ORAL PRESENTATION

ena Graber, Senior Staff Attorney Immigrant Legal Resource Center November 2, 2021

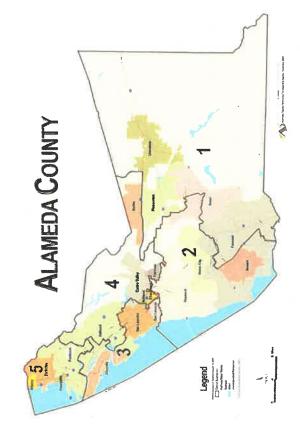
Alameda County Truth Act Forum 2021

- Alameda County Immigrant Legal and Education Program (ACILEP)
- Asian Americans Advancing Justice Asian Law Caucus
- Justice Reinvestment Coalition of Alameda County
- Asian Prisoner Support Committee
- Center for Empowering Refugees and Immigrants
- Human Impact Partners
- Ella Baker Center
- CURYJ Communities United for Restorative Youth Justice
- Urban Peace Movement
- California Immigrant Youth Justice Alliance

Alameda County

- Alameda County is home to 1.7 million people
- 33% are foreign-born
- 43% speak a language other than English at home
- Half of Alameda County children have at least one immigrant parent





TEACHING, INTERPRETING, AND CHANGING LAW SINCE 1979

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Requires a written consent form in advance of any ICE interview of a person in If a law enforcement agency notifies ICE of Requires CA law enforcement agencies to serve a copy of ICE detainers on the person and inform them whether the they must promptly inform that person and the person's attorney that they have the release date of someone in custody, **Requires annual Truth Act Forums** agency intends to comply **California State Laws** CA custody done so TRUTH Act ---(Law as of AB 2792. 2017)

TEACHING, INTERPRETING, AND CHANGING LAW SINCE 1979

California Values Act -- SB 54

(Law as of 2018) :

California State Laws

- Prohibits inquiring about immigration status
- Prohibits holding a person for ICE on a detainer
 - Limits who can be transferred to ICE
 - Limits when LEAs can notify ICE of a person's release
- Prohibits sharing of personal information
 - (e.g., work and home addresses)
- Prohibits use of ICE/CBP as interpreters
 - Prohibits arrests based on civil immigration warrants
- Limits participation in joint taskforces and requires reporting to CA Attorney General

CA Laws Upheld by Federal Courts	 CA has authority to limit involvement in immigration enforcement 	 Any assistance to ICE is purely voluntary 	 No state or federal law requires assistance to ICE 	 US Dept. of Justice has removed the immigration enforcement conditions 	from its law enforcement grants	TEACHING, INTERPRETING, AND CHANGING LAW SINCE 1979 (III)
	California's Legal Authority					TEACHING, INTERPRETING, AND

Alameda Sheriff's Policy

from the Board of Supervisors, In spite of previous directives ACSO policy:

- Provides notification of release dates to ICE in order to transfer people to immigration detention
- Allows ICE into the jail to effect direct transfers
- Slow to notify counsel that they have alerted ICE to release dates
- immigration status while SB54 does Policy allows for inquiries into not

TEACHING, INTERPRETING, AND CHANGING LAW SINCE 1979

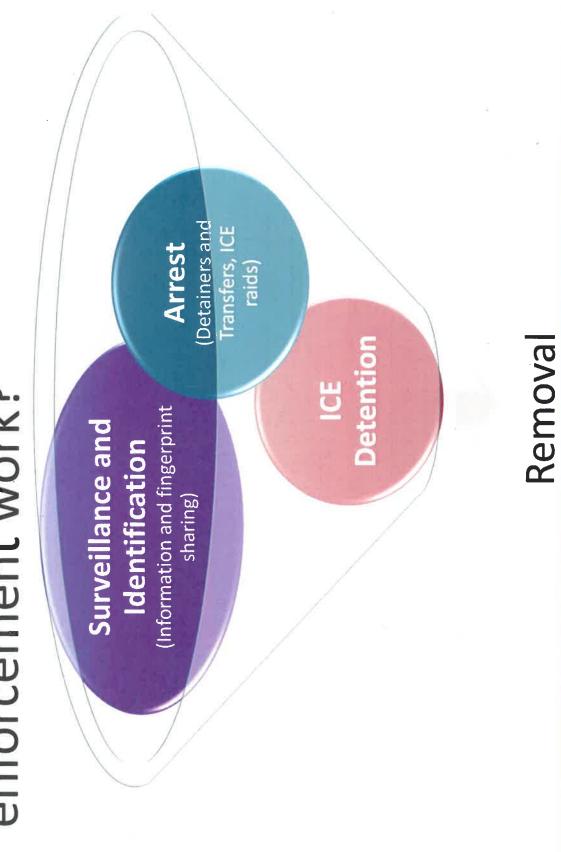
	 What happens after transfer to ICE? "Death penalty cases in a traffic court setting" Immigration Judge Dana Marks Immigration Judge Dana Marks People are detained for months and often years Nany have no right to a bond hearing There is no right to have counsel provided, even if you are a child More than 80% of detained immigrants are unrepresented Hearings dealing with horrific persecution and family trauma occur over video conference with a judge hundreds of miles away
•	 At least 16 deaths in detention during the pandemic

