

TWO YEARS OF SANCTUARY?

HOW CALIFORNIA'S LAW ENFORCEMENT
AGENCIES CONTINUE WORKING WITH ICE

TWO YEARS AFTER THE SIGNING OF
THE CALIFORNIA VALUES ACT

Layla Razavi, Felicia Gomez





INTRODUCTION

Following the 2016 presidential election, California passed SB 54 (2017), the California Values Act, (“the Values Act”)—the strongest anti-deportation law in the country. The previous year, California passed AB 2792 (2016), the Transparent Review of Unjust Transfers and Holds Act (“the TRUTH Act”), ensuring that immigrants in local law enforcement custody know their rights and provide consent before being subject to an interview with an ICE officer. The Values Act places critical limitations on the ways in which local law enforcement agencies (“LEAs”) share information and cooperate with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE) and Border Patrol. Specifically, the law prohibits LEAs, including Sheriff Departments that control and operate local jails, from sharing resources with DHS or complying with ICE ‘notification’ and ‘transfer’ requests, in specific circumstances. The TRUTH Act, instead, put in place processes that local LEAs must follow when complying with a request from ICE and, additionally, requires that local governing bodies host community forums to make public data pertaining to the LEA’s interactions with ICE. Together, the Values Act and TRUTH Act work to provide greater transparency and accountability regarding law enforcement engagement with DHS.

Over the past two years, the California Immigrant Policy Center (CIPC), along with our partners, has monitored and supported implementation of both the Values Act and the TRUTH Act as part of our ongoing activities as a convening member of the ICE out of California Coalition, a statewide coalition that seeks to end police-ICE entanglement. Specifically, the Coalition monitored implementation of the Values Act by filing hundreds of public record acts requests and supported turnout and participation in local TRUTH Act community forums across the state. Despite the robust provisions in the Values Act, CIPC’s examination of public record act requests indicate that local law enforcement agencies in over half a dozen counties—and more than thirty LEAs—continue to collaborate with ICE and Border Patrol to facilitate the deportation of individuals who may be protected if the Values Act were thoroughly implemented.¹ In addition, CIPC’s direct work with partners in multiple counties reveals that many of the community forums required under the TRUTH Act fail to produce greater accountability or real transparency regarding the manner in which LEAs continue to cooperate with ICE. This brief outlines the policies and practices law enforcement agencies utilize to work around the Values Act and undermine the utility of the TRUTH Act, and provides recommendations to ensure complete and successful implementation of both laws.

LOCAL LEA PRACTICES VIOLATE “THE CALIFORNIA VALUES ACT”

DHS utilizes three principal methods to access people in LEA custody: (i) issuing ‘ICE notifications’ that request individual release dates; (ii) requesting access to people held in LEA custody to conduct interviews, without counsel present, to build a deportation case against them; and (iii) transferring people from LEA custody directly into ICE custody. The Values Act addresses all three of these practices by limiting resource and information sharing and restricting compliance with ICE notification and transfer requests.

Despite the Values Act’s goal of disentangling local LEAs from federal immigration enforcement, immigrants are still routinely placed into deportation proceedings through DHS reliance on law enforcement resources and collaboration. By providing technical assistance to both local law enforcement agencies and local community-based organizations on LEA policies, as well as reviewing public records act responses from Sheriff Offices and Police Departments, in over a dozen jurisdictions across the state, CIPC’s research reveals patterns of continued collaboration between LEAs and DHS, including information and resource sharing and facilitation of transfers on behalf of ICE. In addition, ICE increasingly relies on joint law enforcement task forces that lack transparency and oversight to continue their operations, unabated. These practices can result in people who do not have a disqualifying conviction, as specified under the Values Act, being placed into deportation proceedings.

LEAs SHARE OFFICE SPACE, RESOURCES, AND TELECOMMUNICATIONS SYSTEMS WITH ICE

Prior to passage of the Values Act, it was very common to see ICE agents maintain exclusive office space or desk space within local jails. In many instances, they were present in the jails at all times. The Values Act addresses this constant and deep ICE presence in local jails by prohibiting LEAs from providing ICE with exclusive office-space in department facilities.² Despite this provision in the law, ICE still maintains near constant presence in many jails across the state via the following tactics:

- (i) Physically relabeling previous ICE offices in local jails as “communal work spaces” that continue to be used solely or predominantly by ICE agents;
- (ii) Removing ICE’s desktop computers but still allowing ICE agents to use LEA computers and technology while accessing the LEA’s telecommunications infrastructure, including Wi-Fi. This provides ICE with additional resources and access to information with little oversight of their work or the access that they have to department facilities.

