



# **Office of Inspector General County of Los Angeles**

**Max Huntsman  
Inspector General**

**Immigration: Public Safety and Public Trust**

**October 2017**



# COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

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January 4, 2018

TO: Supervisor Sheila Kuehl, Chair  
Supervisor Mark Ridley-Thomas  
Supervisor Hilda L. Solis  
Supervisor Janice Hahn  
Supervisor Kathryn Barger

FROM: Max Huntsman  
Inspector General

SUBJECT: REPORT BY THE INSPECTOR GENERAL - IMMIGRATION: PUBLIC SAFETY AND PUBLIC TRUST – OCTOBER 2017

I am writing this letter to advise you that footnote 21 on page 11 of the Office of Inspector General's report, Immigration: Public Safety and Public Trust, incorrectly stated that an ICE apprehension team had included an employee of the Los Angeles County Probation Department.

On August 21, 2017, while the Inspector General and staff were present at the Inmate Reception Center, an ICE apprehension team entered the “other agency” office. OIG staff members visually investigated and concluded all members of the team were wearing ICE uniforms. Due to an internal miscommunication, the Office of Inspector General erroneously reported in footnote 21 that one member of the team was an employee of the Probation Department.

I am deeply appreciative of Probation Department staff for bringing this error to my attention and apologize for including this erroneous information in the report. The report has been removed from the Office of Inspector General website. Before reposting, the last sentence of the footnote will be deleted so that the footnote reads:

“Despite many visits in the preparation of this report, OIG staff members have not observed staff of any outside agency other than ICE in the office.”

This letter will be included as a frontispiece to the report.

The Honorable Board of Supervisors

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MH: dwb

c: Jim McDonnell, Sheriff  
Sachi A. Hamai, Chief Executive Officer  
Lori Glasgow, Executive Officer  
Mary Wickham, County Counsel  
Terri McDonald, Chief Probation Officer  
Brian Williams, Executive Director, Civilian Oversight Commission

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## Introduction

On December 6, 2016, the Los Angeles County Board of Supervisors passed a motion entitled “Protecting Los Angeles County Residents Regardless of Immigration Status”<sup>1</sup> to address concerns of anxiety and fear among Los Angeles County residents as a result of President-elect Donald Trump’s public comments regarding immigrants.<sup>2</sup> The motion asked county departments to make recommendations for protecting immigrants in the community and requested the Sheriff to report back to the Board on January 10, 2017, with “a description of policies, practices, and/or procedures currently in place in the Sheriff’s Department related to immigrant residents and any planned changes in any of these practices, policies and procedures should the president-elect move to implement mass deportation.”<sup>3</sup>

In response, on January 10, 2017, the Sheriff presented to the Board a letter outlining the Department’s then current practices, with attachments (**Attachment A**).<sup>4</sup> In turn, the Board requested:

[t]he Civilian Oversight Commission, in collaboration with the Inspector General and the Auditor-Controller, review, analyze and make recommendations to the Sheriff’s Department’s adherence to the policies described in his January 10, 2017 letter and any other relevant policies as needed to carry out the intention of this policy and to report back in writing to the Board quarterly.<sup>5</sup>

After a review of the Sheriff’s January 10, 2017 letter and its attachments, multiple visits to the Inmate Reception Center (IRC), an extensive review of the collaboration between the Los Angeles County Sheriff’s Department and Immigration and Customs Enforcement (ICE) between 2005 and the present, and a meeting with the Auditor-Controller, the Office of Inspector

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<sup>1</sup> Los Angeles County Board of Supervisors revised motion by Supervisors Hilda L. Solis and Sheila Kuehl on December 6, 2016; agenda item number 3, *Protecting Los Angeles County Residents Regardless of Immigration Status*.

<sup>2</sup> Public Comment, The meeting transcript of the Los Angeles County Board of Supervisors, December 6, 2016, p. 211.

<sup>3</sup> Statement of Proceedings, Regular Meeting of the Board of Supervisors of the County of Los Angeles, Tuesday, December 6, 2016, p.10.

<sup>4</sup> Note that the flowchart titled “ICE DETAINER PROCESS IN LOS ANGELES COUNTY JAIL” attached to the January 10 letter was revised on August 17, 2017. The revised flowchart is **Attachment B**.

<sup>5</sup> Statement of Proceedings, Regular Meeting of the Board of Supervisors of the County of Los Angeles, Tuesday, January 10, 2017, p. 18.

General (OIG) makes the following recommendations. These recommendations are intended to improve the level of community trust while enabling the Los Angeles Sheriff's Department to accomplish its local law enforcement function and maintain appropriate independence from federal authorities. The Office of Inspector General recommends that:

- The Department implement internal review procedures to ensure that all of its communications with the public, the Civilian Oversight Commission and the Board of Supervisors are accurate.
- The Department implement an ongoing training, education, and supervision program for its patrol deputies to ensure that deputies are aware of, and follow, the Department's policies regarding contacts with the immigrant community and measure compliance with those policies in a transparent manner that does not erode public trust.
- The Department collaborate with the newly created Immigration Affairs Office to ensure that all inmates subject to Immigration and Customs Enforcement detainers receive proper and timely notice of those detainers and their rights.
- The Department review its "AB4" list of "qualifying" convictions to ensure consistency with Proposition 47, the Safe Neighborhoods and Schools Act.

## **Legal Background**

### **The TRUST Act, Assembly Bill 4(AB4)**

Assembly Bill 4, also known as the TRUST Act, which is an acronym for Transparency and Responsibility Using State Tools, was introduced by Assemblyman Tom Ammiano on December 3, 2012, seeking statewide standards on how local law enforcement agencies comply with the Secure Communities Program. Passed on October 5, 2013, the TRUST Act added Chapter 17.1 (commencing with Section 7282) to Division 7 of Title 1 of the Government Code, which gave local law enforcement officials discretion to cooperate with federal immigration officials by holding an individual for a period not to exceed 48 hours (excluding Saturdays, Sundays and holidays) if the individual has been issued a federal immigration detainer, after the

individual becomes eligible for release. An individual's detention cannot violate any federal, state or local law and can only occur under any of the following circumstances:

- 1) The individual has been convicted of a serious or violent felony (at any time); or
- 2) The individual has been convicted of a felony punishable by imprisonment in state prison (at any time); or
- 3) The individual has been convicted within the past five years of a misdemeanor, punishable as either a misdemeanor or felony (commonly known as a wobbler), or a felony enumerated in the TRUST Act itself;<sup>6</sup>
- 4) The individual is a current registrant on the California Sex and Arson Registry;
- 5) The individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of section 1192.7 or subdivision (c) of section 667.5 of the Penal Code, a felony punishable by imprisonment in state prison, or any felony listed [in the TRUST Act] other than domestic violence, and the magistrate makes a finding of probable cause as to the charge pursuant to section 872 of the Penal Code;
- 6) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive of paragraph (43) of subsection (a) of section 1101 of the federal Immigration and Nationality Act of 1952 § 101, 8 U.S.C. § 1101 (2014), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.<sup>7</sup>

The TRUST Act went into effect on January 1, 2014. Since then, the Department has created an "AB4" check list that contains part of the criteria listed under the TRUST Act. However, the Department does not use this list for the purpose of detaining an individual with an immigration hold beyond

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<sup>6</sup> Enumerated offenses include theft (7282.5(a)(F)), drug possession (7282.5(a)(M)) (note: transportation is not included as a triggering offense), and money laundering (7282.5(a)(U)) (note: money laundering includes, essentially, using banks to commit any felony).

<sup>7</sup> See California Government Code section 7282.5.

his or her normal release time (as allowed under the TRUST Act).<sup>8</sup> Instead, the Department uses the criteria listed under the TRUST Act as a tool to “qualify” individuals at the time of their release for the purpose of allowing ICE agents to take custody of the individual at the time of his or her regular release from Sheriff’s custody. This limitation is self-imposed and not mandated by the TRUST Act.

### **The TRUTH Act, Assembly Bill 2792**

The Transparent Review of Unjust Transfers and Holds (TRUTH) Act<sup>9</sup> was signed by California’s governor on September 28, 2016, and went into effect on January 1, 2017. In brief, the TRUTH Act mandates that local law enforcement officers provide individuals with notice of an issued Immigration and Customs Enforcement (ICE) detainer and the opportunity to decline to be interviewed by ICE.

There are essentially three prongs to the TRUTH Act:

- 1) Once a local law enforcement agency receives any ICE hold, notification or transfer request, it must provide a copy of the request to the individual and inform the individual whether the local law enforcement agency intends to comply with the request.
- 2) Before any interview regarding civil immigration violations can take place between an individual and any individual in a local law enforcement agency or ICE, the local law enforcement entity must provide the individual with a written consent form that explains: a) the purpose of the interview; b) that the interview is voluntary and that he or she can decline to be interviewed; and c) the individual may choose to be interviewed only with his or her attorney present.
- 3) If a local law enforcement agency provides ICE with notification that an individual is being, or will be, released, then the local law enforcement agency must promptly provide the same notification to the individual and his or her attorney or an additional person who the individual permits.

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<sup>8</sup> In the case of *Miranda-Olivares v. Clackamas County* (2014) 2014 U.S. Dist. LEXIS 50340, case no. 3:12-cv-02317-ST, the United States District Court for the District of Oregon held that holding a person based upon an ICE detainer after they are eligible for release on state charges violated that person’s constitutional rights. As a result, law enforcement agencies throughout California and the 9<sup>th</sup> Circuit discontinued honoring ICE detainers.

<sup>9</sup> The TRUTH Act added Chapter 17.2 (commencing with section 7283) to Division 7 of Title 1 of the Government Code.

The TRUTH Act requires local law enforcement to provide individuals with written notification in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean. The written consent form must also be available in any additional languages that meet the county threshold as defined in subdivision (d) of section 128552 of the Health and Safety Code if certified translations in those languages are made available to the local law enforcement agency at no cost.<sup>10</sup> The Department currently complies with this requirement by providing individuals with a "Los Angeles County Sheriff's Department Notification to Inmate of Immigration Detainer & Interview" form which is available in multiple languages.<sup>11</sup>

### **President Trump Changes Federal Immigration Enforcement Practices**

President Trump signed an executive order entitled "Enhancing Public Safety in the Interior of the United States" on January 25, 2017, making significant changes to federal immigration enforcement practices.

The order, which was signed with the stated intent to "ensure the public safety of the American people in communities across the United States as well as to ensure that our Nation's immigration laws are faithfully executed," made the following relevant changes:

**Enforcement Priorities**: Requires including in the aliens prioritized for removal those who:

- (a) Have been convicted of any criminal offense;
- (b) Have been charged with any criminal offense, where such charge has not been resolved;
- (c) Have committed acts that constitute a chargeable criminal offense;
- (d) Have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency;
- (e) Have abused any program related to receipt of public benefits;

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<sup>10</sup> See California Government Code section 7283.1(a).

<sup>11</sup> The Los Angeles County Sheriff's Department Notification to Inmate of Immigration Detainer and Interview form is currently available in Arabic, Armenian, Burmese, Cambodian, Creole, Farsi, French, German, Greek, Hebrew, Indonesian, Italian, Japanese, Korean, Laotian, Polish, Portuguese, Romanian, Russian, Chinese Simplified, Chinese Traditional, Spanish, Tagalog, Thai, Vietnamese and Hindi.

