when determining the deployment of personnel in the community. LEAs should similarly take public safety into consideration when determining the use of discretion in releasing inmates to ICE in accordance with SB54. At minimum LEAs public safety review for consideration of an SB54 qualifying criminal conviction codes lists should consist of the analysis of state and/or local crime data and community feedback/engagement.

In 2017, the California Department of Justice (DOJ) reported a 5.2% decrease in homicides in the state and they further noted that among California’s 35 counties with populations of 100,000 or more, Kern County experienced the highest homicide rate.⁴³ It is also important to note that during the period of 2016 to 2017, the DOJ noted a 2.1% decrease in property crime rates in the state.⁴⁴ This DOJ data is significant given that Los Angeles County is diverse and has more residents than any other county in the nation.⁴⁵

LASD violent crime and criminal homicides data reflects a significant decrease from 2017-2018, despite a similar decrease in the number of inmates that LASD released to ICE during the same period.⁴⁶ LASD data further indicated a 4.6% decrease in homicide, forcible rape, robbery and aggravated assault crimes between January 1, 2017, and December 26, 2017, despite nearly 3.5

³⁹ Los Angeles County Sheriff Civilian Oversight Commission. (2019). Commission Meeting 2-26-2019 Audio. Retrieved from http://lacountymediahost.granicus.com/MediaPlayer.php?clip_id=7276

⁴⁰ The Law Dictionary. (2019). What is a Victim? Retrieved from <https://thelawdictionary.org/victim/>

⁴¹ US Legal. (2019). Victimless Crime Law and Legal Definition. Retrieved from <https://definitions.uslegal.com/v/victimless-crime/>

⁴² Los Angeles County Sheriff’s Department. (2019). About Us. Retrieved from http://lasd.org/about_us.html

⁴³ California Department of Justice. (2017). Homicide in California. Retrieved from <https://openjustice.doj.ca.gov/downloads/pdfs/hm17.pdf>

⁴⁴ California Department of Justice. (2017). Crime in California. Retrieved from <https://openjustice.doj.ca.gov/downloads/pdfs/cd17.pdf>

⁴⁵ County of Los Angeles. (2019). Geography & Statistics. Retrieved from <http://www.lacounty.gov/government/geography-statistics/>

⁴⁶ Los Angeles County Sheriff’s Department. (2018). 2018 Year in Review. Retrieved from <http://lasd.org/pdfs/publications/2018-YIR-VIEW2.pdf>

million immigrants living in the county.⁴⁷ Similarly, LAPD reported that the City of Los Angeles had the lowest number of homicides in over 50 years in 2018⁴⁸, despite their policy not to transfer arrestees to ICE for civil immigration violations. The LASD and LAPD data from 2017-2018 with the existence and application of SB54 appears to reflect no significant impact on public safety by making use of discretion to limit cooperation with ICE.

Of the crimes that LASD intends to remove from the SB54 2019 Misdemeanor Crimes List the following is a view of crime statistics associated with arrests for such crimes for 2018:

Table 3. LASD Crime Statistics associated with some crimes on the SB 54 2019 Misdemeanor Crimes List

CHARGE	DESCRIPTION	LEVEL/SENTENCE M-Misdemeanor W-Wobbler O-Other type of crime F-Felony	JUSTIFICATION (Subsection of CA Values Act)	NUMBER OF REPORTS IN 2018	NUMBER OF ARRESTS IN 2018
67.5PC	Bribery of state ministerial officer	W/F (1170)	I	0	0
95PC	Influencing or corrupting a juror, umpire or referee	W/F (1170)	H	0	0
95.1PC	Threatening a juror	W/F (1170)	H	0	0
192.5(b)PC	DUI without gross negligence	W/F (1170)	Q	0	0
217.1PC	Assault upon the president or vice president, or others in government	W/F (1170)	A	0	0
219.2PC	Throwing objects at a train	W/F (1170)	W	3	3
245.6(d)PC	Hazing that results in death/great bodily injury	W/F (1170)	Q	0	0
289.5PC	Penetration by penis or foreign object with special circumstances 290 instructions	M	Criteria	0	0
529(a)PC	Falsely personating another in an official capacity	W/F (1170)	F BNLT	117*	14*
24710PC	Possession of a wallet gun	W/F (1170)	K BNLT	0	0

*529(a)PC has additional subsections. These statistics are reflective of 529(a)(3)PC.

The review of the LASD crime statistics in Table 3 associated with some of the crimes intended to be removed reflects that it is uncommon for individuals to be arrested on such qualifying criminal conviction codes. Furthermore, the data reflects that both crimes with “Victims” and “Victimless Crimes” have a small number of arrests. Thus, the LASD data review reveals no significant impact on public safety in the Sheriff’s use of discretion to remove some qualifying criminal conviction codes from the SB54 2019 Misdemeanor Crime “list”.

⁴⁷ Los Angeles County Sheriff’s Department. (2018). Sheriff McDonnell Announces Significant Decreases in Crime Rates Across Communities Served by the LASD. Retrieved from <http://sheriff.lacounty.gov/wps/portal/lasd/media/detail/?current=true&uril=wcm:path/lasd+content/lasd+site/home/home+top+stories/sheriff+mcdonnell+announces+significant+decreases+in+crime+rates+across+communities+served+by+the+lasd>

⁴⁸ Los Angeles Police Department. (2018). Los Angeles Police Department Crime & Initiatives 2018. Retrieved from <http://assets.lapdonline.org/assets/pdf/2018%20Crimes%20and%20Initiatives.pdf>

V. LASD DISCRETION WITH ICE: IMPACT ON OTHER COUNTY DEPARTMENTS

District Attorney's Office

COC staff spoke with the L.A. County District Attorney's (DA) office on March 7, 2019. The purpose was to obtain their staff's impressions of the Sheriff's revised SB54 Misdemeanor List to reduce the number of convictions that would qualify an individual for transfer to ICE custody, as well as assess the impact it would have on the DA office. The general response obtained from the DA's office is that according to law (SB54) the Sheriff, being the arresting agency, has the discretion and authority to not only cooperate with ICE, but to also modify the list of qualifying convictions as appropriate. The DA's office does not assume any authority over those issues.

Public Defender's Office

COC staff spoke with the L.A. County Public Defender's (PD) staff on March 11, 2019 for the same purpose. They confirmed being present at the Sheriff's stakeholder's meeting in which the SB54 misdemeanor list was discussed. PD staff acknowledged that state law grants the Sheriff the authority to cooperate with ICE and to abide by the SB54 list of qualifying convictions.

PD staff supports the Sheriff's action of reducing the number of qualifying misdemeanors. A reduction is viewed as having a positive impact on safety and security among the immigrant communities. Although any reduction in crimes on the list is a positive step, PD staff believes that no misdemeanors should form the basis for having an undocumented immigrant turned over to ICE.

VI. JURISDICTIONS RESTRICTING COOPERATION WITH ICE

In March 2018, the California Department of Justice (CA-DOJ) issued an information bulletin to executives of State and Local Law Enforcement Agencies in an effort to clarify their responsibility to respond to ICE civil detainer requests and advised them that, "California law enforcement agencies are never *required* to respond to transfer or notification requests – under the Values Act they retain the discretion to decline these requests for any reason".⁴⁹ Thus, the discretion lies with agencies such as LASD to honor civil immigration detainers and such discretion would be limited by the Trust Act.⁵⁰

In California, there are a number of LEAs that make use of their discretion in not honoring ICE civil detainers while referencing complying with the California Values Act. The Los Angeles Police Department is one of the largest LEAs in the state and Former Chief Charlie Beck prohibited cooperation with ICE by not allowing staff to:⁵¹

- Detain an individual based on an ICE detainer without a probable cause determination or judicial warrant that authorizes an officer to arrest and take the individual into custody for a federal criminal immigration offense or other crime

⁴⁹ California Department of Justice. (2018). Responsibilities of Local Law Enforcement Agencies under California Values Act, California TRUST Act, and the TRUTH Act. Retrieved from https://oag.ca.gov/sites/all/files/agweb/pdfs/law_enforcement/dle-18-01.pdf

⁵⁰ Ibid.

⁵¹ Los Angeles Police Department. (2017). Immigration Enforcement Procedures. Retrieved from <https://scng-dash.digitalfirstmedia.com/wp-content/uploads/2018/02/immigrationocop.pdf>

- Permit ICE agents access to LAPD Department jail facilities to transfer custody, except pursuant to judicial warrant or judicial probable cause determination for a criminal offense that authorizes an officer to arrest and take the individual into custody for a federal criminal immigration offense

Other LEAs in California that have made discretionary decisions to prohibit cooperation with ICE involving areas that include:

- Does not transfer arrestees to ICE in response to civil immigration detainees-no “list “
 - **Los Angeles Police Department**⁵²
 - **Santa Cruz County Sheriff’s Department**⁵³
- Transfers to ICE based on SB 54 in response to civil immigration detainees, but did not create a qualifying conviction list
 - **San Bernardino County Sheriff’s Department**⁵⁴
 - **Santa Clara County Sheriff’s Office**⁵⁵

Other law enforcement jurisdictions such as Chicago Police Department⁵⁶ do not allow personnel to:

- Permit ICE agents access to a person being detained by or in the custody of the Department
- Use facilities for investigative interviews or other investigative purposes
- While on duty, expend time responding to ICE inquiries or communicating with ICE regarding a person’s custody status or release date

In Arizona, the Pima County Sheriff’s Office shares approximately 125 miles of border with Mexico and is cooperating with federal authorities, but still has a policy that their department members shall not inquire about immigration status during consensual contacts.⁵⁷ El Paso County Sheriff Richard Wiles reviewed his policies in 2018 and made a decision there was a need to ban his employees from working off-duty security at ICE tent facilities for immigration children.⁵⁸

LASD has a policy that generally relates to employees working off-duty, but it is not as specific as the measure employed by El Paso County Sheriff Wiles. LASD Manual of Policies and Procedures in MPP 3-01/060.30 provides for department approval of outside of employment and bestows upon unit commanders the ability to make approval decisions when outside employment duties are incompatible or involve conflict with functions or responsibilities to the Department.

LEAs within California and other states have employed a number of measures to prohibit personnel cooperation with ICE as a means to further public safety in their jurisdictions. The CA-DOJ

⁵² Los Angeles Police Department. (2018). The Los Angeles Police Department & Federal Immigration Enforcement. Retrieved from <http://assets.lapdonline.org/assets/pdf/immigrationfaq.pdf>

⁵³ Sgt. Gonzalez. (2019, March 14). Santa Cruz County Sheriff’s Department.

⁵⁴ Deputy Sandoval. (2019, March 14). San Bernardino County Sheriff’s Department.

⁵⁵ Santa Clara County Board of Supervisors. (2018). Civil Immigration Detainer Requests. Retrieved from <https://www.sccgov.org/sites/bos/legislation/bos-policy-manual/documents/bospolicychap3.pdf>

⁵⁶ Chicago Police Department. (2017). Responding to Incidents Involving Citizenship Status. Retrieved from <http://directives.chicagopolice.org/directives/data/a7a57b42-12ab41ab-48212-ab41-c1f5b5ad5c097076.pdf?hl=true>

⁵⁷ Pima County Sheriff’s Department. (2018). Arrest, Detention, and Transportation Procedures. Retrieved from https://www.pimasheriff.org/files/2815/2597/9631/Chapter_10_050818.pdf

⁵⁸ Governing. (2018). Border Sheriff Bans Deputies From Working At Shelter for Immigration Children. Retrieved from http://www.governing.com/topics/public-justice-safety/tns-el-paso-sheriff-wiles.html?utm_term=Border%20Sheriff%20Bans%20Deputies%20From%20Working%20at%20Shelter%20for%20Immigrant%20Children&utm_campaign=States%20Can%20Now%20Tax%20Online%20Sales.%20What%20Happens%20Next&utm_content=email&utm_source=Act-On+Software&utm_medium=email

clarification of LEAs responsibilities to respond to ICE provides assistance to agencies in their ability to develop sound policies.