Best Practices in the State:

As a result of the Values Act passing, several departments³ ended ICE access to their department facilities entirely. Of these departments, most shared this information verbally with advocates and consequently do not have policies that accurately reflect their current practices. Instead LEA’s policies continue to state that ICE agents





are prohibited from having exclusive office space within department facilities. While this is a step in the right direction, the failure to explicitly adopt this practice in their formal, written policies shields these LEAs from accountability should they violate or change their policy in the future.

Despite this, a small number of departments incorporated express language into their updated policies that reflect the prohibition of ICE agents in department facilities. The act of incorporating such language in a department policy serves as a model to other departments throughout the state and is a testament to the work moved by local advocates in the community.

- ◆ Example #1: Los Angeles County Sheriff's Department policy language:⁴
 - ◆ "ICE agents are prohibited from entering a Los Angeles County Sheriff's Department facility to conduct operations or investigations pertaining to civil immigration matters."
 - ◆ "ICE agents shall not be permitted into any custody facility, station jail, or court lock-up to conduct civil immigration enforcement. Civil immigration enforcement includes interviews regarding civil immigration violations and taking custody of inmates on the basis of a civil immigration detainer."

- ◆ Example # 2: Monterey County Sheriff's Office policy language:⁵

- ◆ "The California Values Act prohibits providing office space exclusively dedicated to immigration authorities. Accordingly, ICE use of an intermittent occupancy of work space in the county jail was revoked at the end of 2017."

LEAs PUBLICLY POST RELEASE DATES AND PROVIDE ADDITIONAL INFORMATION TO ICE

Because the Values Act *only* allows LEAs to provide personal information to ICE if such information is publicly available,⁶ Sheriff Offices circumvent this restriction by posting the release dates of incarcerated people to the public. This practice enables continued information sharing with ICE. CIPC's research highlights that some Sheriff Offices have put this information on their department websites, allowing anyone to download an entire list of individuals being released from custody on a specific day, while others allow individuals to run queries of their entire database to search for individuals based upon full or last name or first initial. Some departments share extremely detailed personal information about individuals, such as periodic photos, future release dates extending several years out, and court dates.

Under current state law, if a LEA directly notifies ICE of a person's release date, they are required to

comply with various procedural and substantive requirements enumerated in the TRUTH Act⁷ and the Values Act.⁸ However, by publicly posting release dates, ICE is able to easily identify when an individual is being released from custody directly through the LEA's website without being subject to any of the additional requirements under the law. This practice puts many individuals, such as domestic violence survivors, at risk because the public knows when they will be released, and severely impinges on the privacy rights of all individuals in custody throughout the state.

LEAs SURREPTITIOUSLY SHARE INFORMATION TO FACILITATE TRANSFERS

The Values Act prohibits LEAs from transferring individuals into ICE custody, except under specific circumstances. A review of public records act responses revealed that in at least one county, LEAs release individuals into ICE custody in coordination with federal immigration authorities.⁹ In meetings with LEAs, CIPC learned of at least one other county in which a LEA facilitates transfers by releasing individuals when and where ICE is waiting to arrest them. In some cases, ICE submits a notification or detainer request to the LEA and the LEA will, pursuant to the Values Act, respond negatively to say that they cannot enforce or honor ICE's request; in other instances, the LEA's form reply will instruct ICE to consult with the department's website (where all release dates are posted). Upon release, officers take an individual out through a back-loading area where armed ICE agents are waiting to arrest the individual. The LEAs facilitate the transfer through coordination of the precise time, location, and manner of release.