- (f) Are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or
- (g) In the judgement of an immigration officer, otherwise pose a risk to public safety or national security.<sup>12</sup>

**Federal-State Agreements:** Directs the Secretary of Homeland Security to immediately take appropriate action to engage with the governors of the states, as well as local officials, for the purpose of preparing to enter into "287(g)" agreements to utilize local law enforcement in the enforcement of federal immigration laws.<sup>13</sup>

**Review of Previous Immigration Actions and Policies:** Directs the Secretary of Homeland Security to take all appropriate action to terminate the Priority Enforcement Program (PEP)<sup>14</sup> and reinstate the Secure Communities Program described in the November 20, 2014, memorandum issued by the Secretary.<sup>15</sup>

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<sup>12</sup> Executive Order 13768, *Enhancing Public Safety in the Interior of the United States*, January 25, 2017, section 5(a)-(g): Enforcement Priorities.

<sup>13</sup> *Id.* at section 8(a)-(c): Federal-State Agreements. The 287(g) program, which derives its name from section 287(g), Delegation of Immigration Authority, of the Immigration and Nationality Act (INA), allows state and local law enforcement to enter into a written agreement with the Department of Homeland Security (DHS) to deputize a number of state and local law enforcement personnel to enforce immigration laws and to perform certain functions as an immigration officer. The Los Angeles County Sheriff's Department (LASD) first entered into a written Memorandum of Understanding (MOU) with DHS in 2005 after it was approved by the Board of Supervisors. See Board of Supervisors meeting transcript, January 25, 2005. The MOU was revised and approved by the Board on October 12, 2010, and again on October 7, 2014 (after the Trust Act was enacted). The Board eliminated the MOU on May 12, 2015, calling it "duplicate and redundant" given the recent implementation of the federal Priority Enforcement Program (PEP) in the Los Angeles County jails. See Board of Supervisors meeting transcript, May 12, 2015, pp. 93-99 at

[http://file.lacounty.gov/SDSInter/bos/sop/transcripts/228385\\_051215C.PDF](http://file.lacounty.gov/SDSInter/bos/sop/transcripts/228385_051215C.PDF).

<sup>14</sup> The Priority Enforcement Program (PEP) policy was implemented by the Obama administration on November 20, 2014, with the intent to "provide clearer and more effective guidance" to the removal process and prioritize removal of "criminals and others who pose a danger to public safety." Similar to Secure Communities, PEP relied on fingerprint-based biometric data submitted during bookings to identify individuals. However, unlike Secure Communities, the category of individuals for whom ICE could seek transfer of custody was significantly narrowed to three categorical priorities: highest, second-highest, and lowest priority. See Homeland Security Memorandum from Secretary Jeh Charles Johnson on November 20, 2014: *Policies for the Apprehension, Detention and Removal of Undocumented Immigrant* and ICE Priority Enforcement Program at [www.ice.gov/pep](http://www.ice.gov/pep).

<sup>15</sup> *Ibid.*, section 10(a): Review of Previous Immigration Actions and Policies.

## LASD's Current Policies and Procedures with ICE

On January 10, 2017, the Sheriff responded to the Board's December 6, 2016 request that he provide a description of the Department's current policies, practices and procedures as they relate to immigrant residents. The Sheriff outlined the Department's current process for releasing inmates to ICE custody and attached a chart demonstrating the ICE detainer process in the Los Angeles County jails. After a review of the Sheriff's January 10, 2017 letter and its attachments and after multiple tours of IRC, as of August 16, 2017, the last site visit to IRC before changes in the release process were announced to the Inspector General, the Office of Inspector General (OIG) found the Department's process by which the Department transferred custody to ICE, to be as described below:

- 1) All inmates booked have their fingerprints scanned by the arresting agency at the time of booking.
- 2) Using the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System (IAFIS) and DHS's Automated Biometric Identification System (IDENT) interoperability, fingerprints are automatically sent to the FBI (for criminal checks) as well as immigration databases to verify an arrestee's immigration status.
- 3) If there is a "hit" (a qualifying criminal conviction found in the inmate's criminal history), a detainer is issued by ICE (as of March 2017, ICE uses form I-247A (Immigration Detainer-Notice of Action) as required under the Secure Communities Program, (**Attachment C**)).<sup>16</sup>
- 4) The Department then notifies the inmate of the issuance of the detainer, as required under the TRUTH Act, and provides the inmate a "Los Angeles County Sheriff's Department Notification to Inmate of Immigration Detainer Interview" form (**Attachment D**) which the inmate must review and check the appropriate box to indicate whether he or she agrees to be interviewed by ICE or not.
- 5) Once an inmate is processed for release, he is given a release pass. There exists a Department form, entitled "Release Pass" generated by the Automated Jail Information System, which contains only minimal

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<sup>16</sup> Attached to the I-247A is either an I-200 (Administrative Arrest Warrant) form or an I-205 (Warrant of Removal) form. An I-200 form is attached if the inmate has never been deported and the I-205 form is attached if the inmate has previously been deported. ICE no longer uses forms I-247N (Request for Voluntary Notification of Release of Suspected Priority Alien), I-247D (Immigration Detainer-Request for Voluntary Action) or I-247X (Request for Voluntary Transfer), which were required under the PEP program.

inmate information (**Attachment E**). However, during the period the Office of Inspector General was reviewing the Department's inmate release process, through and including August 16, 2017, this form was not being used. Office of Inspector General staff observed and confirmed with IRC staff that Department personnel were issuing as the release passes the print-screen shot of screen SI01 from the Justice Data System (**Attachment F**).<sup>17</sup> This one page print-screen summarizes the inmate's basic information including name, date of birth, and other identifying information. If the inmate was convicted of a crime, the print-screen also displays the California Penal Code section detailing the inmate's conviction. A release pass is issued to all inmates at the time of their release, whether they have completed a sentence, are being released on bail, or were processed as a cite-out. The inmate must then proceed to the release desk, where, as of January 1, 2017, he must sign the Department's "TRUTH Act Notice" form (**Attachment G**). The "TRUTH Act Notice" is required to be signed by all inmates (even those without detainers) at the time of release notifying them that ICE has been notified of their anticipated release date, and inquiring whether they would like their public defender or someone else notified of this information. The inmate can also indicate on the form that he declines to have anyone notified. After signing the "TRUTH Act Notice" the inmate's release pass is collected by Department personnel (a custody assistant).

- 6) The inmate is held in a holding cell pending release, which may take hours to process through the system. The Department posts on the public internet an "Inmate Release Report" (see **Attachment H**). This report lists the inmate's name, booking number and release date. To obtain from the Department's public website inmate information other than the information on the Inmate Release Report requires the user to have the inmate's full name and birthdate and to access each inmate's record one at a time (**Attachment I**).<sup>18</sup>
- 7) Through as late as August 16 of this year, Department personnel placed the release passes in a basket behind the release desk. ICE agents could then collect the release passes from the basket and check for potential hits on their system in the "other agency" computer room

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<sup>17</sup> The Justice Data System is the main frame computer system which hosts the Los Angeles County Superior Court's Trial Court Information System and the Department's Automated Jail Information System.

<sup>18</sup> See Inmate Release website at <http://shq.lasdnews.net/CrimeStats/CAASS/RELEASES.pdf> and Inmate Information Center at [http://app5.lasd.org/iic/ajis\\_search.cfm](http://app5.lasd.org/iic/ajis_search.cfm).

(see discussion below, “ICE in the Jails”). The basket containing release passes has since been removed. Now, after an inmate is processed at the release desk his name and booking number (the same information available on the Department’s Inmate Release Report referenced above) is displayed on a large electronic screen posted above the release desk.<sup>19</sup> ICE can then retrieve the inmate’s information from the screen and use it to check for “removable” inmates at the time of release (if a detainer was not already issued after booking) from the “other agency computer room” located in the jail.

- 8) If ICE issues a detainer, the Department is notified. Department personnel (custody assistants) then locate the inmate in the holding cell and notify him of the detainer and provide the inmate a copy of the Department’s “Los Angeles County Sheriff’s Department Notification to Inmate of Immigration Detainer Interview” form.
- 9) Once a detainer has been issued and the inmate has received notice (whether at time of booking or right before release), the Department will conduct an “AB4 check” to determine whether it will allow ICE to intercept at the time of the individual’s regular release time and take custody. An “AB4” check, which is conducted by custody personnel at the “AB4” desk, requires the assigned custody assistant to review each ICE request by checking the inmate’s conviction against the Department thirteen page “AB4” list which lists the criteria under Government Code section 7282.5(a)(1), (2) and (3)(A-Z), (AA), (AB), (AC), (AD) and (AE) of the TRUST Act. The custody assistants use multiple criminal databases to “qualify” an inmate.<sup>20</sup>
- 10) Only if an inmate’s criminal conviction “qualifies” him or her under the Department’s own “AB4” list are ICE agents allowed to intercept and take custody at the time of the individual’s regular release time. Since the Department will not hold an inmate beyond his or her normal release time, if ICE agents do not act timely, they are not allowed to

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<sup>19</sup> The screen also displays the length of time the inmate has been in the holding area pending release, which is not available on the public website.

<sup>20</sup> Department personnel use different criminal databases to verify qualifying convictions. These include the Los Angeles County Criminal History Reporting System (CCHRS), the Automated Justice Information System (AJIS), and the Justice Data Interface Controller (JDIC). It was reported to the OIG that the Trial Court Information System (TCIS) was also used, however, the Department reports that TCIS is not part of the normal vetting process and that Department personnel who routinely determine the AB4 status of inmates do not have access to TCIS.

intercept and take custody of the inmate and the inmate is released through normal release procedures.

## **Maintaining Public Trust**

Recent changes in the federal approach to immigration enforcement have placed a strain upon an already strained relationship between the Sheriff's Department and some communities. It is critical that the Department make maintaining trust a high priority. The public needs accurate and unbiased information upon which to form opinions and the Sheriff's Department needs the public's confidence that law enforcement is always a source of that information. At a number of points in the immigration debate, the Department has provided information to the public which did not meet this standard. Three examples are provided below.

### **ICE in the Jails**

Prior to the termination in 2015 of the 287(g) memorandum of understanding between the County and Immigration and Customs Enforcement, ICE had long occupied permanent offices in the jail to facilitate the transfer of deportable inmates after their sentences were completed. Subsequent to the termination of the 287(g) MOU, the Department reported that it had advised ICE it could no longer maintain permanent offices in the jails, ICE had vacated its offices and the hard wired desktop computers linked to federal databases were removed from the jail.

However, prior to August 2017 the Office of Inspector General observed evidence of a continued permanent ICE presence at IRC in a room referred to as the "other agency" computer room. This room had formerly been one of the rooms permanently occupied by ICE. At the time of our observations this room contained five computer desks provided by the Department. These desks were used by ICE agents: each desk had a hard wired Department of Homeland Security desktop computer linked to federal databases and a Department desktop computer which was accessible to ICE agents. The "other agency" computer room provided the ICE agents with access to county computer data and enabled them to receive a constant flow of

information regarding prisoners who were soon to be released. OIG staff has not observed personnel from any agency other than ICE using this room.<sup>21</sup>

After the Department was advised by the Inspector General of the contents of this report,<sup>22</sup> the desk-top computers belonging to the Department of Homeland Security in the “other agency” computer room in IRC were removed. The Department also reports that additional signage was posted in the receiving area of IRC to educate and alert other outside law enforcement agencies that the computer room is available for their use. The county computers remain.