Based upon our observations, this is an area where LASD can benefit from making greater use of existing policies and discretionary options.

VII. FISCAL IMPACT/COST

The LASD RCD/IRC-RA operation is responsible for acceptance and processing ICE civil detainees is comprised of a total of 13 custody assistants (previously 14 in 2018). We estimate the current fiscal impact from ICE-related work of the RCD/IRC-RA on the LASD budget is well over one million dollars given associated salaries and benefits.⁵⁹

Table 1.LASD ICE Statistics-Custody-PERC Detainers and Table 2.LASD ICE Statistics-Custody-LAC Jail Detainers reflect that the RCD/IRC-RA staff accept and process hundreds of ICE civil detainee requests annually. However, the costs that LASD incurs associated with operations are currently not reimbursed by ICE at a county rate or Federal Government rate.

Our research has found that there are a number of government entities concerned about the potential fiscal impact that receiving and processing ICE civil detainees have on their operations.⁶⁰ In February 2019, the California State Auditor reported on a closely related funding concern that Orange County costs for housing detainees (contract for post-release) for ICE exceeded the revenue it received and that they should negotiate a per-diem rate in its contract with ICE.⁶¹ LASD does not have a contract to house post-release detainees nor does it detainee released inmates for ICE. However, several government entities have taken proactive measures to implement bills and/or ordinances to prohibit the use of government resources to assist in the enforcement of federal law, unless such assistance is required by federal or state law or contractually obligated.

VIII. COMMUNITY FEEDBACK

On January 25, 2018, the COC announced that they were interested in hearing from community members in a special meeting on LASD immigration issues and policies scheduled to take place on January 30, 2018.

The Immigration Ad Hoc Committee conducted the “Community Feedback Speakers” meeting on January 30, 2018. Sixteen speakers represented an array of community member views from Los Angeles County. Speakers included representatives from organizations such as the National Immigration Law Center, University of California Los Angeles (UCLA) - Law School, American Civil Liberties Union (ACLU), Stop LAPD Spying Coalition, Remembrance Project, American Freedom

⁵⁹ See Addendum A for calculations supporting this estimate.

⁶⁰ See City of Santa Ana. (2017). Ordinance No. NS-2908. City of Santa Ana Procedures Concerning Sensitive Information and the Enforcement of Federal Immigration Law. Retrieved from https://library.municode.com/ca/santa_ana/ordinances/code_of_ordinances?nodeId=811808; Denver City Council. (2017). Ordinance-Council Bill No. 17-0940 Public Safety Enforcement Priorities Act. Retrieved from <https://denver.legistar.com/LegislationDetail.aspx?ID=3128614&GUID=3A568876-8302-4856-AFA4-F505A637FFD9&Options=ID|Text|&Search=immigration>; Santa Clara Board of Supervisors. (2017). Resolution No. 2010-316-Advancing Public Safety and Affirming the Separation between County Services and the Enforcement of Federal Civil Immigration Law. Retrieved from <http://sccgov.ig2.com/Citizens/FileOpen.aspx?Type=4&ID=18010>

⁶¹ California State Auditor. (2019). City and County Contracts with U.S. Immigration and Customs Enforcement. Retrieved from <http://www.auditor.ca.gov/pdfs/reports/2018-117.pdf>

Alliance, We the People Rising and many concerned citizens. The speakers offered views on this issue and wanted to ensure the COC understood their concerns as follows:

- Five speakers voiced their support of the draft ad hoc committee recommendations as verbally referenced in the January 25, 2018 COC meeting, while two speakers said they were against the draft recommendations.
- “Kids should know that LASD is not here to get the kids or family.”
- “We want more public support from LASD...like a public campaign with immigration information.”
- “The Sheriff said if we don’t give them access they will have to go into the communities and do raids...I thought...they already do that!”
- “ICE doesn’t have to sit and wait for law enforcement.”
- “All things you recommended are detrimental to public safety.”
- “Whose side are you on...citizens or criminals?”
- “If someone has a football game party and ICE shows up...it could create more stress on others and children in the house if ICE comes out in the community.”
- A number of immigration law experts mentioned government entities that have policies and ordinances related to law enforcement agencies not using their resources for ICE services.
- A few speakers voiced an expectation that LASD should cooperate with ICE, and they based their view on residents that have allegedly lost their lives at the hands of removable persons not turned over to ICE.

On December 19, 2018, the COC announced that they were interested in hearing from community groups in a regular COC meeting when the Immigration Ad Hoc Committee Report would be discussed, scheduled to take place on January 22, 2019. On January 22, 2019, the COC meeting included “Community Groups” presentations on LASD Immigration Policy Adherence. Community group presenters included representatives of National Immigration Law Center, National Day Laborer Organizing Network and American Freedom Alliance.⁶²

During community engagement timeframes almost all speakers voiced concerns regarding the impact immigration policy compliance could have on public safety.

One community perspective that was voiced centered around the idea that LASD immigration policies that limit ICE to SB 54, the Trust and Truth Acts may negatively impact public safety as removable persons are believed (falsely, in fact) to have high crime rates and criminal background histories.

The community perspective that was most voiced involved the idea that LASD immigration policies be consistent with SB 54, the Trust and Truth Acts. This community perspective is consistent with the 65% of residents in California that are in favor of local governments making their own policies to protect the legal rights of undocumented immigrants.⁶³ Residents who voice this perspective often further note that LASD strict immigration policies will have no public safety impact and could even be harmful to the community. Individuals who present this perspective often refer to state and local level data such as in March 2017 when Los Angeles Police Department Former Chief Charlie Beck voiced concern over a decline in the reporting of crime among Hispanic populations.⁶⁴ Former Chief Beck further noted his concern that there was almost a 10% decline in reporting of spousal abuse and a 25% decline in the reporting of rape.⁶⁵ Almost 52% of law enforcement officers recently surveyed

⁶² Los Angeles County Sheriff Civilian Oversight Commission. (2019). Civilian Oversight Commission Agenda January 22, 2019. Retrieved from [http://file.lacounty.gov/SDSInter/bos/commissionpublications/agenda/1050285_January22_2019COCmeetingagenda.pdf#search="](http://file.lacounty.gov/SDSInter/bos/commissionpublications/agenda/1050285_January22_2019COCmeetingagenda.pdf#search=)

⁶³ Public Policy Institute of California. (2018). Californians & Their Government. Retrieved from <http://www.ppic.org/wp-content/uploads/s-118mbs.pdf>

⁶⁴ Los Angeles Police Department News Release. (2017). Decline in Reporting of Crime Among Hispanic Population. Retrieved from http://www.lapdonline.org/march_2017/news_view/61998

⁶⁵ Ibid.

believes that barriers that immigrant victims face such as fear that police will inquire about their immigration status result in a greater number of perpetrators at large in their communities.⁶⁶ Many officers believe that without vital intelligence produced by community collaboration with all sectors of the community including immigrants, criminal acts will continue and will likely increase.⁶⁷

The public generally agreed that LASD had work to be done on their immigration policies and are optimistic that LASD is willing to engage them in ensuring public safety.

RECOMMENDATIONS

Our review and analysis of LASD policies, practices and procedures has resulted in the following recommendations:

1. LASD should not provide ICE with more information than it provides to the public, nor shall LASD disseminate information regarding inmate release status or other confidential information, unless required by federal or state law.
2. LASD should continue to ensure that all department operations (e.g. custody facilities, station jails, and court lock-ups), inmate detainer release procedures and detainer notifications/ acceptance policies are consistently reviewed and updated in accordance with governing laws.
3. LASD should ensure development of an “Immigration Information” web link for posting information items such as:
 - A. Inmate detainer release procedures &/or detainer policies & flowcharts
 - B. U-Visa and/or related policies & procedures
 - C. Related helpful links including, but not limited to:
 - i. Legal & social-service resources
 - ii. ICE detainee locator system
 - iii. Forms relating to the rights of inmates with detainers
4. LASD should ensure development of social media, instant communications and marketing material to apprise the public of the availability of the “Immigration Information” web link. LASD public website should include, but not be limited to a brief video in English and Spanish highlighting the Department’s policy on Immigration inquiries and notifications that is comparable to the video on the intranet for Department personnel.⁶⁸
5. LASD should ensure that appropriate staff acknowledge receipt of these immigration policies and are trained in their application.
6. LASD should not assist ICE in any operation to enforce federal immigration laws. Nothing shall prohibit LASD from continuing to participate in joint task forces with ICE, where allowed by County policy.

⁶⁶ National Immigrant Women’s Advocacy Project. (2018). Promoting Access to Justice for Immigrant and Limited English Proficient Crime Victims in an Age of Increased Immigration Enforcement: Initial Report from a 2017 National Survey. Retrieved from <http://library.niwap.org/wp-content/uploads/Immigrant-Access-to-Justice-National-Report.pdf>

⁶⁷ The Police Chief. (2018). Overcoming Fear and Building Trust with Immigrant Communities and Crime Victims. Retrieved from http://library.niwap.org/wp-content/uploads/PoliceChief_April-2018_Building-Trust-With-Immigrant-Victims.pdf

⁶⁸ Office of Inspector General. (2018). Report Back on the Sheriff’s Department’s Adherence to Policies Regarding Cooperation with Immigration Authorities. Retrieved from <https://oig.lacounty.gov/Reports>

7. LASD should disclose, through a publicly accessible website, on a basis consistent with state law, the following data:
 - A. Annual reports to the Department of Justice, if applicable.
 - B. Monthly reports reflecting the number of immigration-related transfers to ICE and the offenses justifying the transfer.
 - C. Monthly report on U-Visa applications submitted for certification and the percentage certified by LASD.
8. The Sheriff should provide the COC with a quarterly report on the number of civil immigration detainees and criminal enforcement requests received from ICE as well as the number of immigration-related transfers to ICE in an effort to increase transparency and accountability.
9. LASD should not provide ICE, or persons or entities contracted through ICE with access to the Inmate Reception Center (IRC) or other areas within the jail, or other LASD properties such as courthouse lockups and station jails, unless required by federal or state law.
10. LASD should not honor ICE detainees, including requests by ICE to hold, detain, house, or transfer any inmate, unless specifically required by federal or state law.
11. LASD should not approve employee's Requests for Approval of Outside Employment with ICE and/or ICE associated operations if they are incompatible or involve conflicting functions or responsibilities to the Department.
12. We recommend that the Board examine how LASD uses County resources on administrative and/or personnel costs involved in tracking and responding to ICE civil immigration detainees and propriety of seeking reimbursement from the federal government for such costs.

CONCLUSION

In its mission to provide public safety, LASD has reviewed its policies and ensured that they are consistent with the general expectations established in The California Values Act. In the process of conducting their in-house review, LASD also considered feedback from meetings that former Sheriff Jim McDonnell had with community members and recent workgroup meetings coordinated at the request of Sheriff Alex Villanueva. The efforts of LASD personnel are to be commended. LASD is the largest Sheriff's Department in the world⁶⁹, and is one recognized for being proactive in its approach in many areas.⁷⁰ Many LEAs have used their discretion to prohibit cooperation with ICE without proof signed by judges. Some have restricted ICE access to their facilities and others have restricted the use of municipal funds related to the ICE civil detainer process. LASD policies reflect a decision to cooperate with ICE regarding criminal enforcement. In addition, LASD policies reflect a decision to use discretion to respond to ICE civil immigration enforcement detainees consistent with the California Values Act. However, LASD should be more proactive in its approach to its immigration policies, procedures and practices as well as work in partnership with its communities.