LEAs ARE NOT PROPERLY COLLECTING DATA REGARDING THEIR PARTICIPATION IN "JOINT TASK FORCES" AS REQUIRED UNDER THE VALUES ACT

DHS agencies, including Homeland Security Investigations (HSI)—the investigative arm of ICE—serve on joint law enforcement task forces with state and local LEAs, conducting field operations that often result in the secondary or "collateral" immigration arrest of bystanders, and can lead directly to deportation proceedings.¹⁰ As states and localities place more restrictions on how LEAs engage with ICE, the agency is increasingly utilizing "joint task forces" as a mechanism to continue information sharing and collaboration

with LEAs, without any restrictions or oversight. There is currently little publicly available information regarding the regular participation in and scope of joint task forces; some task forces have formalized agreements through entering into Memorandums of Understanding (MOUs) while others simply rely on informal verbal agreements. There is little to no transparency for how or why the use of joint task forces is growing or its impact on immigrants.

The Values Act prohibits LEAs from participating in a joint task force that is *solely* for immigration enforcement purposes and further requires LEAs to annually report to the DOJ that includes all instances in which the department participated in a joint task force, detailing (i) the purpose of the task force, (ii) the agencies involved, (iii) arrests made and, (iv) if any immigration arrests were made, the number of such arrests.¹¹ This provision provides some measure of transparency for joint task force operations—an important first-step in providing the public with information on how these field operations are leading to deportations throughout the state.

Under the Values Act, California's Attorney General (AG) published¹² this data for the first time on March 1, 2019, revealing that in 2018 seven arrests for immigration enforcement purposes resulted from joint task force activity in California. The report did not specify the departments involved or the specific task forces from which the arrests arose, and the report inadequately explains how LEAs define or track arrests for immigration enforcement purposes during their participation in joint task forces.

The data presented in the first joint task force report is inconclusive and does not accurately represent the impacts of joint task forces on immigration enforcement in the state, as some LEAs did not report their data to the AG. This is further underscored by CIPC's work in 2018 to review over a dozen local LEA policies that were updated to comply with the Values Act, none of which incorporated the joint task force reporting requirement. In addition, CIPC conducted multiple meetings directly with LEAs in 2018, where LEAs indicated that they were unaware of what was required and were not presently collecting any data pursuant to the law or the AG's January 15, 2019 deadline.

Best Practices in the State:

Despite the increasing reliance of LEAs on joint task forces, two departments have limited their participation in such task forces. One of the departments does not participate in joint task forces in which ICE participates, and another requires additional and more frequent public reporting than required under state law.

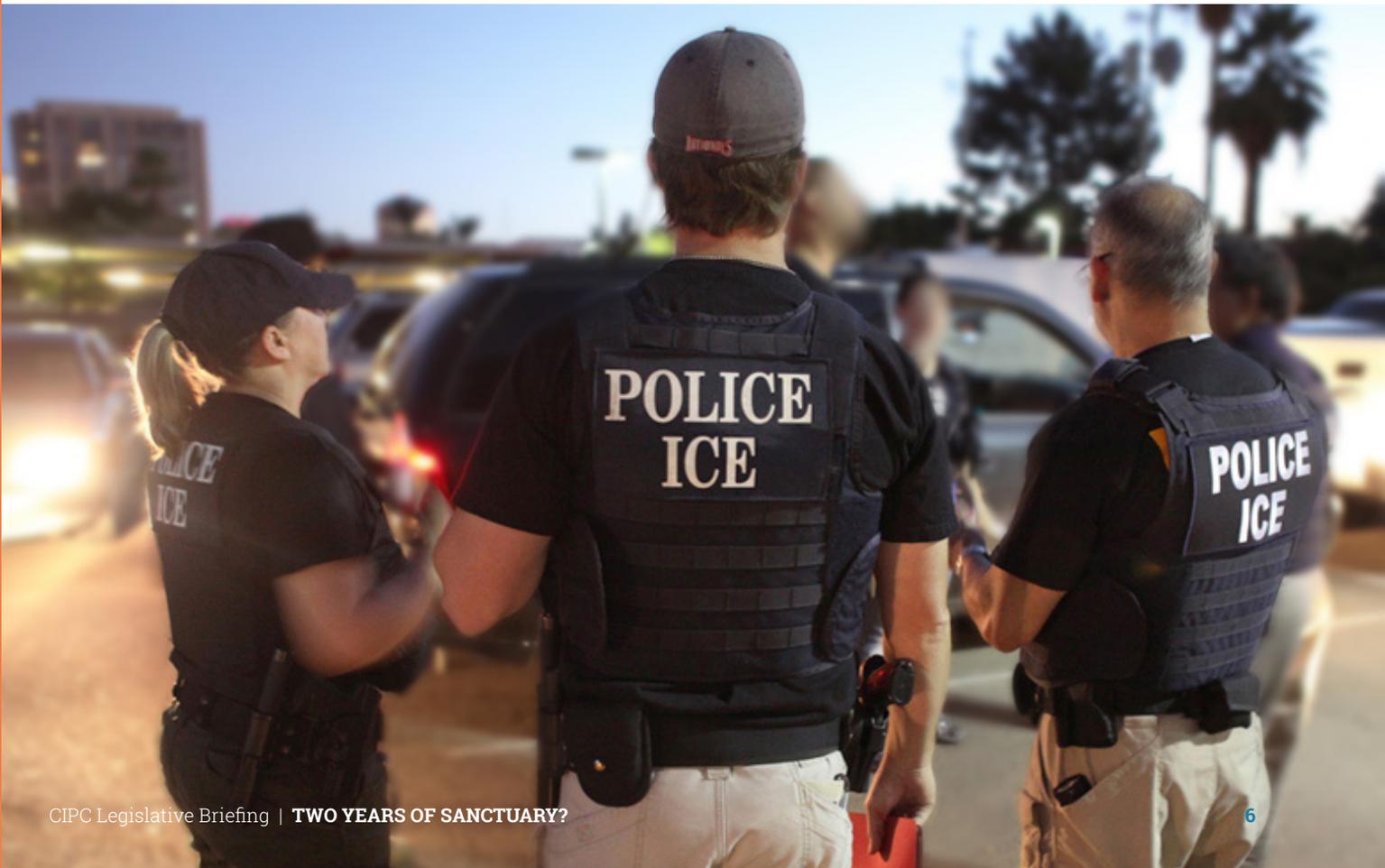
◆ **Example #1: Humboldt County's Sanctuary Law: Measure K Language** ¹³