The Department explained to the Inspector General that after the desktop computers were first removed, ICE agents were advised they would have to utilize their own laptops if they wanted access to their federal data bases from within IRC. However, due to wireless internet connectivity issues within IRC, ICE agents were unable to access federal databases from their laptops and asked if they could reconnect their desktop computers and place them next to the Department computers in the “other agency” computer room. The Department granted their request.

### **Release Info Provided to ICE**

In February of 2017, FOX News presented a story entitled “How Times have changed: ‘Sanctuary’ Los Angeles once hosted immigration agents at jail.”<sup>23</sup> In it, a Department spokesperson was quoted as saying, “[w]e’re not providing them any longer with any lists of individuals that are being released.” In July of 2017, the Los Angeles Times published a story which stated that the Department does not ask for immigration status, but “can still share with immigration officials the names of inmates in custody, as well as people who are due to be released soon.” The Department responded with a July 14<sup>th</sup> tweet clipping the Times statement and stating, “LASD does NOT provide release info to #ICE. Our public website has ALL inmate release dates. It’s up to #ICE to vet the data”

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<sup>21</sup> Despite many visits in the preparation of this report, OIG staff members have not observed staff of any outside agency other than ICE in the office.

<sup>22</sup> As provided by the Memorandum of Agreement to Share and Protect Confidential LASD Information, the Sheriff was provided a copy of this report before its release.

<sup>23</sup> “How times have changed: ‘Sanctuary’ Los Angeles once hosted immigration agents at jail,” Tori Richards, published February 03, 2017, Fox News.

At arrest, all inmates are fingerprinted by the arresting agency. Those who have not been printed already are printed upon arrival at a Sheriff's facility. As required of and practiced by all law enforcement agencies in the state, their names and fingerprints are provided to the federal government. This process, which serves a critical law enforcement function by identifying prisoners and is employed by all jails, also allows ICE to identify for the Department persons it may consider taking into custody when released. The Department provides ICE agents in the jail office with on-demand access to the County's Consolidated Criminal History Reporting System (CCHRS) which contains a great deal of information that is not readily available to the public on inmates.<sup>24</sup>

On multiple occasions, OIG staff observed information given directly to ICE about inmates who were soon to be released during the release pass process.<sup>25</sup> While the Department website has anticipated release dates and is available to the public, the release pass process identified inmates for ICE who were physically present and whose release was imminent. Knowledge of the brief window (usually no more than an hour) in which ICE can take custody is more operationally important than knowing a 24 hour window of release. Further, the release pass given to ICE contained information not available on the public website. It is true that the Department began posting release dates on the internet for ICE and the public after passage of the TRUTH act,<sup>26</sup> but it is not correct that this is the only time ICE was provided release information. As discussed elsewhere in this report, procedures have changed in response to this report.

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<sup>24</sup>The Consolidated Criminal History Reporting System (CCHRS) unit is responsible for maintaining a database, which went on-line at Records and Identification Bureau on August 20, 1997, replacing the Personal History Index (PHI) for historical and subject-oriented data. The CCHRS database is also the repository for information from three other existing systems: the Automated Justice Information System (AJIS) for new arrest data; the Trial Court Information System (TCIS) for case management and disposition data; and the Juvenile Automated Index (JAI) for juvenile data. CCHRS interfaces with the Department of Justice's Automated Criminal History System (ACHS), Criminal Justice Information System (CJIS) tables, Probation Detention System (PDS), Countywide Warrant System (CWS), Adult Probation System (APS), Prosecutors Information Management System (PIMS), the Department of Motor Vehicles (DMV), and mug-shots.

<sup>25</sup>As described above, the document attached was not the AJIS Release Pass but a printed screen shot from an internal LASD computer system. The document was regularly produced and provided to ICE during the release process. While there may be a different release pass employed by LASD at times, the SI01 print-screen was the document provided to OIG by the Department as a release pass and was the document observed in use on multiple occasions by OIG personnel. The AJIS Release Pass was never observed by OIG staff to be in use at IRC.

<sup>26</sup>The TRUTH Act requires notification to prisoners and their lawyers when information is given to ICE. The ACT is silent as to information which is placed on a public website and then read by ICE.

## **Serious and Violent**

On April 3rd of this year, Senate Bill 54 passed the State Senate. On April 17<sup>th</sup>, the Department released an email to the press and public entitled: "Advisory: LASD and the Immigration FACTS: Frequently Asked Questions." That email stated that the 1,007 people turned over to ICE in 2016 were "only those who qualified as serious and violent offenders and posed a significant potential risk to public safety in Los Angeles." The terms "serious" and "violent" have specific meaning in law enforcement. They are a subset of **felonies** which receive enhanced sentences, including under our Three Strikes law. The TRUST act covers crimes that are *not* serious and violent felonies, including some misdemeanors generally considered neither serious nor violent such as drug possession and theft. One impact of Senate Bill 54 as worded at the time would have been to limit transfers to ICE to serious and violent felonies.<sup>27</sup>

## **Transparency**

The Department has good reason to respond to media reports by clarifying or correcting inaccurate information. Media stories often contain incorrect or incomplete information and quickly providing detailed and accurate facts to the press and directly to the public is a critical part of transparency. The process of keeping the public informed and listening to public input should not be replaced with a public relations campaign or an adversarial relationship with the media. This is always true for law enforcement, but is absolutely critical during a time in which the Department is working hard to reassure immigrant communities that it can be trusted. The Sheriff's Department must take care to vet information before it is provided to the press and public.

## **President Trump's Executive Order of January 25, 2017**

On May 12, 2015, the Board ended the 287(g) MOU between the Department and ICE that was last revised on October 7, 2014. In its place, the Board asked the Sheriff to continue cooperating with DHS in implementing the federal Priority Enforcement Program (PEP) that had been

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<sup>27</sup>This office takes no position on Senate Bill 54. The contrast is offered simply to place the LASD "FACTS" email in context.

initiated by President Obama to replace the federal Secure Communities Program that had generated a lot of controversy.

On January 25, 2017, President Trump terminated the PEP program and reinstated the Secure Communities program through an Executive Order. As of March 2017, ICE agents have changed their detainers to reflect the Executive Order.

The Department reports that it is not implementing the Secure Communities Program and that, regardless of the renaming or branding of any federal program, the Department intends to comply with current California state laws. The OIG will continue to monitor the practices of the Department implemented to comply with state law.

### **Los Angeles County Office of Immigrant Affairs (OIA)**

On January 10, 2017, the Board of Supervisors passed a motion to establish the Los Angeles County Office of Immigrant Affairs (OIA). The purpose of the OIA is to provide all immigrants in Los Angeles County with a “one-stop shop” for all county services as well as access to information regarding immigration rights, consumer rights and worker rights (information regarding minimum wage requirements).<sup>28</sup>

The Department should collaborate with OIA to ensure that all inmates subject to Immigration and Customs Enforcement detainers receive proper and timely notice of those detainers and their rights.

### **The Department’s “AB4” list and Proposition 47**

On November 4, 2014, California voters approved the “Safe Neighborhood and School’s Act,” also known as Proposition 47, reducing certain property and drug offenses from felonies to straight misdemeanors. Individuals convicted of these crimes as felonies prior to the enactment of Proposition 47 could now petition the court seeking reduction of their convictions to straight misdemeanors. Such a reduction would render them ineligible for deportation.

Proposition 47 not only reduced certain felony and “wobbler”<sup>29</sup> offenses to straight misdemeanors, but it also added new criminal statutes to the Penal

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<sup>28</sup> See Los Angeles County Office of Immigrant Affairs website at: <http://oia.lacounty.gov/about-us/>.

<sup>29</sup> A “wobbler” offense is an offense which may be prosecuted as either a misdemeanor or a felony.

Code changing crimes chargeable as felonies prior to Proposition 47 into straight misdemeanors. For example, a new crime called “shoplifting,” a straight misdemeanor, was added under Penal Code section 459.5. This code section defines “shoplifting” the act of entering a commercial establishment during business hours with the intent to steal items valued at \$950 or less. Before Proposition 47, if an individual entered a commercial establishment with the intent to commit a theft *regardless* of the value of the item(s) taken, he or she could be charged with a felony burglary in the second degree, under Penal Code section 459.

After the enactment of the TRUST Act, the Department created an “AB4” check list that contains part of the criteria listed under the TRUST Act which would allow the Department to detain an individual with an immigration hold (for up to 48 hours). By not detaining individuals beyond their regular release time, the Department is not bound by the requirements listed under the TRUST Act. In fact, the TRUST Act itself clearly states that local law enforcement have “*discretion* [emphasis added] to cooperate with federal immigration officials by detaining an individual on the basis of an immigration hold after the individual is eligible for release...” Instead, the Department has chosen to adopt criteria listed in the TRUST Act and use them as qualifiers to allow ICE agents to intercept at the time of an individual’s regular release and take custody. The Department’s more restrictive policy with federal immigration officials is lawful, however, if the Department represents that it is adopting the criteria listed under the TRUST Act, it must also ensure that its list takes into account the impact of current laws, such as proposition 47.

Penal code section 459 is a “qualifying” criminal conviction under the Department’s “AB4” list. The problem however, is that as listed, it does not distinguish between the degrees of burglary, posing the risk that an individual previously convicted of a violation of Penal Code section 459 may be eligible for a reduction to a straight misdemeanor under Proposition 47 rendering him or her unqualified for transfer of custody under the TRUST Act

Proposition 47 also created an opportunity for individuals previously convicted of felony grand theft under Penal Code section 487 to obtain relief from orders of deportation and removal. The enactment of Penal Code section 490.2 redefined petty theft as any theft where the value of the money, labor, or property taken does not exceed \$950. As a result, all grand

theft charges now require proof that the amount stolen is over \$950 to qualify as a felony. Prior to the approval of Proposition 47, many types of thefts could be classified as felony grand theft, regardless of value. This included grand theft from a person, grand theft auto and even grand theft based on obtaining access card information. The Department's "AB4 list," however, does not allow review of a prior grand theft conviction that may be reduced to a misdemeanor rendering an individual ineligible for removal. In effect, individuals who may otherwise be ineligible for removal may be being prematurely transferred into federal custody at the time of their release.

The Department should review its "AB4" list of "qualifying" convictions to ensure compliance with Proposition 47.

### **The Effect of Senate Bill 54 (Values Act)**

On Saturday September 16, 2017, the final version of Senate Bill 54, (the California Values Act), which incorporated multiple suggestions proposed by Governor Jerry Brown, was passed by California lawmakers.

The initial version of the bill as introduced by Senator Kevin de Leon would have drastically changed the current relationship between the Department and ICE officials and essentially repealed the majority of the TRUST Act (AB4). The proposals by Governor Brown which were incorporated into amendments to the Bill, however, prevented any drastic changes from happening. The Bill now includes sections 7282 and 7282.5 of the Government Code (the TRUST Act) allowing law enforcement officials to continue cooperation with immigration authorities with a few changes:

- Consistent with the holding in *Miranda-Olivares v. Clackamas County* (2014), (barring law enforcement from *holding* an individual based on an ICE detainer after he/she is eligible for release), section 7282.5(a) was amended give local law enforcement the discretion to *cooperate* with immigration authorities if the individual "qualifies" under the requirements enlisted in section 7282.5(a), but not to *detain* an individual based upon an immigration hold after the individual becomes eligible for release.
- Previously no time limitation was placed on a "qualifying" felony conviction under the TRUST Act. Senate Bill 54 now requires a "qualifying" felony conviction to have occurred *within 15 years*.