⁶⁹ Los Angeles County Sheriff's Department. (2018). About us. Retrieved from http://lasd.org/about_us.html

⁷⁰ Los Angeles County Sheriff's Department. (2018). Our Mission, Creed, and Core Values. Retrieved from http://lasd.org/about_us_mission_creed_core.html

ADDENDUM-"A"

ESTIMATED FISCAL IMPACT/COST
Associated with LASD RCD/IRC-RA Operation
(Responsible for acceptance and processing ICE civil detainees)

Type of Position (s) Used	Number of Positions	Annual Salary & Benefits (S & EB) for 1-Position*	Total Cost for S & EB for All Positions in the Operation
Custody Assistant	13	\$106,000	\$1,378,000.00

*Phillips, Rene. (2019, April 15). County of Los Angeles CEO-Public Safety

Los Angeles County Sheriff's Department

NEWSLETTER



Field Operations Support Services, (323) 890-5411

VOLUME 19 NUMBER 03

DATE: February 15, 2019

IMMIGRATION AND CUSTOMS ENFORCEMENT AGENTS, DETAINERS, AND STATION JAILS

The purpose of this newsletter is to inform field personnel of Custody Division Directive 19-001 regarding interaction with Immigration and Custom Enforcement (ICE) agents, detainers, and access to the Department's station jails and its inmates.

The California Values Act (California Government Code §7282 et seq. or "SB54") prohibits law enforcement officials from detaining an inmate for a United States Immigration and Customs Enforcement (ICE) hold after the inmate becomes eligible for release from custody, unless, at the time the inmate becomes eligible for release from custody, certain conditions are met.

An ICE Detainer (Department of Homeland Security [DHS] I-247A form – "Immigration Detainer – Request for Voluntary Action") shall only be honored if the inmate's current or past criminal history meets the qualifying criteria specified in California Government Code §7282.5.

The Inmate Reception Center – Release Compliance Desk will inform the station if ICE plans on taking custody of the inmate and arrange transportation with ICE. No phone call or contact with ICE is required.

When a qualified inmate becomes eligible for release from custody, as defined by Government Code §7282(b), the inmate can immediately be made available to transportation officers retained by ICE. Transportation officers retained by ICE must take custody and transport the inmate within the standard time of release, **without additional delay.**

Recently issued Custody Division Directive 19-001, Immigration and Customs Enforcement (ICE) – Access to Custody Facilities, states:

"ICE agents shall not be permitted into any custody facility, station jail, or court lock-up to conduct civil immigration enforcement. Civil immigration enforcement includes interviews regarding civil immigration violations and taking custody of inmates on the basis of a civil immigration detainer. ICE agents may be permitted access to inmates regarding criminal enforcement, including interviews, pursuant to Custody Division Manual (CDM) section 5-10/055.00, "Inmate Interview Procedures for Law Enforcement."

The above information is only a fragment of the directive and field personnel working the station jail or having contact with ICE are advised to refer to the directive in its entirety for proper procedures and additional information.

If you have any questions regarding the content of this newsletter, please call or email Field Operations Support Services, at (323) 890-5411 or foss@lasd.org.

KLU:JER:jr

Los Angeles County Sheriff's Department

CUSTODY OPERATIONS



Custody Support Services

CUSTODY DIRECTIVE: 19-001

DATE: February 11, 2019

ISSUED FOR: CUSTODY OPERATIONS

IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) – ACCESS TO CUSTODY FACILITIES

PURPOSE

The purpose of this Custody Operations Directive is to establish procedures regarding the Immigration and Customs Enforcement's (ICE) access to Custody Services Division facilities.

ORDER

ICE agents shall not be permitted into any custody facility, station jail, or court lock-up to conduct civil immigration enforcement. Civil immigration enforcement includes interviews regarding civil immigration violations and taking custody of inmates on the basis of a civil immigration detainer. ICE agents may be permitted access to inmates regarding criminal enforcement, including interviews, pursuant to Custody Division Manual (CDM) section 5-10/055.00, "Inmate Interview Procedures for Law Enforcement."

Transportation officers retained by ICE may continue to access custody facilities to take custody of inmates, pursuant to CDM section 4-06/005.05, "Immigration and Customs Enforcement Detainer Acceptance and Processing Procedures."

The policies and procedures outlined in this directive shall remain in effect until the concerned CDM section is revised and/or this directive is rescinded.

Questions regarding this directive should be directed to the Inmate Reception Center, Records Lieutenant Erick S. Kim, at (213) 473-2908.

Los Angeles County Sheriff's Department

CUSTODY SERVICES DIVISION GENERAL POPULATION INMATE RECEPTION CENTER UNIT ORDER	Unit Order: 5-22/001.10 Effective Date: 01/09/17 Revision Date: 02/14/19 Review Date: 02/14/20
Subject: Release Procedures Related to California Government Code 7282.5 and 7283.1	
Reference: California Government Code 7282.5, 7283.1; CDM 5-10/055.00, Pending CDM Directive 19-001; IRC UO 5-22/001.00; IRC DS 5-20/000, 5-21/002	
Unit Commander Signature:  Date: 2-14-19	

PURPOSE OF ORDER:

The purpose of this order is to establish procedures which are consistent with California state law for the processing of inmates who may be subject to a United States Immigration and Customs Enforcement (ICE) immigration detainer.

SCOPE OF ORDER:

This order shall apply to all personnel assigned to and/or working in any capacity at the Inmate Reception Center (IRC), specifically those assigned to the release area, custody line, and the SB54 Desk

ORDER:

An ICE detainer shall only be honored if the inmate's current or past criminal history meets the qualifying criteria set forth in California Government Code §7282.5.

When a qualified inmate becomes eligible for release from custody, as defined by Government Code §7282(b), they can immediately be made available to transportation officers retained by ICE. Transportation officers retained by ICE must take custody and transport the inmate within the standard time of release, **without additional delay**, according to the procedures outlined in this order.

ICE Interviews

ICE Agents are prohibited from entering a Los Angeles County Sheriff's Department facility to conduct operations or investigations pertaining to civil immigration matters. Requests from ICE agents to interview inmates regarding criminal investigations shall be handled according to ***Custody Division Manual §5-10/055.00 Inmate Interview***

Procedures for Law Enforcement.**Inmates Subject to ICE Detainers****Processing ICE Detainers for Inmates in a Los Angeles County Jail Facility**

- When an ICE detainer is received by IRC Records staff for an inmate currently in custody, the detainer shall be placed inside the inmate's record jacket
- IRC Records staff shall ensure the inmate is notified of the detainer, given the Los Angeles County Office of Immigrant Affairs referral information and shall also obtain the inmate's signature acknowledging the notification on the "Notification to Inmate of Immigration Detainer" form
- A copy of the notification and detainer shall be provided to the inmate and a signed copy shall be placed inside the inmate's record jacket
- IRC Records shall maintain a log documenting the inmate's name, booking number, ICE file number, date the detainer was received, and the date the inmate signed the form, acknowledging the notification

Processing In-Custody Transfers to ICE

- SB54 Desk personnel will verify that the correct inmate has been issued a valid detainer, **AND** that the inmate meets the qualifying criteria outlined in California Government Code §7282.5
- An inmate who does not have a valid detainer issued, or does not meet the standards set by California Government Code §7282.5, shall be released through the normal release process without delay
- At no time during the release process shall any inmate be segregated from other inmates solely for ICE procedural purposes
- SB54 Desk personnel shall be responsible for completing the manifest, medical clearance paperwork, and advising medical staff of the inmate's in-custody transfer priority.
- If the medical summary, transportation, and vetting process are not completed prior to the inmate entering the release deputy desk/livescan area, the inmate will be released according to established release procedures as stated in IRC's ***Duty Statement 5-21/002, "Release Area Deputy and Custody Assistant Duties"***

NOTE: ICE may no longer take custody of an inmate once the inmate arrives at the release deputy desk/livescan area in the course of normal processing.

- SB54 Desk personnel will deliver the manifest, medical summary, and booking slip to custody line personnel.
- Once transportation officers arrive to pick-up the inmate, they will be given the manifest and medical summary and directed to retrieve the inmate's property and money, and return to the custody line desk.
- Custody line personnel shall then retrieve the inmate from the release area ***without delay***. Inmates are not to be handcuffed by custody line personnel when they are removed from the release area cells. Deputies are, likewise, not to forcibly extract an inmate from a release area cell or use any force to effect a transfer of an inmate to a transportation officer. This restriction, however, does not preclude custody staff from using objectively reasonable force to protect themselves or others. Such force shall be consistent with the directives in Volume 7 of the Custody Division Manual
- Custody line personnel shall fingerprint the inmate, ensure the transportation officers sign the manifest and booking slip, and complete an in-custody release according to established in-custody release procedures as stated in IRC's ***Duty Statement 5-20/000 "Custody Line Deputy and Custody Assistant Duties"***

NOTE: Only contracted, non-sworn transportation officers shall be allowed into the facility. ICE agents shall not be permitted into IRC for civil immigration matters, including taking custody of inmates with immigration detainers.

Revised 02/14/19
Revised 03/20/18
01/09/17

SB54 2019-MISDEMEANOR CRIMES

CHARGE	DESCRIPTION	Level/Sentence	Justification
67.5(b) PC	Bribery of state ministerial officer	W/F (1170)	I
69 PC	Resisting arrest/threatening executive officer	W/F (1170)	H
71 PC	Threaten injury to public official	W/F (1170)	C
76 PC	Threats to the life of an official or judge	W/F (1170)	C
95 PC	Influencing or corrupting a juror, umpire, or referee	W/F (1170)	H
95.1 PC	Threatening a juror	W/F (1170)	H
136.1 PC	Prevent/Dissuade/Wit/Victim	W/F (1170)	H
136.5 PC	Possession of a Deadly Weapon to intimidate Wit/Victim	W/F	H BNLT
139 PC	Felony threatening a witness by use of force by convicted felon	W/F (1170)	C
140 PC	Threatening a witness	W/F (1170)	C
148.10 PC	Resisting Peace Officer causing death or injury	W/F (1170)	H
149 PC	Assault by an Officer under the color of authority	W/F (1170)	A BNLT
171c PC	A loaded firearm within the state capitol, any legislative office	W/F (1170)	K
171d PC	Loaded firearm in the Governor's mansion	W/F (1170)	K
182(A) PC	Conspiracy to Commit a Crime (Violent crime only)	W/F (1170)	P
186.2 PC	Criminal profiteering activity	O	U
186.10(A) PC	Felony money laundering	W/F (1170)	U
186.22 PC	Felony criminal street gang	W/F (1170)	O
191.5 PC	Gross Vehicular Manslaughter	W/F (1170)	Q
191.5(a) PC	DUI with gross negligence	W/F (1170)	Q
191.5(b) PC	DUI without gross negligence	W/F (1170)	Q
192(b) PC	Manslaughter-involuntary	W/F (1170)	Q
192(c)(1) PC	Vehicular manslaughter- driving vehicle with gross negligence	W/F (1170)	Q
192.5(b) PC	DUI without gross negligence	W/F (1170)	Q
217.1 PC	Assault upon the president or vice president, or others in government	W/F (1170)	A
219.2 PC	Throwing objects at a train	W/F (1170)	W
241.1 PC	Assault against custodial officer	W/F (1170)	A
241.4 PC	Assault committed against a peace officer	W/F (1170)	A
241.7 PC	Assault against any juror or alternate juror	W/F (1170)	A
243(c)(1) PC	Battery on custodial officer, emergency personnel, etc.	W/F (1170)	B BNLT
243(c)(2) PC	Battery of a peace officer	W / F (1170)	B BNLT
243(d) PC	Battery with serious bodily injury	W/F (1170)	B BNLT
243.3 PC	Battery on Transportation Personnel / Passenger	W/F	B
243.4(a) PC	Sexual battery on an unlawfully restrained victim	W / F	B
243.4(b) PC	Sexual battery on an institutionalized victim	W / F	B
243.4(c) PC	Sexual battery by fraud	W / F	B
243.4(d) PC	Sexual battery on a restrained or institutionalized victim	W / F	B
243.6 PC	Battery on a school employee retaliation for performance of duties	W/F (1170)	B
243.7 PC	Battery on a Juror	W/F	B
243.9(a) PC	Battery by gassing against Peace Officer	W/F	B
243.15	Battery by an inmate against a non-inmate	W / F (1170)	B BNLT
244.5(b) PC	Assault with a stun gun or less lethal	W/F (1170)	A