- ◆ *No agency shall participate in a Joint Law Enforcement Task Force which includes ICE, or for which a purpose is enforcement of federal immigration laws.*

◆ **Example #2: Los Angeles Police Department (LAPD)** ¹⁴

- ◆ *The semi-annual reports to the Board of Police Commissioners (BOPC) must also contain information on immigration enforcement and Department operations as it pertains to the Department's involvement in immigration enforcement activities with the United States Department of Homeland Security (DHS), including: US-ICE and US-Customs and Border Protection (CBP). The report must provide the following information:*

- *Non-Task Force Joint Operations: The purpose of each joint operation; the number of arrests made during the reporting period, and the number of people arrested for immigration enforcement purposes.*
- *Criminal Immigration Enforcement Actions: The number of people arrested by Department personnel for criminal immigration enforcement purposes pursuant to a judicial warrant or judicial probable cause determination and the number of people arrested for violation of 8 U.S.C. §1326(a), (b)(2), Illegal Reentry after Conviction of an aggravated felony.*
- *US-ICE Transfers: The number of transfers to US-ICE and the offense that allowed for the transfer.*
- *US-ICE Detainer Requests: The number of US-ICE Detainer Requests received, and the number of US-ICE Detainer Requests honored.*
- *US-ICE Interview Requests: The number of US-ICE Interview Requests received, and the number of US-ICE Interview Requests honored.*



- *US-ICE Release Notification Requests: The number of US-ICE Release Notification*
- *Requests received, and the number of US-ICE Release Notification Requests honored.*

This language in Measure K: Humboldt County’s Sanctuary Law is the strongest in the state and could go even further to say, “ICE, including HSI, or any other DHS agency or official,” to ensure that the LEA does not participate in a joint task force with any federal immigration authorities, including Border Patrol and HSI.¹⁵ In addition, the reporting required by the Los Angeles BOPC of LAPD is more frequent and comprehensive than what is required under the Values Act. It is also important to note that the information from LAPD is shared publicly during a BOPC meeting and is open to public comment, ensuring the department’s activities are subject to public scrutiny and accountability.

LEAs RECEIVE COUNSEL FROM A PRIVATE CORPORATION TO IMPLEMENT THE LAW

Lexipol is a private company that was founded in 2003 by two former law enforcement officers.¹⁶ The company contracts with LEAs across the state and country to provide them with state specific policy counsel, including legal support, training, implementation, and policy updates based on legislative changes.¹⁷ Lexipol is known to contract with smaller police departments that do not have in house counsel, providing them with guidance on how the Values Act should be interpreted and applied. Because the company is contracted by LEAs in multiple counties, when it misconstrues or narrowly applies the protections enshrined under California state law, the result is that jurisdictions across the state adopt the same erroneous interpretation of the law.