- Criminal offenses affected by Proposition 47 (the Safe Neighborhoods and Schools Act) are now addressed under section 7282.5(a)(6). This section, as amended, now prevents local law enforcement from cooperating with immigration authorities if an individual has been “arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as misdemeanors or felonies, prior to the passage of the Safe Neighborhoods and Schools Act of 2014.”

Limitations placed on local law enforcement’s cooperation with immigration authorities are further defined throughout the Bill, including restrictions placed on information sharing and providing office space for immigration authorities.

The Bill requires that information regarding a person’s release date or responses to requests by immigration authorities for notifications of releases only be shared if that information is also available to the public. If the information is in response to a notification request by immigration authorities, the Bill also requires the information only be provided if it is in accordance with section 7282.5 (TRUST Act).

Under the newly amended Bill, immigration authorities are not barred from working in Los Angeles County Jails as previously proposed. Under section 7284.6(a)(5), California law enforcement agencies are only prevented from providing “office space *exclusively dedicated* for immigration authorities” (emphasis added).

The Bill is currently on Governor Brown’s desk. Governor Brown has until October 14, 2017 to veto it, otherwise it will become law.

## **Immigration Status and the Police**

Most of our analysis focuses on the interaction between ICE and the custody division of the Department. Department policies do not permit deputies to inquire as to immigration status on patrol unless it is relevant to a crime being investigated.<sup>30</sup> Based upon our monitoring activities, the Office of Inspector General believes that this policy is generally followed. Complaints

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<sup>30</sup>For instance, a crime in which a criminal takes advantage of an immigrant’s status by offering them fraudulent legal services, often referred to as “notario” fraud.

regarding direct harassment tied to immigration status are rare. However, as the national focus on this issue has increased, so should our efforts to ensure the policy is followed. Also, there are types of enforcement that can have a disparate impact on immigrant communities, such as enforcement of street vending regulations or regulations relating to day laborers.

Because we cannot collect data on immigration status without eroding trust, it is difficult to ensure compliance with policies in this area. For this reason, the Department needs to place extra emphasis on station-level supervision and deputy training to avoid violations of the policy or perceived violations. The effectiveness of that supervision should be the subject of internal review, such as by the Audits and Accountability Bureau, and external monitoring, by the Office of Inspector General in collaboration with the Auditor-Controller.

## **Conclusion**

As the Sheriff's letter of January 20, 2017, makes clear, the Los Angeles County Sheriff's Department has dedicated a great deal of thought to balancing cooperation with federal authorities with the specific challenges of serving the public of Los Angeles, which has a large and diverse immigrant community. Ultimately the public and its locally elected representatives must decide how to meet changes in federal immigration policy. The information in this report is intended to assist the public, elected representatives, and the Civilian Oversight Commission by ensuring that accurate and complete information is available to them. Independent of any changes made to the current policies and procedures in the future, in order to maximize community trust under current policies, the Office of Inspector General recommends that:

- The Department implement internal review procedures to ensure that all of its communications with the public, the Civilian Oversight Commission and the Board of Supervisors are accurate.
- The Department implement an ongoing training, education, and supervision program for its patrol deputies to ensure that deputies are aware of and follow the Department's policies regarding contacts with the immigrant community and measure compliance with those policies in a transparent manner that does not erode public trust.

- The Department collaborate with the newly created Immigration Affairs Office to ensure that all inmates subject to Immigration and Customs Enforcement detainers receive proper and timely notice of those detainers and their rights.
- The Department review its “AB4” list of “qualifying” convictions to ensure consistency with Proposition 47.

**ATTACHMENTS**

# ATTACHMENT A



## OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES  
**HALL OF JUSTICE**



JIM McDONNELL, SHERIFF

January 10, 2017

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

Dear Supervisors:

### **LOS ANGELES COUNTY SHERIFF'S DEPARTMENT REPORT ON OUR POLICIES, PRACTICES, AND PROCEDURES RELATING TO OUR IMMIGRANT RESIDENTS**

On December 6, 2016, the Board requested the Sheriff to report back regarding a description of our policies, practices, and procedures currently in place in the Sheriff's Department related to immigrant residents and any planned changes in any of these policies, practices, and procedures should the President Elect move to implement mass deportations.

#### **CURRENT POLICY AFFECTING OUR PATROL DIVISIONS AND RESIDENTS**

Los Angeles County is the most diverse county in the country. Our County is home for residents that come from more than 200 countries around the world. We share in that rich diversity and honor our obligations to provide outstanding law enforcement services to all residents, including those that are undocumented. The residents of our 42 contract cities and 151 unincorporated communities depend on our unwavering commitment to uphold our Constitutional Policing standards. We are committed to fulfilling this obligation.

Our current policy on Immigration Inquiries and Notifications (MPP 5-09/271.00) was last modified on September 21, 2015. Our deputies understand that immigration enforcement is the federal government's responsibility. We do not enforce immigration laws and we are guided by this policy, the Trust Act (2014), and the Truth Act (2016), as we carry-out our duties and responsibilities. Our policy clearly states that we shall not arrest or book a person solely on suspicion of violating a federal immigration law relating to illegal entry, being unlawfully present, or overstaying a visa.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
—Since 1850—

# ATTACHMENT A

The Honorable Board of Supervisors

- 2 -

January 10, 2017

We depend heavily on the trust of our communities as we partner with them to protect all members of our community. The trust we have earned is critical in providing an optimal level of service in our community. We are proud of this trust and continue to build on that foundation. This has been shown in the fact that our calls for service are at an all-time high in all of our communities, including our immigrant communities. We work hard and believe the community finds us approachable. For example, in 2014 we responded to almost a million calls for service. In 2015, our calls increased by almost 80 thousand. In 2016, when the final numbers are tallied, we expect an even greater increase of almost 50,000 calls for service. Data from our Risk Management Forum showed an increase of more than 10,000 calls for service at our East Los Angeles Sheriff's Station from 2014 to 2016. Similar results were realized at Century and Compton Sheriff's Stations during these same years.

The stated intent of our policy is to reassure immigrant communities that there is no need to fear contact with the Department when they have been a victim or a witness to a crime. We invite all residents, including those who are undocumented, to come forward to report crimes without fear of deportation. We shall treat all residents with dignity and respect without regard to a person's immigration status. To this end, we shall not initiate any police activity with the objective of determining a person's immigration status. Lastly, we do not ask any victim, witness, and/or offender about their immigration status.

Nothing in our policy is intended to interfere with our 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. In fact, all patrol stations and specialized detective units have a U-Visa Coordinator who facilitate the application process for those that apply. Starting in 2017, the Department will have a Department U-Visa Coordinator at the rank of Assistant Sheriff (Eddie Rivero) to ensure all protocols are followed consistently throughout the Department.

## **CUSTODY OPERATIONS AND IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)**

The Los Angeles County Sheriff's Department does not treat undocumented inmates any differently than other inmates. In fact, as outlined in the Custody Division Manual's Anti Retaliation Policy (CDM 5-12/005.05), all inmates shall be processed and housed fairly and humanely, with no segregation or identification according to their immigration status. If the court grants bail to any inmate/defendant, including those who are undocumented immigrants, we shall not delay the release process based on a person's immigration status. ICE will only be allowed to interview qualifying inmates after their court cases are completely adjudicated through the court process. All inmates are then processed for release, transferred to prison, or transferred to another custody facility.

# ATTACHMENT A

The Honorable Board of Supervisors - 3 -

January 10, 2017

The process for releasing inmates to the custody of ICE agents was outlined in my Department directive, dated September 22, 2015. The IRC/CRDF Unit Order titled, "Release Area Procedures" is in compliance with my directive, as outlined below:

- Upon notification to the AB4 desk personnel of an inmate who was issued a detainer and has arrived at the release area, the AB4 desk will ensure ICE has issued the detainer to the correct inmate.
- Once confirmed, the AB4 desk personnel shall reconfirm the detainer meets the qualifying criteria of the Trust Act, pursuant to the California Government Code, section 7282.5 (a), as set forth in the Los Angeles County Sheriff's Department list of qualifying AB4 charges.
- Once qualified, the AB4 desk personnel can begin the process of an in-custody transfer to ICE.
- Any inmate who does not meet the AB4 qualifying criteria shall be released through the normal release procedures, without delay.
- At no time during the release process shall inmates be segregated from other inmates solely for ICE procedural purposes.
- Inmates who meet the criteria for an interview with ICE agents are provided with a "Los Angeles County Sheriff's Department Notification to Inmates of Immigration Interview Form." The form advises the inmate they have a right to the following:
  - Consent to an interview
  - Decline to be interviewed
  - Choose to have an attorney present
  - Be provided a list of legal representatives and community resources
  - Have the forms provided in their native language

**Note:** Because of our checks and balances process, we believe only the most violent and dangerous inmates are released to ICE for possible deportation. With that being said, the actual number of inmates who are released to the custody of ICE is very small. On average, we release more than 25,000 inmates every month and the total number of inmates released to ICE ranged from 54 to 110 in 2016. This equates to a fraction of one percent. Attached is the release table and release process flowchart

## **CONCLUSION**

The information provided in this response reflects the standards I have set forth for the Los Angeles County Sheriff's Department. These policies, procedures, and practices

# ATTACHMENT A

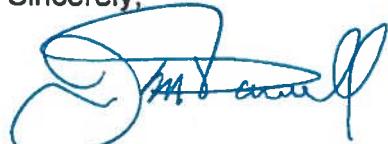
The Honorable Board of Supervisors

- 4 -

January 10, 2017

demonstrate our commitment and dedication to all of the residents in our communities, as well as the inmates in our custody. All residents and inmates deserve to be treated with dignity and respect, and we will adhere to all state laws as we move forward into the coming months and years. We have no plans to change the policies and procedures described herein. I am confident that we will continue to both maintain the trust we share with our communities and ensure that only the most violent and dangerous criminals will be turned over to the custody of ICE.