SB54 2019-MISDEMEANOR CRIMES

244.5(c) PC	Assault with a stun gun or less lethal on a peace officer or firefighter	W / F (1170)	A
245(a)(1)PC	Assault with a deadly weapon other than a firearm	W/F	A
245(a)(2) PC	Assault with Firearm	W/F	A
245(a)(4) PC	Assault with by any means of force likely to produce great bodily injury	W/F	A
245.6 (d) PC	Hazing that results in death/great bodily injury	W/F (1170)	Q
246 PC	Discharge Firearm at Inhabited Dwelling	W/F	K
246.3(a) PC	Discharge of firearm-gross negligence	W/F (1170)	K
247 (a) and (b) PC	Discharge of a firearm at an unoccupied aircraft	W/F	K
247.5 PC	Pointing a laser at an aircraft	W/F (1170)	W
261.5 PC	Sex with a minor female	W/F	AC
266 PC	Prostitution of a female under the age of 18	W/F	D
266c PC	Forcing another person to engage in sexual intercourse with false pretense/ fear	W/F	D
270 PC	Child neglect	W/F	E
271 PC	Child abandonment	W/F (1170)	E
271a PC	Abandons or refuses to maintain minor under the age of 14	W/F (1170)	E
273a PC	Causes great bodily harm or death to any child under their care	W/F	E
273a(a) PC	Willful Cruelty to a Child (NOTE: 273a(b) PC is NOT detainable)	W/F	E BNLT
273d PC	Inflicting on a child cruel or inhuman punishment resulting in a trauma	W/F (1170)	E
273.5(a) PC *	Corporal Injury on Spouse / Cohabitant *MUST BE A CONVICTION NOTE: 243 (E)(1)PC is never detainable	W/F	B
278 PC	Taking child from lawful custodian	W/F (1170)	E
286(b)(1) PC	Sodomy: If victim is under age 18	W/F	AC BNLT
286(e) PC	Sodomy: If committed in state prison or jail	W/F	AC BNLT
286(h) PC	Sodomy, victim cannot consent due to mental state and hospitalization	W / F	AC BNLT
288(c)(1) PC	Lewd or lascivious act with a child 14 or 15 and defendant is 10 or more years older	W / F	D
288(c)(2) PC	Lewd or lascivious act by a caretaker upon a dependent	W / F	D
288a(e) PC	Oral Copulation: If committed in state prison or jail	W/F	AC BNLT
288a(f)&(g)&(h) PC	Oral Copulation: If victim unconscious of nature of act/incapable of consent	W/F	AC BNLT
288.2(a)(1) PC	Distributing matter to minors that depicts a minor engaging in sexual conduct	W / F	AC BNLT
288.2(a)(2) PC	Distributing matter to minors that depicts sexual conduct	W / F	AC BNLT
289 (D)(2)(c)PC	Penetration if both victim and defendant are confined to a mental hospital	W/F	AC BNLT
289 (D)(2)(h) PC	Penetration with victim under 18 years	W/F	AC BNLT
289.5 PC	Penetration by penis or foreign object with special circumstances 290 instructions	M	criteria
290 PC	Registration of Sex Offenders	O	S, (a)(4)
290.002 PC	Person require to register in their state of residence	O	S, (a)(4)
290.006 PC	Ordered by any court to register for sex offender	O	S, (a)(4)
311.1 PC	Child Porn Sales or distribution of CD-ROMs	W/F	D
311.3 PC	Sexual exploitation of a child	W/F	D
311.4 PC	Use of minor in bringing or distributing obscene matter with state	W/F	D
311.10 PC	Advertises for sale or distribution any obscene matter depicts a person under the age of 18	W/F	D
311.11 PC	The production of porn which involves the use of a person under the age of 18	W/F	D
368 PC	Cruelty to an Adult Dependent (NOTE 368(c) is NOT detainable)	W/F (1170)	X
404.6(c) PC	Intent to cause a riot (NOTE: 404.6(b) is NOT detainable)	W/F (1170)	W
417.6 PC	Serious injury is inflicted by the person exhibiting deadly weapon (NOTE: 417(a) and 417 (d) is NOT detainable)	W/F	K
422 PC	Criminal Threats	W/F	C

SB54 2019-MISDEMEANOR CRIMES

422.55 PC	Hate crime	O	Y
452(a) PC	Unlawfully causing a fire with great bodily injury	W/F	W BNLT
452(b) PC	Unlawfully causing a fire that causes an inhabited structure to burn	W / F	W BNLT
452(c) PC	Unlawfully causing a fire of a structure or forest land	W / F	W BNLT
453(a) PC	Possession, etc.. of explosives or flammable matter w/malicious intent	W/F (1170)	K BNLT
463 PC	Looting (Note: 463(c) is NOT detainable)	W/F (1170)	F
470(a) PC	Forgery/counterfeiting driver's license or I.D. card	W/F (1170)	F BNLT
470(b) PC	Displaying or possessing forged driver's license or I.D. card to accomplish a forgery	W/F (1170)	F BNLT
472 PC	Forgery, or counterfeiting any public or corporate seal	W/F (1170)	F BNLT
487(d)(2) PC	Theft of a firearm	W/F (1170)	F
529(a) PC	Falsely personating another in an official capacity	W / F (1170)	F BNLT
530.5(a) PC	Obtaining identifying information and using that information for any unlawful purpose	W / F (1170)	F BNLT
532 PC	Defraud under false pretenses	O	F
532f PC	Mortgage fraud	W/F (1170)	F BNLT
535 PC	Obtaining money or property by means of any false or fraudulent sale of property by auction	W / F (1170)	F BNLT
537e(a)(3) PC	Buy, sell or receive property from which the serial number has been removed	W / F (1170)	F BNLT
538 PC	Taking or removing mortgaged property without consent	W / F (1170)	F BNLT
538.5 PC	Transmitting for the purpose of furthering a scheme to obtain private information	W / F (1170)	F BNLT
550 PC	False or fraudulent insurance claim	W/F (1170)	F
594.7 PC	Vandalism with priors	W/F	N
601 PC	Trespassing by use of threats	W/F (1170)	C
626.9 PC	Gun at School	W/F (1170)	K BNLT
626.10 PC	Possession of knife on school property	M (1170)	K BNLT
646.9 PC	Stalking	W/F	Z
647.6(b) PC	Annoying or Molesting a Child Under 18 Note: 647.6(a) P.C. is NOT detainable	W/F	D
653f(a) PC	Solicits certain crimes (NOTE: 653.23 is NOT detainable)	W / F (1170)	AA BNLT
664 PC	Attempt of a crime (combined with any crime listed on this table)	W/F (1170)	P
1320(B) PC	FTA After O.R. Release on Felony Charge	W/F (1170)	AB
4501.1 PC	Gassing upon the person of any peace officer by state prisoner	W/F	B
4530.5 PC	Escapes or attempts to escape state prison (Deuel Vocational Institute)	O	J
4532 PC	Escape, attempted escape while on work furlough jail, industrial farm. Etc...	W/F	J
4536 PC	Escape from a state hospital or other mental health facility	W/F	J
11418.1 PC	Giving, mailing, or sending a false weapon of mass destruction	W/F	K
11418.5 PC	Threatens to use a weapon of mass destruction	W/F	C
12022.1 PC	Felony committed while on bail, primary offense	W/F (1170)	AB
12280(b) PC	Assault Weapon	W/F (1170)	K
19100 PC	Explosive substance	W/F	K
20310 PC	Possession of air gauge knife	W/F (1170)	K BNLT
20410 PC	Possession of a belt buckle knife	W/F (1170)	K BNLT
20510 PC	Possession of a cane sword	W/F (1170)	K BNLT
20610 PC	Possession of a lipstick knife	W/F (1170)	K BNLT
20710 PC	Possession of a shobi-zue	W/F (1170)	K BNLT
20910 PC	Possession of a writing pen knife	W/F (1170)	K BNLT
21110 PC	Possession of a ballistic knife	W/F (1170)	K BNLT

SB54 2019-MISDEMEANOR CRIMES

21310 PC	Carrying a concealed dirk or dagger	W/F (1170)	K BNLT
21810 PC	Possession of metal knuckles	W/F (1170)	K BNLT
22010 PC	Possession of nunchaku	W/F (1170)	K BNLT
22210 PC	Possession of a sap or billy club	W/F (1170)	K BNLT
22410 PC	Possession of shuriken	W/F (1170)	K BNLT
24410 PC	Possession of a cane gun	W/F (1170)	L
24510 PC	Possession of a firearm not immediately recognizable as a firearm	W/F (1170)	K BNLT
24610 PC	Possession of an undetectable firearm	W/F (1170)	K BNLT
24710 PC	Possession of a wallet gun	W/F (1170)	K BNLT
25100 (a) & (b)PC	Criminal storage of a firearm	W/F (1170)	K BNLT
25300 PC	Possession of a firearm while masked in public	W/F (1170)	K BNLT
25800 PC	Carrying a loaded firearm with intent to commit felony	W/F	R BNLT
30210 PC	Possession of ammunition containing flechette dart or explosive	W/F (1170)	K BNLT
30315 PC	Possession of armor penetrating ammunition	W/F (1170)	K BNLT
30605 PC	Possession of assault weapon	W/F (1170)	K BNLT
31500 PC	Possession of an unconventional pistol	W/F (1170)	K BNLT
33215 PC	Possession of a short barreled rifle, short barreled shotgun	W/F (1170)	K BNLT
33600 PC	Possession of a zip gun	W/F (1170)	K BNLT
HEALTH & SAFETY			
11371 HS	Induce minor to violate certain controlled substance laws	W/F (1170)	E BNLT
11371.1 HS	Induce minor to violate certain controlled substance laws by false pretense	W/F (1170)	E BNLT
VEHICLE CODE			
10851(B) (C)&(E)	All Felony sections of taking vehicle/emerg veh/veh while on call	F/1170/O	F BNLT
The misdemeanor conviction MUST be within three (3) years. If the conviction is more than three (3) years old it does NOT qualify.			