After the passage of the Values Act, the company produced several template immigration policies that police and sheriff departments could adopt. Each template interprets and applies specific provisions of the Values Act differently, enabling the LEA to pick and choose provisions from each template to construct a tailored policy for their respective agency. As a result, some variations of LEA policies drafted by Lexipol are wholly compliant with the Act while others construe key protections under the Act in a manner that is overly narrow or even fails to incorporate the protection, increasing the likelihood that a contracting LEA will violate the law.

CIPC reviewed over a dozen LEA policies that were drafted by Lexipol, including the company’s model policy and accompanying templates. The following represents a list of the most common erroneous applications of law in LEA policies that were drafted by Lexipol:¹⁸

- (i) The policy misapplies the very narrow exception under the Values Act that permits a LEA to detain and arrest an individual for unlawful reentry who is subject to an enhancement under federal law¹⁹ because it (a) allows the officer to detain the individual *before* confirming that the enhancement applies and (b) does not specify that the detention/arrest must stem from an interaction that is “unrelated” to immigration enforcement.²⁰
- (ii) (ii) The policy erroneously allows officers to transfer an individual who unlawfully reentered the country into ICE custody without screening to see if the individual has been convicted of a crime that falls within the exceptions “carve out” to the protections under Values Act.²¹
- (iii) (iii) The policy fails to articulate the limitations on information sharing with federal officers pursuant to the Values Act and does not specify the types of personal information protected under state law.²²
- (iv) The policy does not prohibit the use of immigration officers to provide interpretation services for LEA officers in the field or in jails as is required under the Values Act.²³
- (v) The policy does not prohibit exclusive office space for ICE within LEA facilities.²⁴
- (vi) The policy does not include any of the requirements to monitor and report participation in joint law enforcement task forces under the Values Act.²⁵

LEAs FAIL TO PRODUCE CONSISTENT AND COMPLETE DATA REGARDING THEIR INTERACTIONS WITH ICE AT TRUTH ACT COMMUNITY FORUMS

Prior to the passage of the TRUTH Act, little to no data was available regarding LEAs granting ICE access to individuals in their custody or other forms of police-ICE collaboration. The TRUTH Act attempted to ensure public



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accountability and transparency for LEA interactions with ICE through a provision of the law that took effect in 2018, requiring local governing bodies to hold a community forum, yearly, where the LEA had provided ICE access to at least one individual in their custody in the previous year.²⁶ Since the law went into effect, local governing bodies and LEAs hold the requisite community forums but underutilize them, instead remaining inaccessible and maintaining a lack of transparency regarding their interactions with ICE as follows:

- ◆ In 2018, a majority of local governing bodies across the state scheduled the community forums in November and December, making it difficult to mobilize community members to attend so close to the holidays and the end of the year.
- ◆ LEAs and local governing bodies do not translate the data and presentations shared during the forum into languages other than English, making it difficult for all impacted community members and local residents to actively participate in the forum.
- ◆ Sheriffs and their staff do not fully present data on how their department works with DHS agencies and its impact on the community they serve during the community forums. Departments do not present data in a uniform way across the state. In fact, many Sheriffs do not attend the forum but, instead, send their data to the BOS to present on their behalf, including incomplete data within a PowerPoint presentation, and reading out of limited or incomplete statistics. This leads to incomplete data sets from across the state.
- ◆ Some local governing bodies do not allow local advocates and community leaders to provide a formal presentation on the impacts of police-ICE entanglement on the local community.
- ◆ Local governing bodies typically schedule the forum during a regularly scheduled Board of Supervisor (BOS) meeting in the middle of the week and during the day, making it inaccessible to most people who work full time or longer hours. In addition, county workers often cannot specify the exact time that the agenda item will come up given the nature of BOS meetings, making it difficult to coordinate attendance at the forums.



- ◆ Local governing bodies held most of the forums in 2018 and 2019 in their respective County Administration Building. Depending on the county, many people may find it difficult to get to these locations due to the distance being far from their home, limited parking, and little to no available public transportation accessibility.

