

TO: Los Angeles County Board of Supervisors
CC: Los Angeles County Sheriff Alex Villanueva
Los Angeles County Office of the Inspector General
Los Angeles County Office of Immigrant Affairs
Los Angeles County Counsel
Los Angeles County Sheriff's Civilian Oversight Commission
FROM: Signatories
DATE: March 26, 2019
RE: **End Cooperation with ICE and Expand SB 54 Protections**

During Los Angeles County Sheriff Alex Villanueva's campaign for Sheriff, he promised voters that Los Angeles County would no longer facilitate the separation of immigrant families caused by Immigration and Customs Enforcement's (ICE) cruel detention and deportation practices. His upset election was primarily a referendum on former Sheriff Jim McDonnell's stance and policies of local cooperation with ICE. In particular, Villanueva committed to physically removing and barring ICE from all LASD property, including for purposes of transfers of individuals to ICE custody, improving the California Values Act's (SB 54) protections for county residents, and rebuilding trust with immigrant community members.

The policies that Sheriff Villanueva has adopted so far, however, are practically business as usual and will have minimal impact, if any, in the Los Angeles County Sheriff's Department's (LASD) overall cooperation with ICE; we see no meaningful change from the policies of his predecessor. In particular, replacing ICE agents with ICE contractors to handle the arrest and transfer of individuals to ICE is a difference that is cosmetic only—with the same overall result. In addition, as the Office of the Inspector General reported at the Board of Supervisors meeting on March 12, 2019, Sheriff Villanueva's new list of 101 misdemeanor offenses qualifying for transfers would only prevent 1.9 percent of all transfers LASD made to ICE in 2018.¹

Worse, coupled with Sheriff Villanueva's policies, his disingenuous rhetoric has created a false sense of security among immigrant community members who mistakenly believe LASD is no longer in the business of doing ICE's bidding when, in fact, LASD under Sheriff Villanueva's administration is very much still facilitating ICE's mass deportation agenda. We have spoken with immigrant community members whose loved ones LASD has recently transferred to ICE. They were shocked to learn that LASD is still collaborating with ICE.

Today, we write to urge the Board of Supervisors and Sheriff Villanueva to do everything you can to fully disentangle LASD from ICE's mass deportation efforts—promises that Los Angeles County voters believed were consistent with our values and public safety.

Eliminate all transfers of custody to ICE—including through ICE contractors—at jails and courthouses

We urge you and Sheriff Villanueva to end all transfers of individuals to ICE custody—whether these transfers are done through ICE agents or ICE contractors. While uniformed ICE agents

¹ Shadi Kardan, Cnty of L.A. Office of Inspector Gen., Presentation to Cnty. of L.A. Bd. of Supervisors (Mar. 12, 2019).

may no longer have access to LASD facilities, Sheriff Villanueva is instead giving free admission to ICE contractors who make arrests on ICE's behalf. Simply replacing ICE agents with third-party contractors disguises the true impact of these actions—that is, they continue to place thousands of Angelenos at heightened risk of detention and deportation.

In addition, judges and law enforcement have roundly condemned any ICE presence at courthouses because of the impact this reckless practice has on access to justice, due process, and victims' rights.² It is our understanding that LASD transferred about 130 individuals to ICE directly from courthouses in 2018.³ This practice must come to an end.

Expand SB 54 protections for LA County residents

We urge you and Sheriff Villanueva to expand SB 54 protections for LA County residents by establishing clear bright lines and ending the facilitation of ICE's mass deportation agenda. Former Sheriff McDonnell championed the fight against SB 54—ultimately watering it down. This weakening of SB 54, which has allowed local law enforcement agencies to transfer individuals based on a wide and complex web of hundreds of felony and misdemeanor offenses, has enabled LASD to transfer our community members simply for misdemeanor convictions. In 2018, LASD transferred 220 individuals—about a quarter of all transfers—based simply on misdemeanor convictions.⁴

Under McDonnell, LASD went from allowing only 3 misdemeanors to qualify for transfers in 2017 to a list of 151 misdemeanors in 2018.⁵ By only tinkering with McDonnell's misdemeanor list and reducing it to 101 misdemeanors, Sheriff Villanueva is actually choosing to include 98 more misdemeanor convictions to qualify for transfers than in 2017.⁶ This so-called reduction in the list of misdemeanor offenses qualifying for transfers represents yet another way in which Sheriff Villanueva has misled people who supported him and immigrant community members.

It is dishonest for Sheriff Villanueva to tout his new list of 101 misdemeanors as a significant step to protect immigrant community members when, in fact, the impact will be infinitesimal. The new list would only prevent 1.9 percent of all transfers LASD made to ICE in 2018. Sheriff Villanueva is effectively sticking to McDonnell's policies of expending precious taxpayer

² See, e.g., Alanna D. Richer, *Ex-judges to ICE: End Immigration Arrests at Courthouses*, ASSOCIATED PRESS (Dec. 12, 2018), at <https://www.apnews.com/e401e85400ee44ab9dd51ace042be399>; Stephanie Rivera, *California Prosecutors Sign Letter Asking ICE Agents to Stop Arresting at Local Courthouses*, LONG BEACH POST (Apr. 6, 2017), available at <https://lbpost.com/news/politics/california-prosecutors-sign-letter-asking-ice-agents-to-stop-arresting-at-local-courthouses/>; Brittny Mejia & Jazmine Ulloa, *ICE arrests in courtrooms escalate feud between California and Trump administration over immigration policy*, L.A. TIMES (Aug. 29, 2018), available at <https://www.latimes.com/local/lanow/la-me-ln-ice-courtroom-arrest-20180829-story.html>.