SB54 2018-FELONY CHARGE LIST

CHARGE	DESCRIPTION	Level/Sentence	Justification
67 PC	Bribery of state executive officer	F	I
67.5(b) PC	Bribery of state ministerial officer	W/F (1170)	I
68 PC	Bribe, soliciting by public officer or employee	F	I
69 PC	Resisting arrest/threatening executive officer	W/F (1170)	H
71 PC	Threaten injury to public official	W/F (1170)	C
76 PC	Threats to the life of an official or judge	W/F (1170)	C
85 PC	Giving or offering to bribe to any member of legislature	F	I
92 PC	Asking or receiving a bribe by a judicial official	F	I
95 PC	Influencing or corrupting a juror, umpire, or referee	W/F (1170)	H
95.1 PC	Threatening a juror	W/F (1170)	H
107 PC	Escape by a convicted felon	F	J
109 PC	Assisting an inmate of any reformatory to escape	F	J
110 PC	Aiding a prisoner or inmate in making his escape	F	J
136.1 PC	Prevent/Dissuade/Wit/Victim	W/F (1170)	H
136.5 PC	Possession of a Deadly Weapon to intimidate Wit/Victim	W/F	H BNLT
137 PC	Influencing testimony	F	I
138 PC	Bribing a witness or person about to call as a witness	F	I
139 PC	Felony threatening a witness by use of force by convicted felon	W/F (1170)	C
140 PC	Threatening a witness	W/F (1170)	C
148.10 PC	Resisting Peace Officer causing death or injury	W/F (1170)	H
149 PC	Assault by an Officer under the color of authority	W/F (1170)	A BNLT
151 (A)(2) PC	Advocate violence against P.O. causing death or injury	F	(a)(2)
165 PC	Bribery of a Councilman, Supervisor etc.	F	I
171c PC	A loaded firearm within the state capitol, any legislative office	W/F (1170)	K
171d PC	Loaded firearm in the Governor's mansion	W/F (1170)	K
181 PC	Sell a person to another person	F (1170)	T
182(A) PC	Conspiracy to Commit a Crime (Violent crime only)	W/F (1170)	P
186.2 PC	Criminal profiteering activity	O	U
186.10(A) PC	Felony money laundering	W/F (1170)	U
186.10 (c) PC	Money Laundering sentenced pursuant to 1170(h) PC	F	U
186.22 PC	Felony criminal street gang	W/F (1170)	O
186.26 PC	Soliciting or recruiting to actively participate in criminal street gang	F	O
186.28 PC	Supplying, selling or giving control of any firearm to another	F	O
186.22(A) PC	Participate in a known street gang	F	O
187 PC	Murder	F	Q
189.1 PC	Knowing, premeditated murder of a peace officer	F	(a)(3)(Q)
191.5 PC	Gross Vehicular Manslaughter	W/F (1170)	Q
191.5(a) PC	DUI with gross negligence	W/F (1170)	Q
191.5(b) PC	DUI without gross negligence	W/F (1170)	Q
192(a) PC	Manslaughter-voluntary	F	Q

SB54 2018-FELONY CHARGE LIST

192(b) PC	Manslaughter-involuntary	W/F (1170)	Q
192(c)(1) PC	Vehicular manslaughter- driving vehicle with gross negligence	W/F (1170)	Q
192(c)(3) PC	Vehicular manslaughter- Accident caused for financial gain	F	Q
192.5 PC	Vehicular manslaughter-operating a vessel	F	Q
192.5(a) PC	DUI with gross negligence	F	Q
192.5(b) PC	DUI without gross negligence	W/F (1170)	Q
192.5(e) PC	DUI with gross negligence fleeing the scene	F	Q
203 PC	Mayhem	F	V
205 PC	Aggravated Mayhem	F	V BNLT
206 PC	Torture	F	V BNLT
207 PC	Kidnapping	F	AD
209(a) PC	Kidnapping for ransom, robbery, sex offense, etc.	F	AD
209(b)(1) PC	Kidnapping to commit robbery, rape, spousal rape, oral copulation, sodomy	F	AD
209.5 PC	Kidnapping during carjacking	F	AD BNLT
210 PC	Pose as kidnapper to extort	F	(a)(2)
210.5 PC	False imprisonment-kidnap to evade arrest	F (1170)	T
211 PC	Robbery	F	F
212.5	Home Invasion Robbery	F	F
215 PC	Car Jacking	F	F
217.1 PC	Assault upon the president or vice president, or others in government	W/F (1170)	A
218 PC	Train wrecking	F	1
218.1 PC	Damaging train	F (1170)	W BNLT
219 PC	Train wrecking (life)	F	W
219.1 PC	Throwing objects at a vehicle	F (1170)	W
219.2 PC	Throwing objects at a train	W/F (1170)	W
220 PC	Assault with intent to commit mayhem, rape, sodomy, oral copulation	F	AC BNLT
222 PC	Administering chloroform, ether, laudanum, or any controlled substance, with intent to commit a felony	F	(a)(2)
236 PC	False Imprisonment	F	T
236.1 PC	Human trafficking	F	T
237(a) PC	False imprisonment	W / F (1170)	T BNLT
237(b) PC	False imprisonment - Elder or dependent person	F (1170)	X BNLT
241.1 PC	Assault against custodial officer	W/F (1170)	A
241.4 PC	Assault committed against a peace officer	W/F (1170)	A
241.7 PC	Assault against any juror or alternate juror	W/F (1170)	A
243(c)(1) PC	Battery on custodial officer, emergency personnel, etc.	W/F (1170)	B BNLT
243(c)(2) PC	Battery of a peace officer	W / F (1170)	B BNLT
243(d) PC	Battery with serious bodily injury	W/F (1170)	B BNLT
243.1 PC	Battery on a Custodial Officer	F (1170)	B
243.3 PC	Battery on Transportation Personnel / Passenger	W/F	B
243.4(a) PC	Sexual battery on an unlawfully restrained victim	W / F	B
243.4(b) PC	Sexual battery on an institutionalized victim	W / F	B
243.4(c) PC	Sexual battery by fraud	W / F	B

SB54 2018-FELONY CHARGE LIST

243.4(d) PC	Sexual battery on a restrained or institutionalized victim	W / F	B
243.6 PC	Battery on a school employee retaliation for performance of duties	W/F (1170)	B
243.7 PC	Battery on a Juror	W/F	B
243.9(a) PC	Battery by gassing against Peace Officer	W/F	B
243.15	Battery by an inmate against a non-inmate	W / F (1170)	B BNL
244 PC	Assault with caustic chemicals	F	A
244.5(b) PC	Assault with a stun gun or less lethal	W/F (1170)	A
244.5(c) PC	Assault with a stun gun or less lethal on a peace officer or firefighter	W / F (1170)	A
245(a)(1)PC	Assault with a deadly weapon other than a firearm	W/F	A
245(a)(2) PC	Assault with Firearm	W/F	A
245(a)(3) PC	assault with a machinegun	F	A
245(a)(4) PC	Assault with by any means of force likely to produce great bodily injury	W/F	A
245(b) PC	Assault with a Semi-Automatic Firearm	F	A
245(c) PC	Assault on Peace Officer / Deadly Weapon other than Firearm	F	A
245(d)(1) PC	Assault with a firearm on a Peace Officer or firefighter	F	A
245(d)(2) PC	Assault with a semi-automatic firearm on a Peace Officer or firefighter	F	A
245.2 PC	Assault with a deadly weapon on an operator, driver or passenger	F	A
245.3 PC	Assault with a deadly weapon on a custodial officer	F	A
245.5(a) PC	Assault with a deadly weapon on a school employee	F	A
245.5(b) PC	Assault with a deadly weapon on a school employee (firearm)	F	A
245.5(c) PC	Assault with a deadly weapon on a school employee (stun gun)	F	A
245.6 (d) PC	Hazing that results in death/great bodily injury	W/F (1170)	Q
246 PC	Discharge Firearm at Inhabited Dwelling	W/F	K
246.3(a) PC	Discharge of firearm-gross negligence	W/F (1170)	K
247 (a) and (b) PC	Discharge of a firearm at an unoccupied aircraft	W/F	K
247.5 PC	Pointing a laser at an aircraft	W/F (1170)	W
261 (a)(1) PC	Rape	F	AC
261 (a)(2) PC	Rape by force or fear	F	AC
261 (a)(3) PC	Rape: person prevented from resisting by intoxication	F	AC
261 (a)(4) PC	Rape: person is unconscious	F	AC
261 (a)(5) PC	Rape: perpetrator is known to the victim	F	AC
261 (a)(6) PC	Rape: by threat of retaliation	F	AC
261 (a)(7) PC	Rape: under color of authority	F	AC
261.5 PC	Sex with a minor female	W/F	AC
262 PC	Spousal rape	F	AC
262 (a)(1) PC	Spousal rape by force or fear	F	AC
262 (a)(4) PC	Spousal rape by threats	F	AC
262 (a)(5) PC	Spousal rape by threat to use authority of public official	F	AC
264.1(a) PC	Rape or penetration in concert	F	AC
264.1(b)(1) PC	Rape in concert by force or violence (if victim is a child who is under 14)	F	AC
264.1(b)(2) PC	Rape in concert by force or violence (if victim is minor 14 or older)	F	AC
265 PC	Abducting any woman and by force, meance, or duress, compels her to marry him or another person	F (1170)	D BNL

SB54 2018-FELONY CHARGE LIST

266 PC	Prostitution of a female under the age of 18	W/F	D
266a PC	Pimping: taking person without consent for purpose of prostitution	F	D
266b PC	Any person who takes another person against their will to live with them	F (1170)	D
266c PC	Forcing another person to engage in sexual intercourse with false pretense/ fear	W/F	D
266d PC	Person who receives money for another person	F	D
266e PC	Payment for immoral purposes in a house/place against their will	F	D
266f PC	Person who sells a person for immoral purposes	F	D
266g PC	Force, intimidation or threats to leave his wife in a house of prostitution	F (1170)	D
266h PC	Enticement of female minor under 18 for purposes of prostitution	F	D
266i PC	Procures another person for the purpose of prostitution	F	D
266j PC	Lewd acts on a child under the age of 16	F	D
267 PC	Abduction of minor for prostitution purposes	F	D
269 PC	Aggravated sexual assault of a child under 14 years	F	D
270 PC	Child neglect	W/F	E
271 PC	Child abandonment	W/F (1170)	E
271a PC	Abandons or refuses to maintain minor under the age of 14	W/F (1170)	E
273a PC	Causes great bodily harm or death to any child under their care	W/F	E
273a(a) PC	Willful Cruelty to a Child	W/F	E BNLT
273ab PC	Assaulting child under 8 years of age who is in their custody	F	E
273d PC	Inflicting on a child cruel or inhuman punishment resulting in a trauma	W/F (1170)	E
273.4 (a) PC	Female genital mutilation	F	V BNLT
273.5(a) PC *	Corporal Injury on Spouse / Cohabitant *MUST BE A CONVICTION NOTE: 243 (E)(1)PC is never detainable	W/F	B
278 PC	Taking child from lawful custodian	W/F (1170)	E
285 PC	Incest	F	(a)(2)
286(b)(1) PC	Sodomy: If victim is under age 18	W/F	AC BNLT
286(b)(2) PC	Sodomy: If victim is under age 16 and defendant is over age 21	F	AC BNLT
286(c)(1) PC	Sodomy: If victim is under age 14 and defendant more than 10 years older than victim	F	AC
286(c)(2)(A) PC	Sodomy: If defendant compelled another by force, duress or threats of great bodily injury	F	AC
286(c) (2)(B) PC	Sodomy: If victim is under age 14 with force or duress	F	AC
286(c) (2)(C) PC	Sodomy: If victim is a minor age 14 or older with force or duress	F	AC
286(d)(1) PC	Sodomy: If in concert with force or fear	F	AC
286(d)(2) PC	Sodomy: If in concert with force or fear upon a victim under age 14	F	AC
286(d)(3) PC	Sodomy: If in concert with force or fear upon a victim under age 14 or over	F	AC
286(e) PC	Sodomy: If committed in state prison or jail	W/F	AC BNLT
286(f) PC	Sodomy: If victim unconscious	F	AC BNLT
286(g) PC	Sodomy, victim cannot give consent due to mental illness or disability	F	AC BNLT
286(h) PC	Sodomy, victim cannot consent due to mental state and hospitalization	W / F	AC BNLT
286(i) PC	Sodomy, victim intoxicated	F	AC BNLT
286(j) PC	Sodomy, victim deceived	F	AC BNLT
286(k) PC	Sodomy under color of authority	F	AC BNLT
288 PC	Lewd or Lascivious Act with a Child Under 14	F	D
288(a) PC	Lewd or Lasvicious Act:If victim is under age 14	F	D