STRENGTHENING LEA POLICIES TO ENSURE SUCCESSFUL IMPLEMENTATION OF THE VALUES ACT AND THE TRUTH ACT

The following recommendations aim to improve implementation of the Values Act and the TRUTH Act by identifying measures LEAs and the State Legislature can take to ensure full compliance:

- ◆ Strengthen each LEA's immigration policy. CIPC conducted an analysis comparing three different model policies with over thirty local LEA policies that have been adopted from across the state. Among all of these policies, the only model that ensures full and complete compliance with the Values Act is the ICE out of CA Coalition's Model Policy.²⁷
- ◆ Define "transfer to DHS custody" in state law. Current state law does not specify what constitutes a "transfer" to immigration authorities. Accordingly, LEAs do not accurately report this information to the public and the AG as required under the Values Act. The Legislature can provide and codify a definition of a "transfer" through legislation to ensure that data available to the public is accurate and complete.
- ◆ Provide accountability for LEA cooperation with DHS by strengthening the TRUTH Act. Local governing bodies and local LEAs are underutilizing the TRUTH Act community forums because the statute is overly broad and permissive. State legislators can strengthen the TRUTH Act language to require LEA attendance, require LEAs to present specific types of data during the forum, schedule the forum in a central location during an accessible date and time to all local residents (including people who work full time), require translation of all written materials into the county's threshold languages spoken by a substantial number of non-English speaking people²⁸, and require the local governing body to allocate time for a community impact presentation to be provided by residents and local organizations serving the impacted community.
- ◆ Ensure transparency for obscure LEA practices. LEAs can begin immediate documentation of their participation in joint taskforces and make that information readily available to the public to



prepare for compliance with the annual implementation deadlines pursuant to the Values Act. In addition, LEAs can share information on their public website outlining any contracts with private companies, such as Lexipol, and the budget allocation for such services. Local governing bodies can institute mechanisms to allow for public comment before a LEA renews or enters into a contract with a private company. Lastly, LEAs can provide on their public website a list of the databases that they share with federal agencies and the protocol for allowing access to such databases for immigration enforcement purposes.

- ◆ Maintain confidentiality of personal information. LEAs can protect the privacy of vulnerable individuals by ending the practice of mass information ‘dumps’ on department websites that make the personal information of *all* individuals in custody available to the public. Instead, LEAs can implement protocols to ensure that personal information is not needlessly made public.

LOOKING FORWARD: THE VALUES ACT AND BEYOND

Together, the Values Act and the TRUTH Act set a foundation across the state for limiting entangle-

ment between LEAs and DHS agencies; however, police-ICE entanglement continues in the state due to both ICE’s shifting tactics as well as uneven and incomplete implementation efforts by California’s LEAs. The following recommendations strengthen the Values Act by creating additional protections for individuals who come into contact with law enforcement.

- ◆ Expand treatment and accessibility to programs while in local jail custody, regardless of status. The Values Act prohibits the California Department of Corrections and Rehabilitation (CDCR) from restricting access to educational or rehabilitative programming, or credit-earning opportunities regardless of status, in addition to considering a person’s citizenship or immigration status when determining a person’s classification level.²⁹ The California State Sheriff’s Association (CSSA) developed a sample SB 54 policy³⁰ in 2018, which contains a recommendation for Sheriff Departments to adopt such language in their policies. Having this language in a policy binds the department to upholding this practice and ensuring that staff are trained to abide by such protections. Given that many people are serving longer



sentences in county jails, the implementation of this type of local policy would ensure people have access to rehabilitative programs and credit-earning opportunities while in custody, which could result in early release as well as programs that support reintegration into the community post-release.

- ♦ Sample language from the CSSA Sample Policy RE: Compliance with SB 54 and Related Laws:
 - *Members of the Department shall not restrict access to any in-prison educational or rehabilitative programming, or credit-earning opportunity on the sole basis of citizenship or immigration status, including, but not limited to, whether the person is in removal proceedings, or immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.*
 - *Members of the Department shall not consider citizenship and immigration status as a factor in determining a person's custodial classification level, including, but not limited to, whether the person is in removal proceedings, or whether immigration authorities have issued a hold request, transfer request, notification re-*

quest, or civil immigration warrant against the individual.