³ Meeting with Los Angeles County Sheriff's Department Inmate Reception Center staff (Jan. 8, 2019).

⁴ Shadi Kardan, Cnty of L.A. Office of Inspector Gen., Presentation to Cnty. of L.A. Civilian Oversight Comm'n (Feb. 26, 2019).

⁵ *Id.*

⁶ *Id.*

resources—about \$1.5 million a year—to navigate hundreds of felony and misdemeanor offenses qualifying for transfers under SB 54.⁷

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Sheriff Villanueva ran as a reformer, but since taking office, his reforms have fallen far too short. Contrary to his incorrect statements that he is required by SB 54 to transfer our community members to ICE custody, transfers under SB 54 are only discretionary. As described further in Appendix A, many other cities and counties have enacted stronger protections.

Likewise, we deserve better in Los Angeles County, where more than a third of our community members are immigrants. Los Angeles County has taken pride in being a place that welcomes and values immigrants. We deserve a sheriff and policies that share this vision.

Signatories:

- A New Way of Life
- ACLU of Southern California
- Asian Americans Advancing Justice | Los Angeles
- California Immigrant Policy Center
- California Immigrant Youth Justice Coalition
- Californians United for a Responsible Budget
- Central American Resource Center (CARECEN-LA)
- Clergy and Laity United for Economic Justice (CLUE)
- Dignity & Power Now
- Esperanza Immigrant Rights Project
- Homies Unidos
- Immigrant Defenders Law Center
- Korean Resource Center
- Koreatown Immigrant Workers Alliance (KIWA)
- Long Beach Immigrant Rights Coalition
- National Immigration Law Center (NILC)
- Pilipino Workers Center of Southern California
- Public Counsel
- The Anti-Recidivism Coalition (ARC)
- UCLA Downtown Labor Center
- Youth Justice Coalition

⁷ CNTY. OF L.A. SHERIFF CIVILIAN OVERSIGHT COMM'N, IMMIGRATION AD HOC COMM., [DRAFT] REPORT OF THE SHERIFF CIVILIAN OVERSIGHT COMMISSION IMMIGRATION AD HOC COMMITTEE REGARDING THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT COOPERATION WITH IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) AND [PROPOSED] RECOMMENDATIONS 15 (Nov. 15, 2019), *available at* <http://file.lacounty.gov/SDSInter/bos/supdocs/Draft-ImmigrationAdHoc-Report11-15-18.pdf>.

APPENDIX
Select Jurisdictions with Policies Limiting Local Collaboration with ICE

California

Santa Ana: Ordinance No. NS-2908, at https://library.municode.com/ca/santa_ana/ordinances/code_of_ordinances?nodeId=811808 (prohibiting city participation in immigration enforcement, including notifications, transfers, information-sharing, and joint task forces, except where an individual consents or where required by law).

Santa Clara County: Policy Resolution No. 2011-504, at https://www.ilrc.org/sites/default/files/resources/santa_clara_ordinance.pdf (prohibiting participation in immigration enforcement—including access, transfers, and notifications—except where ICE has a criminal warrant or County officials have a legitimate law enforcement purpose that is not related to the enforcement of immigration laws).

San Francisco: Administrative Code Sec. 12H.1-6, at <https://sfgov.org/oceia/sites/default/files/Documents/SF%20Admin%20Code%2012H-12I.pdf> (prohibiting the use of City funds or resources to assist in the enforcement of immigration law or to share information where not required by law; and permitting law enforcement discretion—including the consideration of factors such as community ties and rehabilitation—if the person has received a violent felony conviction in the past 7 years, a serious felony conviction in the past 5 years, or three or more convictions for most felonies in the past 5 years, and if the person has again been held to answer by a judge for most felonies).

Nationally

Cook County, Illinois (Chicago): Policy for Responding to ICE Detainers, Sec. 46-37, at [https://immigrantjustice.org/sites/default/files/Cook%20County%20Detainer%20Ordinance%20\(enacted\).pdf](https://immigrantjustice.org/sites/default/files/Cook%20County%20Detainer%20Ordinance%20(enacted).pdf) (prohibiting ICE access to individuals or information-sharing with ICE by County officials absent a criminal warrant).

Orleans Parish, Louisiana (New Orleans): Orleans Parish Sheriff's Office, Policy: Immigration and Customs Enforcement Procedures, June 21, 2013, Sec. 4, at <https://www.clearinghouse.net/chDocs/public/IM-LA-0009-0002.pdf> (barring ICE access to the jails absent a warrant or court order, and prohibiting information-sharing with ICE about release dates or addresses).

King County, Washington (Seattle): King County Code ch. 2.15.005-110, at https://aqua.kingcounty.gov/council/clerk/code/05_Title_2.htm#_Toc532893997 (preventing the use of County funds and resources on immigration enforcement; barring ICE access to the jail without a warrant; and prohibiting the collection of place of birth information and notifications).