SB54 2018-FELONY CHARGE LIST

288(b)(1) PC	Lewd or Lavicious Act: If victim is under age 14 with force	F	D
288(b)(2) PC	Lewd or Lavicious Act:By caretaker upon a dependent person with force	F	D
288(c)(1) PC	Lewd or lascivious act with a child 14 or 15 and defendant is 10 or more years older	W / F	D
288(c)(2) PC	Lewd or lascivious act by a caretaker upon a dependent	W / F	D
288a(b)(1) PC	Oral Copulation: If victim is under age 18	F	AC BNLT
288a(b)(2) PC	Oral Copulation: If victim is under age 16 and defendant is over age 21	F	AC BNLT
288a(c)(1) PC	Oral Copulation: If victim is under age 14 and defendant more than 10 years older than victim	F	AC
288a(c)(2)(A) PC	Oral Copulation: If defendant compelled another by force, duress or threats of great bodily injury	F	AC
288a(c)(2)(B) PC	Oral Copulation: If victim is under age 14 with force or duress	F	AC
288a(c)(2)(c) PC	Oral Copulation: If the victim is under age 14 or older with force or duress	F	AC
288a(d)(1) PC	Oral Copulation: In concert with force or fear	F	AC
288a(d)(2) PC	Oral Copulation: In concert with force or fear upon a victim under age 14	F	AC
288a(d)(3) PC	Oral Copulation: In concert with force or fear upon a minor victim age 14 and over	F	AC
288a(e) PC	Oral Copulation: If committed in state prison or jail	W/F	AC BNLT
288a(f)&(g)&(h) PC	Oral Copulation: If victim unconscious of nature of act/incapable of consent	W/F	AC BNLT
288a (i) (1) PC	Oral Copulation: Victim is prevented from resisting by intoxication	F	AC BNLT
288a (j) PC	Oral Copulation: Victim is the spouse	F	AC BNLT
288a (k) PC	Oral Copulation: Under color of authority	F	AC BNLT
288.2(a)(1) PC	Distributing matter to minors that depicts a minor engaging in sexual conduct	W / F	AC BNLT
288.2(a)(2) PC	Distributing matter to minors that depicts sexual conduct	W / F	AC BNLT
288.3(a) PC	Contacting a minor with intent to commit certain offenses	F	AC BNLT
288.4(a)(2) PC	Arrange meeting with minor for purpose of sexual exposing, with prior (subject is 290 Reg)	F	AC BNLT
288.4(a)(2)(b) PC	Attending a meeting with minor for purpose of exposing or engaging in lewd act	F	AC BNLT
288.5(a) PC	Continuous sexual abuse of a child	F	D
288.7(a) PC	Engage in specified sex acts with minor under 10	F	AC BNLT
288.7(b) PC	Engage in oral copulation or sexual penetration with a child who is 10 years of age or younger	F	AC BNLT
289 (a)(1)(A) PC	Penetration with foreign object by force	F	AC
289 (B) PC	Penetration of foreign object incapable of consent	F	AC BNLT
289 (C) PC	Penetrate with a foreign object force victim mental	F	AC BNLT
289 (D)(2) PC	Penetration by threats	F	AC BNLT
289 (D)(2)(b) PC	Penetration when victim is incapable of making decision-mental disorder	F	AC BNLT
289 (D)(2)(c)PC	Penetration if both victim and defendant are confined to a mental hospital	W/F	AC BNLT
289 (D)(2)(d) PC	Penetration by anesthesia, controlled substance, intoxication	F	AC BNLT
289 (D)(2)(f) PC	Penetration with victim believing person is spouse	F	AC BNLT
289 (D) (2) (g) PC	Penetration under threats to arrest/deport	F	AC BNLT
289 (D)(2)(h) PC	Penetration with victim under 18 years	W/F	AC BNLT
289 (D)(2)(i) PC	Penetration with victim under 16 years by person over 21 years	F	AC BNLT
289 (D)(2)(j) PC	Sexual penetration more than 10 years difference	F	AC BNLT
289 (j) PC	Sexual penetration with victim under 14 years of age by person 10 or more years older	F	AC BNLT
289.5 PC	Penetration by penis or foreign object with special circumstances 290 instructions	M	criteria
290 PC	Registration of Sex Offenders	O	S, (a)(4)
290.002 PC	Person require to register in their state of residence	O	S, (a)(4)

SB54 2018-FELONY CHARGE LIST

290.006 PC	Ordered by any court to register for sex offender	O	S, (a)(4)
311.1 PC	Child Porn Sales or distribution of CD-ROMs	W/F	D
311.3 PC	Sexual exploitation of a child	W/F	D
311.4 PC	Use of minor in bringing or distributing obscene matter with state	W/F	D
311.10 PC	Advertises for sale or distribution any obscene matter depicts a person under the age of 18	W/F	D
311.11 PC	The production of porn which involves the use of a person under the age of 18	W/F	D
314 PC	Indecent exposure, with priors: 1st offense= M, 2nd offense =F	W/F	(a)(2)
347(a)(1) PC	Poisoning food	F	(a)(2)
368 PC	Cruelty to an Adult Dependent	W/F (1170)	X
404.6(C) PC	Intent to cause a riot	W/F (1170)	W
405b PC	Lynching	F/1170	W
417.3 PC	In the presence of any other person who is an occupant of a motor vehicle	F (1170)	K
417.6 PC	Serious injury is inflicted by the person exhibiting deadly weapon	W/F	K
417.8 PC	Drawing or exhibiting firearm, loaded or unloaded, to prevent the arrest	F	K
422 PC	Criminal Threats	W/F	C
422.55 PC	Hate crime	O	Y
424 (a) PC	Embezzlement and falsification of accounts by public officers	F	(a)(2)
451 PC	Arson	F	W
451.5 PC	Aggravated Arson	F	W BNLT
451(a) PC	Arson, causing great bodily injury	F	W BNLT
451(b) PC	Arson, causing inhabited structure or inhabited property to burn	F	
452(a) PC	Unlawfully causing a fire with great bodily injury	W/F	W BNLT
452(b) PC	Unlawfully causing a fire that causes an inhabited structure to burn	W / F	W BNLT
452(c) PC	Unlawfully causing a fire of a structure or forest land	W / F	W BNLT
453(a) PC	Possession, etc.. of explosives or flammable matter w/malicious intent	W/F (1170)	K BNLT
455 (a) PC	Attempt/ aid to burn structure/forest/property	F	(a)(2)
459 PC ***	Burglary	W / F	F
463 PC	Looting	W/F (1170)	F
464 PC	Burglary with explosives	F (1170)	F BNLT
470 PC	Forgery	F	F
470(a) PC	Forgery/counterfeiting driver's license or I.D. card	W/F (1170)	F BNLT
470(b) PC	Displaying or possessing forged driver's license or I.D. card to accomplish a forgery	W/F (1170)	F BNLT
472 PC	Forgery, or counterfeiting any public or corporate seal	W/F (1170)	F BNLT
473(a) PC	Forgery	W / F (1170)	F BNLT
473(b) PC	Forgery under \$950	W / F (1170)	F BNLT
476a(a) PC	Fictitious checks, making, uttering	W/F (1170)	F
476a(b) PC	Fictitious checks, making, uttering under \$950	W / F (1170)	F
484(a) PC	Theft	W / F (1170)	F
484b PC	Theft, diversion of money received for services, labor material, etc.	W/F (1170)	F BNLT
484e(a) PC	Sell, transfer, convey access card	W / F (1170)	F BNLT
484e(b) PC	Sell, transfer, convey access card	W / F (1170)	F BNLT
484e(d) PC	Sell, transfer, convey access card	W / F (1170)	F BNLT

SB54 2018-FELONY CHARGE LIST

487(a)	Grand theft	W/F (1170)	F
487(b)(1) PC	Theft of fowl, fruits, nuts...	W / F (1170)	F
487(b)(2) PC	Theft of shell fish...	W / F (1170)	F
487(c) PC	Theft from a person	W / F (1170)	F
487(d)(1) PC	Theft of an automobile	W/F (1170)	F
487(d)(2) PC	Theft of a firearm	W/F (1170)	F
487a PC	Stealing a carcass	W / F (1170)	F
487b PC	Converting real estate into personal property by severance	W / F (1170)	F
487d PC	Theft from a mining claim	W / F (1170)	F
487g PC	Stealing an animal for medical research	W / F	F
487i PC	Defrauding a housing program	W / F	F
487j PC	Copper wire theft	W / F	F
490.2(a) PC	Theft under \$950	W / F (1170)	F
496(a) PC	Receiving stolen property	W/F (1170)	F
496(b) PC	Swap meet vendor, merchant, receiving stolen property over \$950	W / F (1170)	F
496(d) PC	Attempt to receive stolen property	W / F (1170)	F
503 PC	Embezzlement	W / F	F
504 PC	Embezzlement, misappropriation by public officers	W / F	F BNLT
504a PC	Embezzlement, disposal of personal property under lease or lien	W / F	F BNLT
504b PC	Embezzlement of proceeds of sale of secured property	W / F	F BNLT
505 PC	Embezzlement of carrier or individual transporting property for hire	W / F	F BNLT
506 PC	Embezzlement, misappropriation by trustee, contractor	W / F	F BNLT
506a PC	Embezzlement by a collector	W / F	F BNLT
506b PC	Embezzlement related to real property sales contracts	W / F (1170)	F BNLT
507 PC	Embezzlement by Bailee	W / F (1170)	(a)(2)
514 PC	Embezzlement or defalcation of public funds	F	(a)(2)
518 PC	Extortion, not amounting to robbery	F	F
520 PC	Extortion	F (1170)	F BNLT
529(a) PC	Falsely personating another in an official capacity	W / F (1170)	F BNLT
530.5(a) PC	Obtaining identifying information and using that information for any unlawful purpose	W / F (1170)	F BNLT
532 PC	Defraud under false pretenses	O	F
532f PC	Mortgage fraud	W/F (1170)	F BNLT
533 PC	Selling, barting, or disposing of land after executing any bond or agreement for the sale of the same land to a different party	F (1170)	F BNLT
534 PC	Falsely or fraudulantly representing oneself as competent to sell real estate when spousal concurrence is necessary	F	F BNLT
535 PC	Obtaining money or property by means of any false or fraudulent sale of property by auction	W / F (1170)	F BNLT
537(a)(2) PC	Defrauding an inn keeper for more than \$950	W / F	(a)(2)
537e(a)(3) PC	Buy, sell or receive property from which the serial number has been removed	W / F (1170)	F BNLT
538 PC	Taking or removing mortgaged property without consent	W / F (1170)	F BNLT
538.5 PC	Transmitting for the purpose of furthering a scheme to obtain private information	W / F (1170)	F BNLT
550 PC	False or fraudulent insurance claim	W/F (1170)	F
594.7 PC	Vandalism with priors	W/F	N
601 PC	Trespassing by use of threats	W/F (1170)	C