- ♦ Introduce Know Your Rights Posters in City and County Jails. A large number of individuals continue to accept ICE interviews without an attorney present despite the protections under the TRUTH Act that require individuals to select whether they would like to accept an ICE interview, accept it with an attorney present, or decline the interview altogether. This is often due to the person not understanding the form that was presented to them or feeling coerced to sign and provide consent. One way to ensure people provide informed consent is to place Know Your Rights (KYR) posters in jails that outline a person's rights under the TRUTH and Values Acts.
 - ♦ Example: Advocates in Monterey County successfully put KYR posters³¹ inside the Monterey County Sheriff's Office jail, which further outline a person's rights under the Values Act and the TRUTH Act. The KYR poster also includes a Q&A section, a list of trusted attorneys in the area to contact if the person has questions, and an address to contact if the person thinks they have experienced a Values Act violation. The KYR posters are posted in the jail dorms, library, and in an "inmate orientation handbook" that everyone receives upon booking.



Carmen Alcázar/Wotancito/Wikimedia Commons

CONCLUSION

The Values Act remains the country's strongest anti-deportation law and provides California with significant and meaningful protections against the Administration's cruel and drastic revision of deportation policies. In conjunction with the TRUTH Act, current state law provides a baseline of protections against mass deportations as well as a foundation for improving public accountability and transparency regarding ongoing police-ICE entanglement in our state. The above analysis and recommendations help ensure that the vision and intent behind the passage of the Values Act is fully realized by addressing the mechanisms ICE uses to continue to facilitate indiscriminate deportations, and ensuring that community forums can rely on the TRUTH Act as a meaningful avenue for accountability and assessing community impact. These recommendations help strengthen the current protections available to immigrants under California law.

The work of successfully implementing the Values Act requires that each law enforcement agency, in every jurisdiction across the state, adopt and adhere to policies that are in accordance with the law, and collect and make public complete and accurate data regarding their ongoing interactions with DHS. The Values Act, in particular, is a model that other states across the country can follow. Successful and complete implementation is integral to ensuring that California continues to lead the nation in shielding its residents from deportation and ensuring they can meaningfully continue to participate and thrive in the state.

For more information about CIPC's Detention and Deportation legislative, policy and organizing work, please contact Layla Razavi at lrazavi@caimmigrant.org or Felicia Gomez at fgomez@caimmigrant.org