TEACHING, INTERPRETING, AND CHANGING LAW SINCE 1979

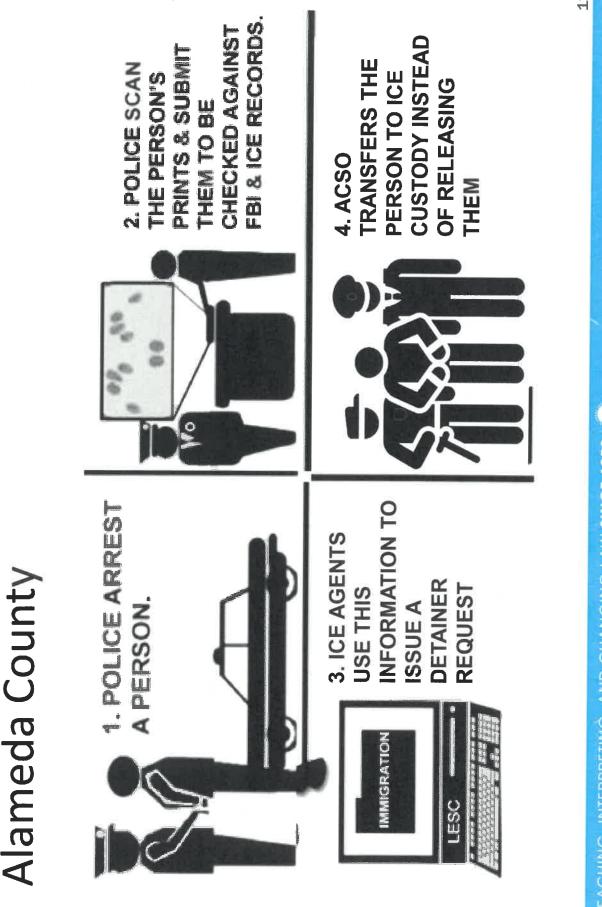
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How does immigration enforcement work?



TEACHING, INTERPRETING, AND CHANGING LAW SINCE 1979

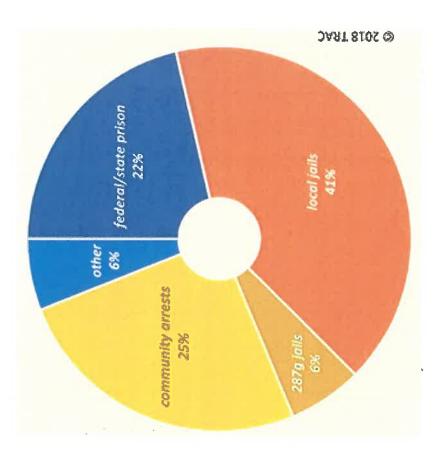


Immigration Enforcement in

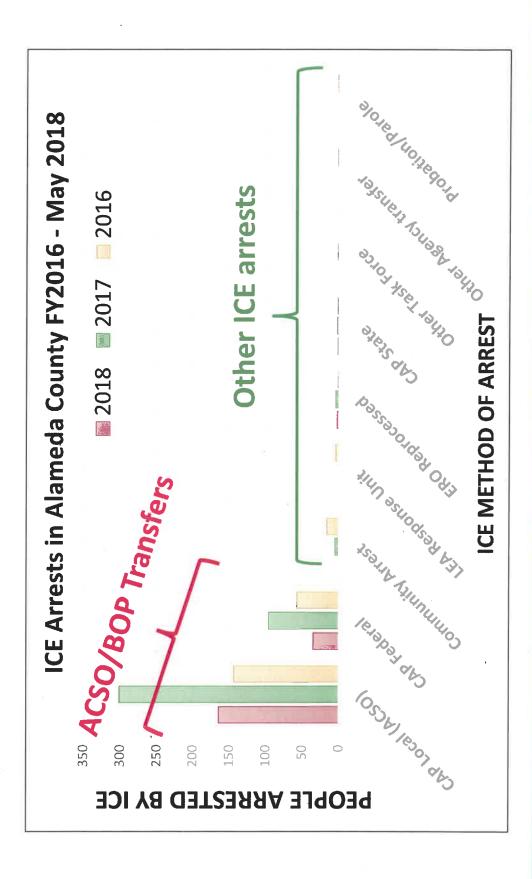
TEACHING, INTERPRETING, AND CHANGING LAW SINCE 1979