SB54 2018-FELONY CHARGE LIST

626.9 PC	Gun at School	W/F (1170)	K BNLT
626.10 PC	Possession of knife on school property	M (1170)	K BNLT
646.9 PC	Stalking	W/F	Z
647.6(b) PC	Annoying or Molesting a Child Under 18 Note: 647.6(a) P.C. is NOT detainable	W/F	D
647.6(c)(1) PC	Annoying or molesting a child (second or third offense)	F	D
647.6(c)(2) PC	Annoying or molesting a child after conviction for certain sex offenses	F	D
653f(a) PC	Solicits certain crimes	W / F (1170)	AA BNLT
653f(b) PC	Solicit murder	F	AA BNLT
653f(c) PC	Solicit rape, etc.	F	AA BNLT
653j PC	Any person 18 years of age or older who intimidates a minor to commit felony	F	AA
664 PC	Attempt of a crime (combined with any crime listed on this table)	W/F (1170)	P
664/187 PC	Attempted murder	F	P
664 / 496 PC	Attempt to receive stolen property	W / F (1170)	F
666 PC	Theft with priors	W / F (1170)	F BNLT
1320(B) PC	FTA After O.R. Release on Felony Charge	W/F (1170)	AB
4500 PC	Life prisoner committing an assault on another person with a deadly weapon	F	A
4501 PC	Assault with deadly weapon by prison inmate	F	A
4501.1 PC	Gassing upon the person of any peace officer by state prisoner	W/F	B
4501.5 PC	Battery on non-inmate by prison inmate	F	B
4502 (a) PC	Possession of deadly weapon by prison inmate	F (1170)	K BNLT
4503 PC	Holding of hostages by prison inmate	F	(a)(2)
4530 PC	Escape, attempted escape from prison with or without force or violence	F	J
4530.5 PC	Escapes or attempts to escape state prison (Deuel Vocational Institute)	O	J
4532 PC	Escape, attempted escape while on work furlough jail, industrial farm. Etc...	W/F	J
4533 PC	Custody personnel allowing an escape of any prisoner in custody	F (1170)	J
4534 PC	Any person who assists any paroled prisoner who's parole has been revoked	F (1170)	J
4535 PC	Furnish escape equipment to inmate	F	J
4536 PC	Escape from a state hospital or other mental health facility	W/F	J
4573 PC	Bringing controlled substance into jail or prison	F (1170)	M
4573.6 PC	Possess Narcotic / Drug / Alcohol / Drug Paraphernalia (in custody)	F (1170)	M
4574 PC	Bringing weapon into jail or prison	F (1170)	K
11413 PC	Any person who explodes or ignites any destructive device	F (1170)	K BNLT
11418 PC	Possession, etc. of a weapon of mass destruction	F (1170)	K
11418(b)(1) PC	Employ weapon of mass destruction causing widespread, disabling illness or injury	F	K BNLT
11418(b)(2) PC	Employ weapon of mass destruction causing death (life)	F	K BNLT
11418(b)(3) PC	Employ weapon of mass destruction that may cause widespread damage or disruption of the food supply or drinking water	F	K BNLT
11418(b)(4) PC	Employ weapon of mass destruction against animals, crops, or seed and seed stock	F	K BNLT
11418(c) PC	Employ weapon of mass destruction that may cause widespread damage to natural resources	F	K BNLT
11418.1 PC	Giving, mailing, or sending a false weapon of mass destruction	W/F	K
11418.5 PC	Threatens to use a weapon of mass destruction	W/F	C
12001.5 PC	Possess of a short barreled shotgun or rifle*HISTORICAL	F	K BNLT
12020(A) PC	Possess / Manufacture / Sell Dangerous Weapon*HISTORICAL	F	K BNLT

SB54 2018-FELONY CHARGE LIST

12021 PC	Posses of firearm by convicted felon or specified persons; exemptions*HISTORICAL	F	K BNLT
12021.5 PC	Street gang with use of a firearm	F (1170)	K
12022 PC	Any person who is armed in the commission of a felony or attempted felony	F (1170)	K
12022.1 PC	Felony committed while on bail, primary offense	W/F (1170)	AB
12022.2 PC	Possession of armor penetrating ammunition	F (1170)	K
12022.3 PC	Armed with a firearm in the commission or attempted commission of sex offenses	F	K
12022.4 PC	Furnishing a firearm to another for the purpose of aiding	F	K
12022.5 PC	Using a firearm in the commission of a felony or attempted felony	F	K
12022.53 PC	Enhancements to: 187,203,205,207,209,209.5,211,215,220,245,261,262,264.1, 286,288,288.5,289,4500,4501,4503 PC	F	K
12022.55 PC	Any person with intent to inflict great bodily injury or death	F	K
12022.7 PC	Inflicting GBI on other person in the commission of a felony	F	Q
12022.75	Commit Felony by ingestion of controlled substance against victims will/force	F	(a)(2)
12022.8 PC	Any person who inflicts great bodily injury involving a sexual offense	F	Q
12022.9 PC	Knowingly inflicts injury on a known pregnant victim	F	Q
12025 (a)	Possess Concealed Weapon - Vehicle / Person	F	K BNLT
12025(b)(1) PC	Possess Concealed Weapon - Vehicle / Person	F	K BNLT
12025(b)(2) PC	Possesion of Stolen firearm	F	K BNLT
12025(b)(3) PC	Person is a participant of a Criminal Gang	F	K BNLT
12025(b)(4) PC	Person prohibited of Possesing af a firearm (WIC)	F	K BNLT
12031(a)(1) PC	Carry loaded firearm in public on person or in vehicle	F	K BNLT
12031(a)(2)(A) PC	Carrying loaded firearm with prior felony/weapons conviction	F	K BNLT
12031(a)(2)(B) PC	Carrying loaded firearm that is stolen	F	K BNLT
12031(a)(2)(C) PC	Carrying loaded firearm a participant in street gang	F	K BNLT
12031(a)(2)(D) PC	Carrying loaded firearm when not in lawful possession or prohibited by 12021/12021.1	F	K BNLT
12031(a)(2)(E) PC	Carrying loaded firearm prior conviction	F	K BNLT
12031(a)(2)(F) PC	Carrying loaded firearm not registered owner	F	K BNLT
12034 PC	Driver/Owner liability - Vehicle occupant with loaded firearm	F	K BNLT
12035(B)(1) PC	Criminal Storage of Firearm of the First Degree	F	K BNLT
12040(a) PC	Possess Firearm while masked	F/1170H	K
12280(a)(1) PC	Possess / Manufacture / Sell Dangerous Weapon	F	K
12280(b) PC	Assault Weapon	W/F (1170)	K
18710 PC	Possession of a destructive device	F	K BNLT
18715 PC	Reckless possession of a destructive or explosive device	F	K BNLT
18720 PC	Possession of bomb making materials	F	K BNLT
18725 PC	Carrying explosive device on an aircraft, vessel, car, or other vehicle	F	K BNLT
18730 PC	Sales or transport destructive device	F	K BNLT
18740 PC	Possessing or exploding a destructive device with intent to injure	F	K BNLT
18745 PC	Possessing or exploding a destructive device with intent to murder	F	K BNLT
18750 PC	Causing bodily injury by explosive device	F	K BNLT
18755 PC	Causing death or mayhem or great bodily injury by explosive device	F	K BNLT
19100 PC	Explosive substance	W/F	K

SB54 2018-FELONY CHARGE LIST

19200 (b) PC	Replica handgrenade by criminal street gang (infraction if first offense and not gang member)	F	O BNLT
20110 PC	Assembly, possession or placement of a booby-trap	F/1170	K BNLT
20310 PC	Possession of air gauge knife	W/F (1170)	K BNLT
20410 PC	Possession of a belt buckle knife	W/F (1170)	K BNLT
20510 PC	Possession of a cane sword	W/F (1170)	K BNLT
20610 PC	Possession of a lipstick knife	W/F (1170)	K BNLT
20710 PC	Possession of a shobi-zue	W/F (1170)	K BNLT
20910 PC	Possession of a writing pen knife	W/F (1170)	K BNLT
21110 PC	Possession of a ballistic knife	W/F (1170)	K BNLT
21310 PC	Carrying a concealed dirk or dagger	W/F (1170)	K BNLT
21810 PC	Possession of metal knuckles	W/F (1170)	K BNLT
22010 PC	Possession of nunchaku	W/F (1170)	K BNLT
22210 PC	Possession of a sap or billy club	W/F (1170)	K BNLT
22410 PC	Possession of shuriken	W/F (1170)	K BNLT
22810(G)(1) PC	Unlawful use of tear gas	F/1170	B BNLT
22810(G)(2) PC	Unlawful use of tear gas on police officer	F/1170	B BNLT
23515 PC	Offenses involving the violent use of a firearm	F	R
23900 PC	Obliteration of firearm markings	F/1170	K BNLT
24410 PC	Possession of a cane gun	W/F (1170)	L
24510 PC	Possession of a firearm not immediately recognizable as a firearm	W/F (1170)	K BNLT
24610 PC	Possession of an undetectable firearm	W/F (1170)	K BNLT
24710 PC	Possession of a wallet gun	W/F (1170)	K BNLT
25100 (a) & (b)PC	Criminal storage of a firearm	W/F (1170)	K BNLT
25300 PC	Possession of a firearm while masked in public	W/F (1170)	K BNLT
25400(C)(1)-(C)(5) PC	Carrying a concealed firearm	F	K BNLT
25800 PC	Carrying a loaded firearm with intent to commit felony	W/F	R BNLT
25850(C)(1)-(C)(6) PC	Possession of a loaded firearm	F/1170	K BNLT
26100 (b) PC	Driver allow shooting from motor vehicle	F	K BNLT
26100 (c) PC	Discharge weapon from motor vehicle at person	F	K
26100 (d) PC	Discharge weapon from motor vehicle	W/F	K
26180 (b)PC	CCW false information	F	(a)(2)
29800 PC	Possession of firearm by ex-con	F	K BNLT
29900 (A)(1) PC	Possession of a firearm by person convicted of violent offense	F	K BNLT
30210 PC	Possession of ammunition containing flechette dart or explosive	W/F (1170)	K BNLT
30315 PC	Possession of armor penetrating ammunition	W/F (1170)	K BNLT
30320 PC	Sales of armor penetrating ammunition	F	K BNLT
30600 PC	Manufacture, distribute, sale, gift or loan of an assault weapon	F/1170	K BNLT
30605 PC	Possession of assault weapon	W/F (1170)	K BNLT
31360 (a) PC	Felon with body armor	F	(a)(2)
31500 PC	Possession of an unconventional pistol	W/F (1170)	K BNLT
32625 PC	Possession of a machine gun	F/1170	K BNLT
33210 PC	Possession of sawed off shotgun or rifle	F	K BNLT

SB54 2018-FELONY CHARGE LIST

33215 PC	Possession of a short barreled rifle, short barreled shotgun	W/F (1170)	K BNLT
33600 PC	Possession of a zip gun	W/F (1170)	K BNLT
HEALTH & SAFETY			
11100.1 HS	Manufacture of any controlled substance, transportation with prior	W/F (1170)	M
11351 HS	Possession of controlled substances for sales	F/1170	M
11351.5 HS	Possession of cocaine base for sales	F/1170	M
11352 HS	Transportation of control substance	F/1170	M
11353 HS	Adult inducing minor to violate controlled substance laws	F	M
11353.1 HS	Adult inducing minor to violate controlled substance laws, enhancement	O	M
11353.4 HS	Adult inducing minor to violate controlled substance laws, second offense	F	M
11353.5 HS	Controlled substances where children are present	F/1170	M
11353.6(b) HS	Enhancement -Controlled substances where children are present, schoolyards	F	M
11353.6(c) HS	Controlled substances where children four years younger are present	F/1170	M
11353.7 HS	Adult preparing controlled substances for sale in park	F	M
11354 HS	Minor inducing another minor to violate controlled substance laws	F	M
11358(d) HS	Cultivation of marijuana	W/F (1170)	M
11359(c) HS	Marijuana possession for sales	W/F (1170)	M
11360(a)(3) HS	Transportation or sales of marijuana	W/F (1170)	M
11361 HS	Employing minors to sell marijuana	F	M
11363 HS	Peyote, cultivating, processing	W/F	M
11366 HS	Felony maintaining a unlawful business location for sales of controlled substances	W/F	M
11366.5(a) HS	Felony providing location for illegal controlled substances	W/F (1170)	M
11366.5(b) HS	Rent, lease etc. room for manufacture, storage or distribution of controlled substance	F/1170	M
11366.6 HS	Felony using a location for illegal sales, distribution of controlled substances	F/1170	M
11366.8 HS	Felony false compartment to conceal controlled substances	W/F (1170)	M
11368 HS	Felony forged prescriptions	W/F	(a)(2)
11370.1A HS	Poss. C/Sub While Armed W/Loaded Firearm	F	M
11370.6 HS	Possession over \$100,000 for use in unlawful activities involving controlled substances	W/F (1170)	M
11371 HS	Induce minor to violate certain controlled substance laws	W/F (1170)	E BNLT
11371.1 HS	Induce minor to violate certain controlled substance laws by false pretense	W/F (1170)	E BNLT
11375 (b)(1) HS	Felony possession or possession for sales of certain controlled substances	W/F	M
11378 HS	Possession for sale of Meth	F/1170	M
11378.5 HS	Possession for sale of PCP	F/1170	M
11379 HS	Felony transportation or sales of controlled substances	F/1170	M
11379.2 HS	Felony possession or possession for sales of ketamine	F/1170	M
11379.5 HS	Transportation or sales of PCP	W/F	M
11379.6(a) HS	Manufacture of any controlled substance	F/1170	M
11379.6(c) HS	Offer to manufacture	F/1170	M
11379.7 HS	Crime of 11379.6 or 11383 H&S with child under 16 present and child suffers G.B.I.	F	E BNLT
11380 HS	Soliciting or inducing a minor to violate a controlled substance law	F	E BNLT
11382 HS	Felony sale or furnishing substances of fraudulent controlled substances	W/F (1170)	M