Sincerely,



JIM McDONNELL  
SHERIFF

# ATTACHMENT A

## 2016 RELEASES / ICE STATS

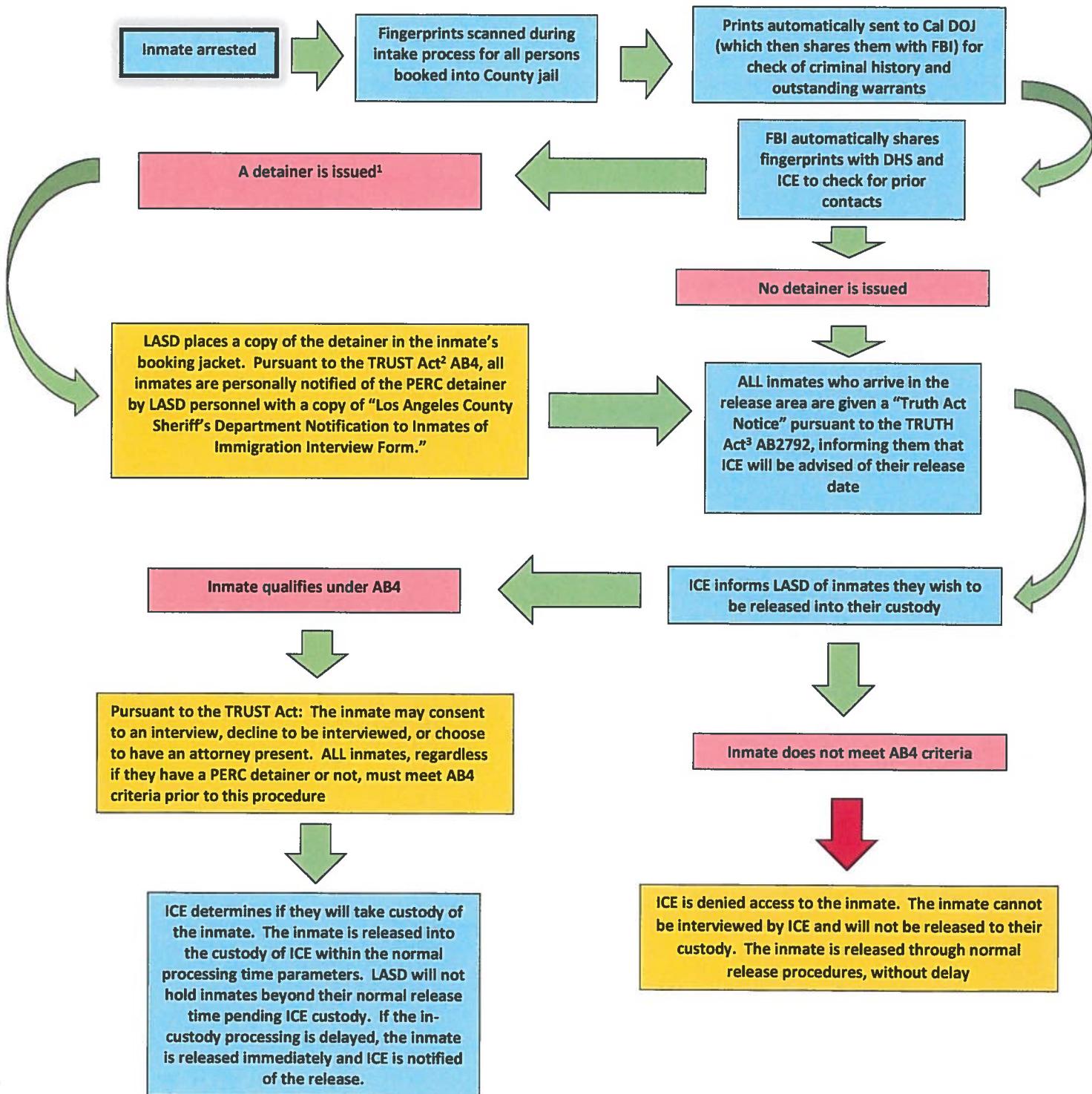
	REGULAR RELEASES	RELEASES TO ICE
JANUARY	25,645	57
FEBRUARY	25,056	63
MARCH	26,980	73
APRIL	26,181	54

	REGULAR RELEASES	RELEASES TO ICE
MAY	27,847	110
JUNE	27,623	86
JULY	26,130	74
AUGUST	28,181	87

	REGULAR RELEASES	RELEASES TO ICE
SEPTEMBER	26,071	92
OCTOBER	24,779	95
NOVEMBER	23,370	85
DECEMBER	24,393	81

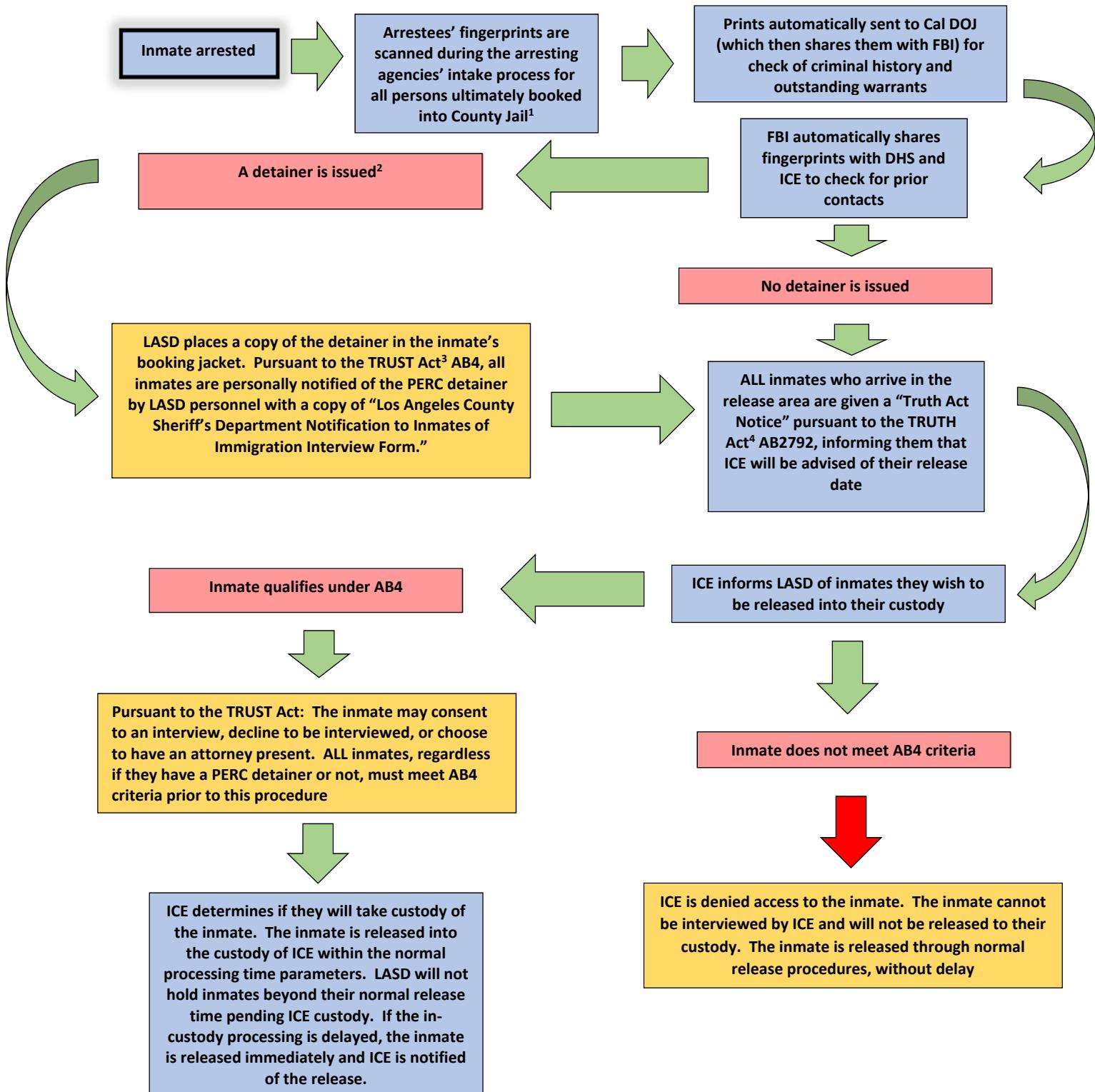
# ATTACHMENT A

## ***ICE DETAINER PROCESS IN LOS ANGELES COUNTY JAIL***



# ATTACHMENT B

## ICE DETAINER PROCESS IN LOS ANGELES COUNTY JAIL



<sup>1</sup> Inmates arriving from agencies without station jails (e.g. California Highway Patrol) or from outside of Los Angeles County are scanned at IRC

<sup>2</sup> Detainers are issued by Pacific Enforcement Response Center (PERC)

<sup>3</sup> Transparency and Responsibility Using State Tools (TRUST) pursuant to California Government Code section 7282.5 (a)

<sup>4</sup> Transparent Review of Unjust Transfers and Holds (TRUTH) pursuant to California Government Code section 7283.1 (b)

DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID:  
Event #:

**ATTACHMENT**

File No:  
Date:

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)

FROM: (Department of Homeland Security Office Address)

Name of Alien: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Citizenship: \_\_\_\_\_ Sex: \_\_\_\_\_

**1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).**

- A final order of removal against the alien;  
 The pendency of ongoing removal proceedings against the alien;  
 Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or  
 Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).**

- Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

**IT IS THEREFORE REQUESTED THAT YOU:**

- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling  U.S. Immigration and Customs Enforcement (ICE) or  U.S. Customs and Border Protection (CBP) at \_\_\_\_\_. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
  - **Maintain custody** of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
  - Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
  - Notify this office in the event of the alien's death, hospitalization or transfer to another institution.
- If checked: please cancel the detainer related to this alien previously submitted to you on \_\_\_\_\_ (date).

(Name and title of Immigration Officer)

(Signature of Immigration Officer) (Sign in ink)

**Notice:** If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

**TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:**

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to \_\_\_\_\_.

Local Booking/Inmate #: \_\_\_\_\_ Estimated release date/time: \_\_\_\_\_

Date of latest criminal charge/conviction: \_\_\_\_\_ Last offense charged/conviction: \_\_\_\_\_

This form was served upon the alien on \_\_\_\_\_, in the following manner:

in person     by inmate mail delivery     other (please specify): \_\_\_\_\_

(Name and title of Officer)

(Signature of Officer) (Sign in ink)

# ATTACHMENT C

## NOTICE TO THE DETAINEE

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice to a law enforcement agency that DHS intends to assume custody of you (after you otherwise would be released from custody) because there is probable cause that you are subject to removal from the United States under federal immigration law. DHS has requested that the law enforcement agency that is currently detaining you maintain custody of you for a period not to exceed 48 hours beyond the time when you would have been released based on your criminal charges or convictions. **If DHS does not take you into custody during this additional 48 hour period, you should contact your custodian** (the agency that is holding you now) to inquire about your release. **If you believe you are a United States citizen or the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.**

### NOTIFICACIÓN A LA PERSONA DETENIDA

El Departamento de Seguridad Nacional (DHS) le ha puesto una retención de inmigración. Una retención de inmigración es un aviso a una agencia de la ley que DHS tiene la intención de asumir la custodia de usted (después de lo contrario, usted sería puesto en libertad de la custodia) porque hay causa probable que usted está sujeto a que lo expulsen de los Estados Unidos bajo la ley de inmigración federal. DHS ha solicitado que la agencia de la ley que le tiene detenido actualmente mantenga custodia de usted por un periodo de tiempo que no excede de 48 horas más del tiempo original que habría sido puesto en libertad en base a los cargos judiciales o a sus antecedentes penales. **Si DHS no le pone en custodia durante este periodo adicional de 48 horas, usted debe de contactarse con su custodio** (la agencia que le tiene detenido en este momento) para preguntar acerca de su liberación. **Si usted cree que es un ciudadano de los Estados Unidos o la víctima de un crimen, por favor avise al DHS llamando gratuitamente al Centro de Apoyo a la Aplicación de la Ley ICE al (855) 448-6903.**