ICE Enforcement

Nationally: ~70% of immigration arrests occur as transfers from other law enforcement agencies



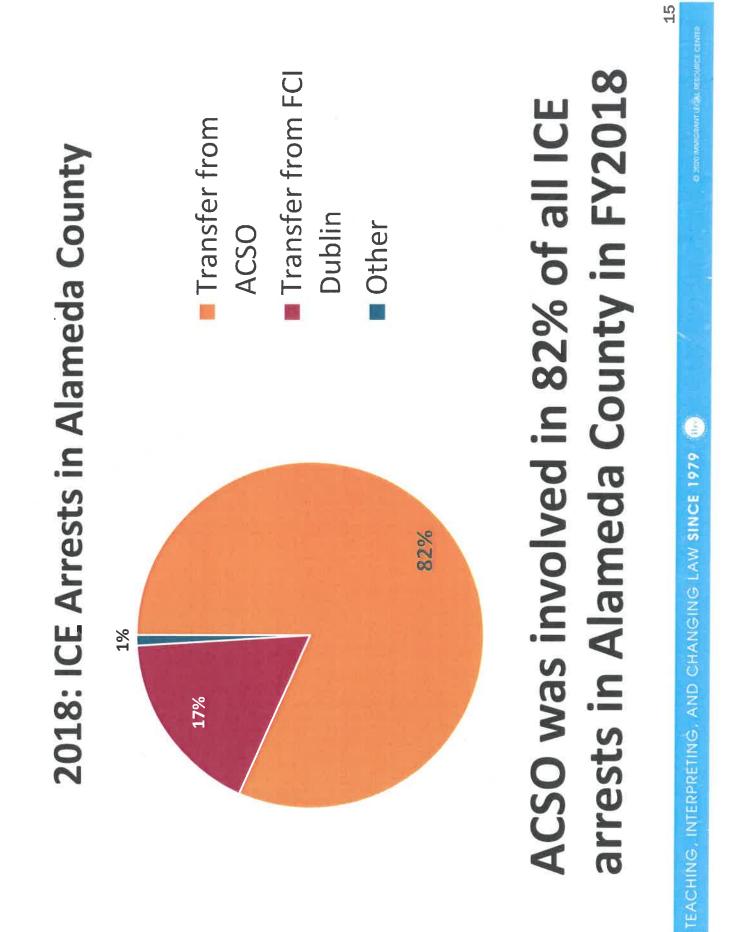
Each year, ACSO is the main conduit to immigration enforcement



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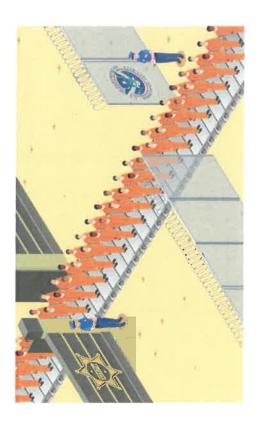
TEACHING, INTERPRETING, AND CHANGING LAW SINCE 1979



2019 in Alameda County

In 2019, the sheriff's department contacted ICE 44 times about the release date of someone leaving ACSO custody.

All 44 of those people were arrested by ICE.



2020

large drop in ICE detainers, as ICE detention In 2020 and 2021, the pandemic caused a contracted.

beginning of FY2020 to less than 20,000 by population from more than 50,000 at the Litigation forced ICE to drop its detention January 2021

2020: Bay Area Counties Comparison

a: 0	ty: 0	0:00					
Contra Costa: 0	Marin County: 0	San Francisco: 0	Napa: 0	Santa Clara: 0	Sonoma: 0	Solano: 1	Alameda: 8
Transfers	Transfers to ICE in 2020						

TEACHING, INTERPRETING, AND CHANGING LAW SINCE 1979

2021: Biden Administration	New policies have reduced ICE arrests in 2021	ICE arrested at least 30% fewer people nationally	But this is already changing.	 Brand new DHS enforcement policy grants enormous discretion and power to ICE, despite its track record 	 Immigration detention has expanded steadily in 2021 	 DHS is working closely with private prison companies and defending the use of private prisons for immigration detention 	 DHS continues the same old scare-mongering immigration 	policies about immigrants and immigration as threatening to	security and safety	ACHING, INTERPRETING, AND CHANGING LAW SINCE 1979 🔟
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Alameda BOS Policy

resolution against offering any assistance to In September 2016, Alameda BOS passed a ICE. Res. No. 2016-274.

least 540 people to ICE for detention and Since that time, ACSO has transferred at deportation. QUESTION: What is the Board going to do to stop this?