SB54 2018-FELONY CHARGE LIST

11383 HS	Possession with intent to manufacture PCP	F/1170	M
11383.5 HS	Possession with intent to manufacture Meth	F/1170	M
11383.6 HS	Possession of precursors of PCP	F/1170	M
11383.7 HS	Possession of precursors of Meth	F/1170	M
11390 HS	Felony cultivation of mushrooms	W/F	M
11391 HS	Felony transportation or sales of mushrooms	W/F	M
11550(E) HS	Possession loaded firearm under the influence of a controlled substance	W/F	M

VEHICLE CODE			
---------------------	--	--	--

2800.2(a) VC	Felony Evading Peace Officer / Disregard to Safety	W/F	(A)(2)
2800.3(a) VC	Felony evading causing great bodily injury	W/F	(A)(2)
2800.3(b) VC	Felony evading causing death	F	(A)(2)
2800.4 VC	Felony evading driving the wrong direction to avoid police	W/F	(A)(2)
10851(B) (C)&(E)	All Felony sections of taking vehicle/emerg veh/veh while on call	F/1170/O	F BNLT
20001(b) VC	Hit and Run Causing GBI or Death	W/F	(A)(2)
20001(c) VC	Hit and Run Causing GBI or Death (Enhancement)	F	AE
23110 (B) VC	Throwing substance at vehicle with great bodily injury intent	F	(A)(2)
23152(D),(E) &(F)	DUI/ADDICT/DUI drugs & Alcohol	O	G
23153 (A)&(B) VC	DUI alcohol/drugs causing bodily injury	O	G
23550(a) VC	DUI, multiple victim: enhanced penalty	W/F 1170	G

--	--	--	--

SB54 2018- SERIOUS / VIOLENT CRIMES

CHARGE	DESCRIPTION	Serious or Violent Section	7282 PC Justification
136.1 PC	Prevent/Dissuade/Wit/Victim	1192.7 (37)	H
187 PC	Murder	667.5 (1)	Q
192(a) PC	Manslaughter-voluntary	667.5 (1)	Q
203 PC	Mayhem	667.5 (2)	V
205 PC	Aggravated mayham	667.5 (2)	V
206 PC	Torture	667.5 (7)	V BNLT
207 PC	Kidnapping	667.5 (14)	AD
209(a) PC	Kidnapping for ransom, robbery, sex offense, etc.	667.5 (14)	AD
209(b)(1) PC	Kidnapping to commit robbery, rape, spousal rape, oral copulation, sodomy	667.5 (14)	AD
209.5 PC	Kidnapping during carjacking	667.5 (14)	AD
211 PC	Robbery	667.5 (9)	F
212.5(a) PC	Robbery of the first degree	667.5 (9)	F BNLT
212.5(b) PC	Robbery near an ATM	667.5 (9)	F BNLT
212.5(c) PC	Robbery of the second degree	667.5 (9)	F BNLT
215(a) PC	Car Jacking	667.5 (17)	F
218 PC	Train wrecking by throwing a switch, removing a rail, obstruction, dynamite, or fire to a bridge attempt	667.5 (7)	W BNLT
219 PC	Train wrecking	667.5 (7)	W
220(a)(1) PC	Assault with intent to commit mayhem, rape, sodomy, oral copulation	667.5 (15)	AC BNLT
220(a)(2) PC	Assault with intent to commit mayhem, rape, sodomy, oral copulation victim under 18	667.5 (15)	AC BNLT
220(b) PC	Assault with intent to commit mayhem, rape, sodomy, oral copulation during burglary of the first degree	667.5 (15)	AC BNLT
244 PC	Assault with any vitrol, corrosive acid, flammable substance, or caustic chemical	1192.7 (30)	A
245(a)(1) PC	Assault with a deadly weapon, other than a firearm	1192.7 (31)	A
245(a)(2) PC	Assault with a deadly weapon, firearm	1192.7 (31)	A
245(a)(3) PC	Assault with a deadly weapon, machine gun	1192.7 (31)	A
245(a)(4) PC	Assault with a deadly weapon, likely to cause great bodily injury	1192.7 (31)	A
245(b) PC	Assault with a deadly weapon, semi-automatic firearm	1192.7 (31)	A
245(c) PC	Assault on Peace Officer / Deadly Weapon other than Firearm	1192.7 (11)	A
245(d)(1) PC	Assault with a firearm on a Peace Officer or firefighter	1192.7 (11)	A
245(d)(2) PC	Assault with a semi-automatic firearm on a Peace Officer or firefighter	1192.7 (11)	A
245.2 PC	Assault with a deadly weapon on an operator, driver or passenger	1192.7 (32)	A
245.3 PC	Assault with a deadly weapon on a custodial officer	1192.7 (32)	A
245.5(a) PC	Assault with a deadly weapon on a school employee	1192.7 (32)	A
245.5(b) PC	Assault with a deadly weapon on a school employee (firearm)	1192.7 (32)	A
245.5(c) PC	Assault with a deadly weapon on a school employee (stun gun)	1192.7 (32)	A
246 PC	Discharge Firearm at Inhabited Dwelling	1192.7 (33)	K
261(a)(1) PC	Rape, victim unable to consent due to mental illness or disability	1192.7 (3)	AC
261(a)(2) PC	Rape by force or fear	667.5 (3)	AC
261(a)(3) PC	Rape using intoxicating substance	1192.7 (3)	AC
261(a)(4) PC	Rape of an unconscious or sleeping person	1192.7 (3)	AC
261(a)(5) PC	Rape, victim believes suspect is someone else	1192.7 (3)	AC
261(a)(6) PC	Rape: by threat of retaliation	667.5 (3)	AC

SB54 2018- SERIOUS / VIOLENT CRIMES

261(a)(7) PC	Rape under color of authority	1192.7 (3)	AC
262(a)(1) PC	Spousal rape by force or fear	667.5 (3)	AC
262(a)(2) PC	Spousal rape by intoxication	1192.7 (3)	AC
262(a)(3) PC	Spousal rape of an unconscious victim	1192.7 (3)	AC
262(a)(4) PC	Spousal rape by threats	667.5 (3)	AC
262(a)(5) PC	Spousal rape under color of authority	1192.7 (3)	AC
264.1(a) PC	Rape or penetration in concert	667.5 (18)	AC
264.1(b)(1) PC	Rape in concert by force or violence (if victim is a child who is under 14)	667.5 (18)	AC
264.1(b)(2) PC	Rape in concert by force or violence (if victim is minor 14 or older)	667.5 (18)	AC
286(c)(1) PC	Sodomy: If victim is under age 14 and defendant more than 10 years older than victim	667.5 (4)	AC
286(c)(2)(A) PC	Sodomy: If defendant compelled another by force, duress or threats of great bodily injury	667.5 (4)	AC
286(c)(2)(B) PC	Sodomy: If victim is under age 14 with force or duress	667.5 (4)	AC
286(c)(2)(C) PC	Sodomy: If victim is a minor age 14 or older with force or duress	667.5 (4)	AC
286(d)(1) PC	Sodomy: If in concert with force or fear	667.5 (4)	AC
286(d)(2) PC	Sodomy: If in concert with force or fear upon a victim under age 14	667.5 (4)	AC
286(d)(3) PC	Sodomy: If in concert with force or fear upon a victim under age 14 or over	667.5 (4)	AC
288(a) PC	Lewd or Lasvicious Act:If victim is under age 14	667.5 (6)	D
288(b)(1) PC	Lewd or Lavicious Act: If victim is under age 14 with force	667.5 (6)	D
288(b)(2) PC	Lewd or Lavicious Act:By caretaker upon a dependent person with force	667.5 (6)	D
288a(c)(1) PC	Oral Copulation: If victim is under age 14 and defendant more than 10 years older than victim	667.5 (5)	AC
288a(c)(2)(A) PC	Oral Copulation: If defendant compelled another by force, duress or threats of great bodily injury	667.5 (5)	AC
288a(c)(2)(B) PC	Oral Copulation: If victim is under age 14 with force or duress	667.5 (5)	AC
288a(c)(2)(c) PC	Oral Copulation: If the victim is under age 14 or older with force or duress	667.5 (5)	AC
288a(d)(1) PC	Oral Copulation: In concert with force or fear	667.5 (5)	AC
288a(d)(2) PC	Oral Copulation: In concert with force or fear upon a victim under age 14	667.5 (5)	AC
288a(d)(3) PC	Oral Copulation: In concert with force or fear upon a minor victim age 14 and over	667.5 (5)	AC
288.5(a) PC	Continuous sexual abuse of a child	667.5 (16)	D
288.7(a) PC	Engage in specified sex acts with minor under 10	667.5 (7)	AC BNLT
288.7(b) PC	Engage in oral copulation or sexual penetration with a child who is 10 years of age or younger	667.5 (7)	AC BNLT
289(a)(1)(A) PC	Penetration with foreign object by force	667.5 (11)	AC
289(a)(1)(B) PC	Penetration with foreign object by force victim under 14	667.5 (11)	AC
289(a)(1)(C)PC	Penetration with foreign object by force victim 15 to 17 years old	667.5 (11)	AC
289(a)(2) PC	Penetration with foreign object by threat	667.5 (11)	AC
289(j) PC	Penetration with victim under 14 years of age by person 10 or more years older	667.5 (11)	AC
422 PC	Criminal Threats	1192.7 (32)	C
451(a) PC	Arson, causing great bodily injury	667.5 (10)	W
451(b) PC	Arson, causing inhabited structure or inhabited property to burn	667.5 (10)	W
451.5 PC	Aggravated Arson	1192.7 (14)	W BNLT
664/187 PC	Attempted murder	667.5 (12)	P
4500 PC	Assault by a life prisoner on a noninmate	1192.7 (12)	A
4501 PC	Assault with a deadly weapon by a prisoner	1192.7 (13)	A
4503 PC	Holding of a hostage by a person confined in a state prison	1192.7 (21)	(a)(2)
11418(b)(1) PC	Employ weapon of mass destruction causing widespread, disabling illness or injury	667.5 (23)	K

SB54 2018- SERIOUS / VIOLENT CRIMES

11418(b)(2) PC	Employ weapon of mass destruction causing death (life)	667.5 (23)	K
11418(b)(3) PC	Employ weapon of mass destruction that may cause widespread damage or disruption of the food supply or drinking water	667.5 (23)	K
11418(b)(4) PC	Employ weapon of mass destruction against animals, crops, or seed and seed stock	667.5 (23)	K
11418(c) PC	Employ weapon of mass destruction that may cause widespread damage to natural resources	667.5 (23)	K
12022.53 PC	Enhancements to: 187,203,205,207,209,209.5,211,215,220,245,261,262,264.1, 286,288,288.5,289,4500,4501,4503 PC	667.5 (22)	K
18745 PC	Possessing or exploding a destructive device with intent to murder	667.5 (13)	K BNLT
18750 PC	Causing bodily injury by explosive device	667.5 (13)	K BNLT
18755 PC	Causing death or mayhem or great bodily injury by explosive device	667.5 (13)	K BNLT
26100 (c) PC	Discharge weapon from motor vehicle at person	1192.7 (36)	K
26100 (d) PC	Discharge weapon from motor vehicle	1192.7 (36)	K

SB54 2018- SERIOUS / VIOLENT CRIMES

--	--	--	--