### AVIS AU DETENU OU À LA DÉTENUE

Le Département de la Sécurité Intérieure (DHS) a placé un dépositaire d'immigration sur vous. Un dépositaire d'immigration est un avis à une agence de force de l'ordre que le DHS a l'intention de vous prendre en garde à vue (après celà vous pourrez par ailleurs être remis en liberté) parce qu'il y a une cause probable que vous soyez sujet à expulsion des États-Unis en vertu de la loi fédérale sur l'immigration. Le DHS a demandé que l'agence de force de l'ordre qui vous détient actuellement puisse vous maintenir en garde pendant une période ne devant pas dépasser 48 heures au-delà du temps après lequel vous auriez été libéré en se basant sur vos accusations criminelles ou condamnations. **Si le DHS ne vous prenne pas en garde à vue au cours de cette période supplémentaire de 48 heures, vous devez contacter votre gardien (ne)** (l'agence qui vous détient maintenant) pour vous renseigner sur votre libération. **Si vous croyez que vous êtes un citoyen ou une citoyenne des États-Unis ou une victime d'un crime, s'il vous plaît aviser le DHS en appelant gratuitement le centre d'assistance de force de l'ordre de l'ICE au (855) 448-6903**

### NOTIFICAÇÃO AO DETENTO

O Departamento de Segurança Nacional (DHS) expediu um mandado de detenção migratória contra você. Um mandado de detenção migratória é uma notificação feita à uma agência de segurança pública que o DHS tem a intenção de assumir a sua custódia (após a qual você, caso contrário, seria liberado da custódia) porque existe causa provável que você está sujeito a ser removido dos Estados Unidos de acordo com a lei federal de imigração. O DHS solicitou à agência de segurança pública onde você está atualmente detido para manter a sua guarda por um período de no máximo 48 horas além do tempo que você teria sido liberado com base nas suas acusações ou condenações criminais. **Se o DHS não leva-lo sob custódia durante este período adicional de 48 horas, você deve entrar em contato com quem tiver a sua custódia** (a agência onde você está atualmente detido) para perguntar a respeito da sua liberação. **Se você acredita ser um cidadão dos Estados Unidos ou a vítima de um crime, por favor informe ao DHS através de uma ligação gratuita ao Centro de Suporte de Segurança Pública do Serviço de Imigração e Alfândega (ICE) pelo telefone (855) 448-6903.**

# ATTACHMENT C

## THÔNG BÁO CHO NGƯỜI BỊ GIAM

Bộ Nội An (DHS) đã ra lệnh giam giữ di trú đối với quý vị. Giam giữ di trú là một thông báo cho cơ quan công lực rằng Bộ Nội An sẽ đảm đương việc lưu giữ quý vị (sau khi quý vị được thả ra) bởi có lý do khả tín quý vị là đối tượng bị trục xuất khỏi Hoa Kỳ theo luật di trú liên bang. Sau khi quý vị đã thi hành đầy đủ thời gian của bản án dựa trên các tội phạm hay các kết án, thay vì được thả tự do, Bộ Nội An đã yêu cầu cơ quan công lực giữ quý vị lại thêm không quá 48 tiếng đồng hồ nữa. Nếu Bộ Nội An không đến bắt quý vị sau 48 tiếng đồng hồ phụ trội đó, quý vị cần liên lạc với cơ quan hiện đang giam giữ quý vị để tham khảo về việc trả tự do cho quý vị. Nếu quý vị là công dân Hoa Kỳ hay tin rằng mình là nạn nhân của một tội ác, xin vui lòng báo cho Bộ Nội An bằng cách gọi số điện thoại miễn phí 1(855) 448-6903 cho Trung Tâm Hỗ Trợ Cơ Quan Công Lực Di Trú.

### 被拘留者通知書

國土安全部(Department of Homeland Security，簡稱DHS)已經對你發出移民拘留令。移民拘留令為一給予執法機構的通知書，闡明DHS意欲獲取對你的羈押權(若非有此羈押權，你將會被釋放)；因為根據聯邦移民法例，並基於合理的原由，你將會被遞解離美國國境。DHS亦已要求現正拘留你的執法機構，在你因受到刑事檢控或定罪後，而在本應被釋放的程序下，繼續對你作出不超過四十八小時的監管。若你在這附加的四十八小時內，仍未及移交至DHS的監管下，你應當聯絡你的監管人(即現正監管你的機構)查詢有關你釋放的事宜。若你認為你是美國公民或為罪案受害者，請致電ICE執法部支援中心(Law Enforcement Support Center)知會DHS，免費電話號碼：**(855)448-6903**。

SAMPLE

# ATTACHMENT C

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. \_\_\_\_\_

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

**To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations**

I have determined that there is probable cause to believe that \_\_\_\_\_ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

\_\_\_\_\_  
(Signature of Authorized Immigration Officer)

\_\_\_\_\_  
(Printed Name and Title of Authorized Immigration Officer)

## Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at \_\_\_\_\_  
(Location)

on \_\_\_\_\_ on \_\_\_\_\_, and the contents of this  
(Name of Alien) (Date of Service)

notice were read to him or her in the \_\_\_\_\_ language.  
(Language)

\_\_\_\_\_  
Name and Signature of Officer

\_\_\_\_\_  
Name or Number of Interpreter (if applicable)

# ATTACHMENT C

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

## WARRANT OF REMOVAL/DEPORTATION

File No: \_\_\_\_\_

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

To any immigration officer of the United States Department of Homeland Security:

---

(Full name of alien)

who entered the United States at \_\_\_\_\_ on \_\_\_\_\_  
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- an immigration judge in exclusion, deportation, or removal proceedings
- a designated official
- the Board of Immigration Appeals
- a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

---

(Signature of immigration officer)

---

(Title of immigration officer)

---

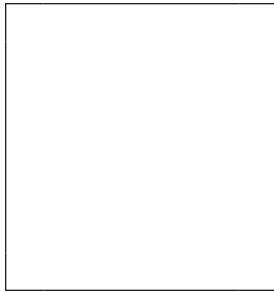
(Date and office location)

# ATTACHMENT C

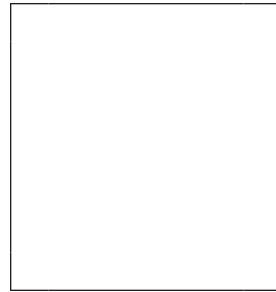
To be completed by immigration officer executing the warrant: Name of alien being removed:

---

**Port, date, and manner of removal:** \_\_\_\_\_



Photograph of alien removed



Right index fingerprint of alien removed

---

(Signature of alien being fingerprinted)

---

(Signature and title of immigration officer taking print)

Departure witnessed by: \_\_\_\_\_

(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

---

---

---

---

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here.

Departure Verified by: \_\_\_\_\_

(Signature and title of immigration officer)

# **ATTACHMENT D**

## **LOS ANGELES COUNTY SHERIFF'S DEPARTMENT NOTIFICATION TO INMATE OF IMMIGRATION DETAINER & INTERVIEW (Government Code §7283.1)**

Immigration and Customs Enforcement (ICE) has issued an immigration hold for you and may wish to interview you to investigate whether you are subject to removal from the United States under federal immigration law.

The Sheriff's Department will only transfer to ICE those inmates who meet the criminal history requirements established in the California Trust Act.

You may choose to be interviewed by ICE personnel or you may refuse to be interviewed. The interviews are voluntary. You may have a lawyer present if you decide to allow this interview to happen.

Please mark whether or not you agree to speak with ICE:

- I do **not** agree to speak to ICE
- I agree to speak with ICE - **only** with my attorney present
- I agree to speak with ICE - **without** my attorney present

Attached is a list of community organizations and legal representatives available to provide you with help. The Sheriff's Department does not endorse any of the community organizations or legal representatives on this list and is not responsible for their decisions or performance.

By signing this form, you acknowledge: (1) You have been told that ICE has issued an immigration hold for you and may wish to interview you; (2) You have been provided with a copy of the written hold from ICE to the Sheriff's Department; and (3) You have been provided with a list of legal resources.

**INMATE'S NAME (PLEASE PRINT)**

**BOOKING NO.**

---

**INMATE'S SIGNATURE**

---

**DATE**

PASS

# ATTACHMENT E

SP HDL CD  
BKG# [REDACTED] PERMANENT HSG LOC 2900B0005 SEC LVL 6 ID LVL P  
MAIN# [REDACTED] SENTENCE STATUS 3  
LAST NAME [REDACTED] FIRST [REDACTED] MIDDLE  
SEX [REDACTED] RACE [REDACTED] AGE [REDACTED] EYE [REDACTED] HAIR [REDACTED] HGT [REDACTED] WGT [REDACTED] DOB [REDACTED]

REQUEST DATE [REDACTED] TIME [REDACTED]  
REPORT TO RELEASE

TERMINAL ID # TTDF

R E P O R T T O RELEASE

COURT CODE

\*\*\*ATTN: ALL INMATES PENDING STATE PRISON OR RELEASE\*\*\*  
IF YOU ARE BEING TRANSFERRED TO STATE PRISON, WE WILL  
NOT BE SENDING YOUR CLOTHING OR PERSONAL PROPERTY WITH YOU TO  
STATE PRISON. PLEASE MAKE ARRANGEMENT FOR SOMEONE TO PICK UP  
YOUR CLOTHING AND PERSONAL PROPERTY FROM THE LOS ANGELES  
COUNTY JAIL THROUGH A PROPERTY RELEASE AUTHORIZATION FORM.

WE WILL ONLY STORE YOUR PERSONAL PROPERTY FOR FOUR (4) MONTHS  
AND YOUR CLOTHING FOR THIRTY (30) DAYS FROM THE DATE ON WHICH  
YOU ARE TRANSPORTED TO STATE PRISON OR RELEASED FROM OUR CUSTODY.  
\*\* IF YOU DON'T PICK UP YOUR ITEMS WITHIN THE DESIGNATED TIME FRAMES,  
ALL PROPERTY/ITEMS WILL BE DESTROYED. \*\*

# ATTACHMENT F

SI01 INQUIRE BY BOOKING NO. - JDS

PAGE 01

BOOKING NO: [REDACTED] MAIN NO: [REDACTED] SID/CII NO: [REDACTED] AKA: [REDACTED]  
SP HANDLING: [REDACTED]

LAST NAME: [REDACTED] FIRST NAME: [REDACTED] MID INIT: [REDACTED] SUF: [REDACTED]  
SEX: [REDACTED] RACE: [REDACTED] AGE: [REDACTED] DOB: [REDACTED] HAIR: BLK EYES: BRO HGT: [REDACTED] WGT: [REDACTED]  
OVERALL CHARGE LEVEL: [REDACTED] UNUSUAL OCCUR: [REDACTED]

PERM HOUSING: [REDACTED] TEMP LOC: [REDACTED] SENT STATUS: [REDACTED] VISIT ST: [REDACTED]  
GRAND TOT: [REDACTED] TOT BAIL: [REDACTED] TOT REM FINE: [REDACTED]

NEXT CRT: [REDACTED] NXT CRT DATE: [REDACTED] CRT TIME: [REDACTED] CASE #: [REDACTED]

ARR CHARGE: [REDACTED] ARR AGY: [REDACTED] ARR DATE: [REDACTED] ARR TIME: [REDACTED]  
FILE NO: [REDACTED] BOOKED DATE: [REDACTED] TIME: [REDACTED] LOC: [REDACTED]

RLSE DATE: [REDACTED] RLSE REASON: [REDACTED] RLSE TO AGENCY: [REDACTED] EMP ID: [REDACTED]  
RLSE TIME: [REDACTED] HOLD AGENCY: [REDACTED] CANC: [REDACTED]

CASE # OR WARRANT CHARGE/LEVEL	COURT	BAIL / FINE	RATE	TOT PENALTY	NXT CRT SNT DAY	SNT DAYS	DISP / EXP
-----------------------------------	-------	-------------	------	----------------	--------------------	-------------	---------------

[REDACTED]  
[REDACTED] JD91 39 DEPRESS PA1 KEY TO SEE NEXT PAGE OR PF 11 KEY TO RETURN TO MENU.