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ENDNOTES

- 1 Two sets of public records act requests filed in March 2018 for every police department and Sheriff Office or Department in California regarding implementation of the Values Act and data collection regarding LEA interactions with DHS agencies. The requests were filed jointly by the ACLU of California, CIPC, and ILRC, as well as AAAJ-ALC and NDLO, respectively. The submission of the requests, receipt of responses and ongoing compilation of information collected were all coordinated through the ICE out of CA Coalition's Legal Committee.
- 2 Cal. Govt. Code § 7284.6 (a)(5).
- 3 Sheriff Departments include: Monterey, Santa Cruz, Los Angeles, Humboldt; Police Departments include: Oceanside, Escondido
- 4 See [Appendix C](#), Attachment A Los Angeles County Sheriff's Department, Unit Order 5-22/001.10, "Release Procedures Related to California Government Code 7282.5", Feb. 14, 2019; see also App. C, Attachment A, Los Angeles County Sheriff's Department Newsletter, Vol. 19, No. 03, "Immigration and Customs Enforcement Agents, Detainers, and Station Jails, Feb. 15, 2019; and App. C, Attachment B, Los Angeles County Sheriff's Department Custody Operations, Custody Directive 19-001, "Immigration and Customs Enforcement (ICE) – Access to Custody Facilities", Feb. 11, 2019.
- 5 See [Appendix D](#), Monterey County Sheriff's Office, "General Order #18-01: SB 54 - The California Values Act, Law Enforcement Data Sharing", Jan. 01, 2018.
- 6 *Supra* note 2, at § 7284.6 (a)(1)(D).
- 7 *Supra* note 2, at § 7284.5.
- 8 *Supra* note 2, at § 7284.6 (a)(1)(C).
- 9 In an internal email from ICE staff member Moises Becerra sent on Dec. 30, 2017, Mr. Becerra explains that under Fresno County's LEA policy, "ICE officers will check in at the front lobby where there are two Correctional Officers (CO)," and that "[t]he COs will notify [Fresno County Jail] staff and they will ensure ICE detainees who are processed for release will be available at the release vestibule." Yesenia Amaro, "Fresno County sheriff says she follows state's sanctuary law. Critics say she helps ICE," Fresno Bee (Sep. 28, 2018). Available at: <https://www.fresnobee.com/news/local/article218601030.html>.
- 10 On Nov. 14, 2015, HSI participated in a joint human trafficking task force raid at a night club; however, all individuals were questioned and no evidence of trafficking was found. The task force only resulted in arrests of individuals with minor traffic violations, including long-time Los Angeles resident and father to a U.S. citizen child, Guillermo Felix, who was arrested and placed into deportation proceedings. David Noriega, *The LAPD Says It Won't Work With Feds On Deportations, But It Already Does*, BuzzFeed (Dec. 8, 2016). Available at: <https://www.buzzfeednews.com/article/davidnoriega/the-lapd-says-it-wont-work-with-feds-on-deportations-but-it>.
- 11 *Supra* note 2, at § 7284.6(c)(1).
- 12 California Department of Justice, Values Act Senate Bill 54 Annual Report for 2018, (Mar. 2, 2019). Available at: <https://data-openjustice.doj.ca.gov/sites/default/files/2019-06/values-act-sb54-2018.pdf>.
- 13 See [Appendix A](#), Measure K, "Humboldt County Sanctuary Law".
- 14 See [Appendix B](#), Los Angeles Chief of Police, Interdepartmental Correspondence to the Board of Police Commissioners, "Immigration enforcement, task force reporting requirements and department operations", Aug. 28, 2019.
- 15 ICE is comprised of two arms: Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI). When people cite ICE coming to jails or making arrests, they are usually referring to ICE's ERO officers, who wear typically wear uniforms identifying them as ICE. HSI is the investigative arm of the agency and HSI officers increasingly participate with local, state, and federal law enforcement agents in joint task forces and other joint investigations and operations. HSI uniforms identify them as "Police" or "Police: HSI", further concealing the participation and cooperation of ICE in local policing.
- 16 *About Us*, Lexipol. Available at: <https://www.lexipol.com/about/> (last visited Nov. 30, 2018).
- 17 *Id.*
- 18 This brief references Lexipol Policy 428 which is the standard version most LEAs in California adopted after the passage of the Values Act. Other versions of the policy have been adopted in some jurisdictions that have only some provisions of this particular policy. (See, e.g., Alhambra Police Department, Alhambra PD Policy Manual, Policy 428: Immigration Violations (2018)).
- 19 *Supra* note 2, at § 7284.6(b)(1).
- 20 *Supra* note 18, at § 428.5.
- 21 See *supra* note 18, at § 428.5.1 (Lexipol policy instructing transfer for individuals who unlawfully reentered); see also *supra* note 2, at § 7284.6(a)(4) (CA Values Act provision listing criminal convictions that qualify as carve outs or exceptions to protections afforded under the law).
- 22 See *supra* note 18, at § 428.7 (Lexipol policy allowing information sharing pursuant to 8 U.S.C. § 1373 without defining or protecting personal information pursuant to Cal. Govt. Code § 7284.6(a)(2)(D) and Civ. Code § 1798.3).
- 23 See *supra* note 18 (Lexipol policy with no mention of to Cal. Govt. Code § 7284.6(a)(3)).
- 24 See *supra* note 18 (Lexipol policy with no mention of to Cal. Govt. Code § 7284.6(a)(5)).
- 25 See *supra* note 18 (Lexipol policy with no mention of to Cal. Govt. Code § 7284.6(c)(1)).
- 26 Cal. Govt. Code § 7283.1 (d).
- 27 ICE out of CA Coalition, SB 54 Model Policy for Local Law Enforcement. Available at: http://www.iceoutofca.org/uploads/2/5/4/6/25464410/model_sb_54_policy_for_law_enforcement_12_13_17_final.pdf (last visited Oct. 25, 2018).
- 28 See The Dymally-Alatorre Bilingual Services Act, Cal. Pen. Code § 7290 et. seq.
- 29 Cal. Govt. Code § 7284.10.
- 30 See [Appendix E](#), California State Sheriff's Association, "Sample Policy Re Compliance with SB 54 and Related Laws".
- 31 See [Appendix F](#), ACLU of Northern California, "SB 54 Advisory for People in Jail".