PF4-SID/CII SEARCH PF5-AKA DISPLAY

NXT TRAN SI01 [REDACTED]

# ATTACHMENT G

## TRUTH ACT NOTICE (Government Code § 7283.1)

**INMATE:**

**BOOKING NUMBER:**

**ANTICIPATED RELEASE DATE:**

The Los Angeles County Sheriff's Department has notified Immigration and Customs Enforcement (ICE) of your anticipated release date.

The Department is required by the Truth Act to notify your attorney [which can be the Public Defender's Office] or any other person you choose to provide with this information.

**Please provide the name and contact information for the person you want us to notify below:**

The Public Defender's Office

OR

Someone else:

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

Email: \_\_\_\_\_

Cell Phone number where a text message can be received: \_\_\_\_\_

Address: \_\_\_\_\_

OR

I do not want anyone notified.

A list of community organizations and legal representatives available to provide you with help is available upon request. The Sheriff's Department does not endorse any of the community organizations or legal representatives on this list and is not responsible for their decisions or performance.

Inmate Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**LASD USE ONLY:**

Representative notified by email \_\_\_\_\_, text message \_\_\_\_\_, U.S. Mail \_\_\_\_\_  
on \_\_\_\_\_ (date) at \_\_\_\_\_ AM/PM.

OR

\_\_\_\_\_ Inmate declined to designate a contact person

By: \_\_\_\_\_ Employee #: \_\_\_\_\_

*Inmate Release Report***ATTACHMENT H**

Snapshot taken: 9/1/2017 6:01:44 AM

Projected Release Date	Booking No	Last Name	First Name
9/2/2017	5 [REDACTED] 8	[REDACTED]	LUIS
9/2/2017	5 [REDACTED] 5	[REDACTED]	GEVORK
9/2/2017	5 [REDACTED] 8	[REDACTED]	JOVANNY
9/2/2017	4 [REDACTED] 9	[REDACTED]	JIMMY
9/2/2017	4 [REDACTED] 6	[REDACTED]	JOSE
9/2/2017	5 [REDACTED] 4	[REDACTED]	MELVIN
9/2/2017	4 [REDACTED] 6	[REDACTED]	ALBERTO
9/2/2017	5 [REDACTED] 3	[REDACTED]	BOGDAN
9/2/2017	5 [REDACTED] 2	[REDACTED]	KENNETH
9/2/2017	5 [REDACTED] 1	[REDACTED]	MICHAEL
9/2/2017	4 [REDACTED] 2	[REDACTED]	TIFFANY
9/2/2017	5 [REDACTED] 3	[REDACTED]	ERIKA
9/2/2017	5 [REDACTED] 0	[REDACTED]	LENARDO
9/2/2017	4 [REDACTED] 9	[REDACTED]	JOSEPH
9/2/2017	5 [REDACTED] 6	[REDACTED]	DANIEL
9/2/2017	4 [REDACTED] 0	[REDACTED]	CHRISTIFER
9/2/2017	4 [REDACTED] 2	[REDACTED]	ISAIAH
9/2/2017	4 [REDACTED] 8	[REDACTED]	CEASAR
9/2/2017	5 [REDACTED] 7	[REDACTED]	DEADRIAN
9/2/2017	5 [REDACTED] 9	[REDACTED]	GUNNARD
9/2/2017	5 [REDACTED] 7	[REDACTED]	DONNIE
9/2/2017	5 [REDACTED] 4	[REDACTED]	KEYANA
9/2/2017	4 [REDACTED] 8	H [REDACTED] Z	ENRIQUE
9/2/2017	4 [REDACTED] 8	H [REDACTED] A	STEPHANIE
9/2/2017	4 [REDACTED] 2	H [REDACTED] A	FABIAN
9/2/2017	5 [REDACTED] 6	J [REDACTED] N	KERRY
9/2/2017	4 [REDACTED] 2	[REDACTED]	IRENE
9/2/2017	5 [REDACTED] 9	[REDACTED]	BRANDON
9/2/2017	5 [REDACTED] 6	[REDACTED]	JOSUE
9/2/2017	4 [REDACTED] 1	[REDACTED]	JESUS
9/2/2017	5 [REDACTED] 6	[REDACTED]	MARIO
9/2/2017	4 [REDACTED] 9	[REDACTED]	MATTHEW
9/2/2017	5 [REDACTED] 2	[REDACTED]	MICHAEL
9/2/2017	5 [REDACTED] 1	[REDACTED]	MARQUEZ
9/2/2017	5 [REDACTED] 2	[REDACTED]	ESTEBAN
9/2/2017	4 [REDACTED] 5	[REDACTED]	JAIME
9/2/2017	4 [REDACTED] 9	[REDACTED]	SHAWNTISH
9/2/2017	5 [REDACTED] 0	[REDACTED]	SHERI
9/2/2017	5 [REDACTED] 9	[REDACTED]	JORGE
9/2/2017	5 [REDACTED] 1	[REDACTED]	BRIAN

# ATTACHMENT I

Screenshot of the Los Angeles County Sheriff's Department Inmate Information Center website (<http://app5.lasd.org/iic/>) showing inmate details and booking information.

The page displays the following information:

- Booking Details:** Booking No.: [REDACTED], Last Name: [REDACTED], First Name: [REDACTED], Middle Name: [REDACTED].  
Sex: [REDACTED], Race: [REDACTED], Date Of Birth: [REDACTED], Age: [REDACTED], Hair: [REDACTED], Eyes: [REDACTED], Height: [REDACTED], Weight: [REDACTED].  
Charge Level: [REDACTED]
- ARREST:** Arrest Date: [REDACTED], Arrest Time: [REDACTED], Arrest Agency: [REDACTED], Agency Description: [REDACTED].  
Date Booked: [REDACTED], Time Booked: [REDACTED], Booking Location: [REDACTED], Location Description: [REDACTED]
- BAIL:** Total Bail Amount: [REDACTED], Total Hold Bail Amount: [REDACTED], Grand Total: [REDACTED]
- HOUSING LOCATION:** Housing Location: -  
Permanent Housing Assigned Date: [REDACTED], Assigned Time: [REDACTED], Visitor Status: [REDACTED].  
Facility: [REDACTED], Address: [REDACTED], City: [REDACTED]  
[Public Visiting Guidelines](#)  
For County facility visiting hours, Please call (213) 473-6080 at Inmate Information Center.
- COURT:** Next Court Code: [REDACTED], Next Court Date: [REDACTED], Next Court Time: 0000, Next Court Case: [REDACTED].  
Court Name: [REDACTED], Court Address: [REDACTED], Court City: [REDACTED]
- RELEASE:** Actual Release Date: [REDACTED], Release Time: [REDACTED]
- CASE INFORMATION:** A table with columns: Case No., Court Name, Court Address, Court City, Bail Amt., Fine Amt., Court Date, Sent. Date, Sent. Day(s), Disp Code.  
The first row contains redacted data: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED].  
A note below the table: Click on specific Case No. for detailed information.



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

## HALL OF JUSTICE



JIM McDONNELL, SHERIFF

October 3, 2017

Max Huntsman, Inspector General  
Los Angeles County Office of Inspector General  
312 South Hill Street, 3<sup>rd</sup> Floor  
Los Angeles, California 90012

Dear Mr. Huntsman:

### **RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF INSPECTOR GENERAL REPORT – IMMIGRATION: PUBLIC SAFETY AND PUBLIC TRUST**

Attached is the Los Angeles County Sheriff's Department's (Department) response to the Los Angeles County Office of Inspector General's (OIG) recommendations from the report entitled, "Immigration: Public Safety and Public Trust."

We concur with your recommendations and thank you and your staff for your efforts in reviewing our procedures and policies as they relate to the large and diverse immigrant community we serve both in and out of custody. We also appreciate your noting that our policies and cooperation with federal immigration officials is not only lawful, but more restrictive than permitted under the law. In addition, I wanted to take this opportunity to highlight some of the additional efforts we have made to serve our immigrant communities as well as clarify and expand upon some of the sections in your report relating to public trust, inmate release procedures, and the Immigration and Customs Enforcement's (ICE) access to the Consolidated Criminal History Reporting System (CCHRS).

First, Assistant Sheriff Eddie Rivero has been active in attending community meetings to discuss the issue of balancing our enforcement efforts with community trust. He has also met with federal officials to relay to them the importance of maintaining community trust within our immigrant communities and making sure victims and witnesses in immigrant communities feel comfortable reporting crimes and cooperating with law enforcement. In order to advance these efforts, the Department published

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
— Since 1850 —

an Immigration Information Guide for distribution to the public by our personnel.

The guide includes information relating to our policy, but also answers questions frequently asked by members of our immigrant community and those who advocate on their behalf (see attached brochure).

Assistant Sheriff Rivero also serves as the point of contact to immigration rights advocates who assist the immigrant community with U-Visas. In the three prior years before Sheriff McDonnell took office (2012-2014), an average of 346 U-Visa applications were submitted to the Department for certification and the Department certified an average of 63 percent. In 2015, 70 percent out of the 455 applications were certified. This past year, the number of applications submitted for certification almost doubled to 954 of which 80 percent were certified. This year we are proud to note that we have already processed 774 applications and 90 percent of them have been certified.

Second, when we issued a statement indicating that in 2016, only those who qualified as serious or violent offenders were turned over to ICE, we did so in an effort to characterize for the public in a succinct, but general way, who was being released to ICE, and based on our belief and understanding that the crimes those individuals had been convicted of were in fact serious, or violent. While the report correctly notes that for purposes of the three strikes law, a "serious felony" is one enumerated in Penal Code section 1192.7, and for purposes of a sentencing enhancement under Penal Code section 667.5, violent felonies are only those enumerated therein. In addition to the crimes enumerated in these Penal Codes, the legislature chose to include many other crimes in the TRUST Act, as well as in the most recent version of SB54, because it considered those crimes serious enough to warrant honoring an ICE detainer for that offender. What might have been more precise would have been to simply state that all individuals who were turned over to ICE were Trust Act compliant. However, we did not feel that such a statement provided sufficient clarity to our personnel, or to the public. Serious and violent felonies are not limited, for purposes of general discussion, to those enumerated in those statutes. Instead, serious and/or violent crimes include serious crimes not mentioned in those statutes such as, crimes of domestic violence, human trafficking, solicitation for murder, sexual battery, drunk driving causing bodily injury or death, assaults on peace officers, and a host of other crimes. These other crimes are in fact

serious and/or violent, particularly to the victims of those crimes and their families. In making the statement that only those individuals who qualified as serious or violent offenders were turned over to ICE, we by no means intended to mislead the public and were instead, trying to speak in plain terms which have a common meaning rather than legalese.

Third, we prioritize maintaining and increasing public trust and always endeavor to provide the public with accurate information. With respect to our statements that we were either no longer providing ICE with lists of individuals being released, or that we did not provide release information to ICE, those statements were not accurate. The Department used to provide lists to ICE which provided them with a 7-day advance notice of release dates. That particular practice, ceased sometime within the first few months of this year. In mid-February, we started providing the public, via our website, with a list of sentenced inmates and their release dates. In May, also via our website, we started providing the public with a pending release date list of inmates who were actively in the process of being released. The sentenced inmate release date list is updated automatically on a daily basis. The pending release date list is updated every 20 minutes. Hence, it would have been more accurate to state that we believed we were not providing ICE with more information than we were providing to the public.

However, at some point information relating to charges was being provided to ICE when personnel started using screenshots of a computer screen with information relating to an inmate's release instead of a formal "release pass" which did not contain charge information. This practice has ceased and the release pass procedure was replaced with the installation of a monitor at IRC which displays the same booking numbers and names of individuals being released at IRC that are provided to the public on our website. As pointed out in the report, the monitor also included information regarding how long the inmates had been at IRC because that information is helpful to IRC personnel. The time an inmate is at IRC has since been removed from the monitor visible to ICE agents because that information also had the unintended consequence of providing information to ICE which was not provided to the public.

Fourth, while not noted in the report, we want to clarify that when an individual is scheduled to be released from a station jail or court, the notification process is different than when an inmate is released from IRC. After IRC personnel verify that an inmate meets the AB4 criteria set forth in the TRUST Act, they notify the station jail or court that the inmate is eligible for ICE transfer. ICE is then notified by e-mail or phone of the inmate's

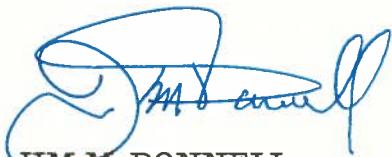
location and pending release. The inmate will then be released to ICE if they are able to pick up the inmate within the normal release parameters. As is the process at IRC, if ICE personnel are not available, the inmate is released to the public. The booking numbers and names of all inmates pending release, including those pending release from station jails and courts, are provided to the public via our public website. The public can access the inmate's specific release location by inputting the name and date of birth of the inmate onto our Inmate Information Center webpage. Or, if the date of birth is unknown, they can call (213) 473-6100, for general information including the inmate's release location.

Lastly, ICE agents do have access to CCHRS as noted in the report. However, ICE is only being provided information available to all local and federal law enforcement agencies. We do not provide the public with confidential law enforcement-related personal information included in CCHRS. However, we do not believe confidential criminal history reports available through CCHRS, as well as a variety of other law enforcement databases, should be looked at in the same context as release information.

The effort and dedication made by members of the OIG to execute this report is greatly appreciated by the Department. We are committed to balancing community safety with public trust and appreciate the recommendations you make to assist us in this endeavor.

The Audit and Accountability Bureau (AAB) has the responsibility to monitor and document the Department's response related to this review. Should you have any questions regarding the Department's response, please contact Captain Steven E. Gross at (323) 307-8302.

Sincerely,



JIM McDONNELL  
SHERIFF

**RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF  
INSPECTOR GENERAL REPORT**

COUNTY OF LOS ANGELES – SHERIFF

SUBJECT: IMMIGRATION: PUBLIC SAFETY AND PUBLIC TRUST

**RESPONSE TO RECOMMENDATIONS BY THE OIG**

1. The Department implement internal review procedures to ensure that all of its communications with the public, the Civilian Oversight Commission, and the Board of Supervisors are accurate.

Response: Concur. We are committed to providing the public, the Civilian Oversight Commission, and the Board of Supervisors with information that is as clear and accurate as possible and will be implementing internal review procedures to ensure our communications are as accurate as possible. When data is released, it will be cited and sourced to indicate the origin of the data as well as the time period, the unit releasing the data, and any variables or disclaimers known in advance. If data is preliminary, the release of that data will be contingent on whether the need for the data outweighs the delay for its validation. We acknowledge we have provided information to the public which was inaccurate in the past because it was either not thoroughly vetted, or it was reliant on outdated databases. Hence, the Department is additionally in the process of establishing a new link on its public website where we will be updating, correcting, and/or clarifying information when it comes to our attention that information released or published was either inaccurate, or has been misinterpreted. We expect to have the link operational within the next month, barring any unforeseen delays.

2. The Department implement an ongoing training, education, and supervision program for its patrol deputies to ensure that deputies are aware of and follow the Department's policies regarding contacts with the immigrant community and measure compliance with those policies in a transparent manner that does not erode public trust.

Response: Concur. On September 21, 2015, the Department implemented its first formal policy specifically prohibiting personnel from initiating police action with the objective of discovering an individual's immigration status, from inquiring about immigration status except in limited circumstances, and from arresting individuals for suspicion of violating a federal immigration law such as illegal entry, being unlawfully present, or overstaying a visa. In December 2016, the Sheriff appointed the Department's first executive charged with becoming the Department's expert on issues concerning our immigrant communities. Assistant Sheriff Eddie Rivero has since attended a myriad of community and/or town hall meetings to educate our personnel and the public about our policies. He also created a training video for personnel to educate and train them on our immigration policy.

The Department welcomes any internal review or audit by the OIG or Audit and Accountability Bureau (AAB) in order to assist the Department in ensuring the policy is being followed. The Department is committed to enforcing the policy on Immigration Inquiries and Notifications when violations of the policy are brought to our attention and any violations of the policy will be reflected in our Quarterly Discipline Reports which are published on the Public Data Sharing link on our public website.

3. The Department collaborate with the newly created Immigration Affairs Office to ensure that all inmates subject to Immigration and Customs Enforcement detainees receive proper and timely notice of those detainees and their rights.

Response: Concur. Personnel from our Inmate Reception Center (IRC) currently participate in a meeting on immigration-related issues every other week that includes at least one representative from the Office of Immigrant Affairs (OIA). However, IRC command staff will reach out to representatives of OIA to see if additional collaboration on proper and timely notifications to inmates subject to Immigration and Customs Enforcement (ICE) detainees is needed, or desired.

4. The Department should review its "AB4" list of "qualifying" convictions to ensure consistency with proposition 47.

Response: Concur. We have already asked our County Counsel attorneys to re-review the charge list to ensure compliance with Proposition 47, as well as the additional provisions of SB54, which will prevent local law enforcement from cooperating with immigration authorities if an individual has been "arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as misdemeanors or felonies" prior to the passage of Proposition 47 and will impose a 15-year washout period for felonies.

## **Message from Sheriff Jim McDonnell**

As Sheriff of one of the most diverse counties in the nation, I want to assure our residents and immigrant communities the Los Angeles County Sheriff's Department is deeply committed to providing professional law enforcement services to everyone regardless of their immigration status.

Enforcement of immigration laws is the responsibility of the federal government. The men and women of the Sheriff's Department are focused on keeping our local communities safe, and will not detain or arrest any individual solely on suspicion of illegal presence in the United States.

**"This is our promise.  
It is our Department policy.  
Most importantly,  
it is the law."**

Deputies are neither instructed nor trained to ask for a victim's or witness' legal residency status. The trust we have earned from the community is critical in providing the highest level of service.



## **Los Angeles County Sheriff's Department policy regarding immigration inquiries and notification**

This policy is intended to reassure immigrant communities that there is no need to fear contact with the Sheriff's Department.

**Policy Section 05-09/271.00  
"Immigration Inquiries and Notifications."**

- Department members shall investigate criminal activity without regard for individual's legal status.
- Department members shall not initiate police action with the objective of discovering the individual's immigration status.
- Deputies shall not arrest an individual solely on suspicion of violating a federal immigration law relating to illegal entry, being unlawfully present, or overstaying a visa.
- Department members shall not inquire about individual's immigration status unless that information is essential to their investigation. (e.g., human tracking investigation)
- If a victim's or witness' immigration status is discovered during an investigation, deputies shall not forward that information to the US Immigration and Customs Enforcement (ICE).

For additional policy information visit [www.lasd.org](http://www.lasd.org)

## **Frequently Asked Questions**

**Can I be deported during a routine traffic stop or call for help?**

**Answer:** No. Deputies from the Los Angeles County Sheriff's Department do not inquire about a person's immigration status during routine traffic stops or calls for service. The Sheriff's Department does not enforce federal immigration laws.

**If a deputy discovers I am an undocumented immigrant, can I be arrested solely for federal immigration laws?**

**Answer:** No. Sheriff's Department policy prohibits deputies from arresting or booking an individual solely on suspicion of violating federal immigration laws.

**Can I be deported when reporting a crime or call for help?**

**Answer:** No. The mission of the Sheriff's Department is to enforce the law fairly and within constitutional authority. When receiving a call for service, the focus of the Sheriff's Department is helping the victim, not enforcing federal immigration laws. We have built trust within our communities, which is the basis for our "Immigration Inquiries and Notifications Policy."

**What happens to a deputy who asks about my immigration status without legal cause?**

**Answer:** A deputy sheriff who inquires about immigration status without merit is subject to administrative discipline.

# Immigration Information Guide

## Frequently asked Questions

**Does the Sheriff's Department assist ICE with civil immigration enforcement operations?**

**Answer:** No. The Sheriff's Department does not participate in or assist ICE with immigration enforcement operations. We may participate in federal task force operations, which include ICE, purely to investigate criminal activity.

**What is the procedure for a victim of a crime to apply for a "U Visa"?**

**Answer:** The person must be a victim of a qualifying crime. In some cases, witnesses and/or family members may be eligible to apply for a U Visa. The petitioner or station detective can initiate the U Visa application (USCIS Form I-918). The form must be filled out and presented to the handling detective. The detective will review the case file and determine if the petitioner was a victim of a qualifying charge and was helpful in the investigation. The filing of criminal charges and a criminal prosecution are not requirements for our certification of the U Visa application. If all requirements are met on the application, the station or bureau captain will certify the application, by signing it on the Sheriff's behalf. The original signed application is returned to the petitioner or the advocate. The petitioner shall send all applicable documents to the USCIS.



**NOTE:** All forms can be downloaded on the United States Citizenship & Immigration Services (USCIS) website at [uscis.gov](http://uscis.gov)

## For Questions or Complaints please call

**Sheriff's Information Bureau**  
(213) 229-1700

**Internal Affairs Bureau**  
(800) 698-8255



We welcome you to contact any local Sheriff's Station for additional questions or concerns.

"This pamphlet was created to provide information regarding our immigration policy, and to reassure everyone in the community there is no need to fear contact with your Sheriff's Department.

*Our goal is to protect all people in Los Angeles County regardless of background or immigration status."*

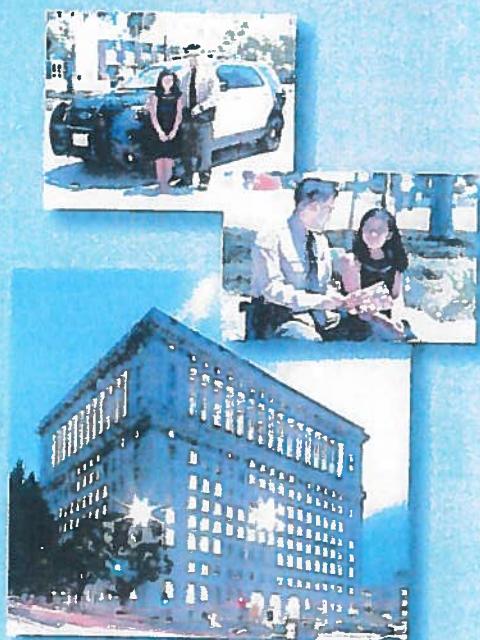
**Jim McDonnell, Sheriff**



**Los Angeles County Sheriff's Department**

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**Jim McDonnell, Sheriff**