50+ local orgs support end to ICE collaboration



04 12th St. Suite 2B Oakiand CA 94607 510 452 944

Alameda County Sheriff's Office Alameda County District Attorney's Office Alameda County Probation Department Alameda County Superior Court Alameda County Board of Supervisors Inmigration and Customs Enforcement, Northern California Sent via email 3/17/2020, updated supporter list as of 3/22/2020 here

March 17, 2020

To Whom It May Concern:

been shining a spotlight on the harmful, dehumanizing, and unsanitary conditions of confinement in jails, prisons, and detention centers. At the same time, they have rightly questioned why we as criminalization, incarceration, and state surveillance in the United States. All along, they have For decades people who are currently or formerly incarcerated have led the fight to end mass a society continue to use punitive responses to issues that are largely social, political, or economic in nature.

Alameda County has been no exception. For years incarcerated Alameda County residents and their loved ones have risen up to share testimony and reject the horrid conditions inside our county jails. The county has been sued numerous times for jail-based health abuses for everything from lack of access to reproductive health services to wrongful deaths. Santa Rita Jail (and Glenn Dyer Jail before it closed) has never been a safe or healthy place for our beloved community members. Multiple coalitions, campaigns, work stoppages, and hunger strikes inside Santa Rita Jail have highlighted these efforts.

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- Alameda residents are strongly in favor of ending all involvement with ICE.
- Although actual transfers have decreased recently, all the machinery still exists for them to increase and threaten our community <u>с</u>і.
- Alameda County is falling out of step with other Bay Area and CA counties that are stopping all transfers to ICE . .
- Alameda County has no obligation to help ICE or spend our local resources on immigration enforcement 4
- undermine community safety, and send people into an inhumane and profoundly unjust system that may result in Iransfers to ICE inflame the COVID-19 epidemic, their death വ .

ALAMEDA COUNTY PROBATION DEPARTMENT TRUTH ACT PUBLIC FORUM

Marcus Dawal, Interim Chief Probation Officer November 2, 2021



ACPD's Immigration Overview & Goals

- Ensure staff is well-informed on Departmental immigration policies and applicable legislation. Revised Adult and Juvenile Services policies implemented May 25, 2018.
- Follow state, local and federal law without jeopardizing our immigrant clients and community
- Fulfill our data reporting obligations to our recognized local authority- the Board of Supervisors



2020 Probation Department Data

Adult Field Services

- 0 ICE Detainers (request for notifications)
- 0 ICE Holds
- 0 Transfer to ICE in custody
- 0 Interview request
- 0 ICE request for Dates and Times of Probation and Parole Check Ins
- O request for information on an individual that was not an ACPD client. No information provided.

Juvenile Services

- 0 ICE Detainers (request for notifications)
- 0 ICE Holds
- 0 Transfer to ICE in custody
- 0 Interview request
- 0 ICE request for Dates and Times of Probation and Parole check ins
- 0 Request for additional information-No information provided



2021 Probation Department Data January 2021- October 8, 2021

Adult Field Services

- 0 ICE Detainers (request for notifications)
- 0 ICE Holds
- 0 Transfer to ICE in custody
- 0 Interview request
- 0 ICE request for Dates and Times of Probation and Parole Check Ins
- 2 requests for information. No information provided.

Juvenile Services

- 0 ICE Detainers (request for notifications)
- 0 ICE Holds
- 0 Transfer to ICE in custody
- 0 Interview request
- 0 ICE request for Dates and Times of Probation and Parole check ins
- O requests for additional information-No information provided



Thank You

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Questions?

ALAMEDA COUNTY PUBLIC DEFENDERS

Alameda County Truth Act Forum

• November 2, 2021

Avantika Shastri, Immigration Defense Attorney, IMMIGRATION REPRESENTATION UNIT

Immigration Representation Unit

Groundbreaking Unit

Implemented January 2014

First deportation defense unit embedded within a California public defender office.

Immigration Representation Unit

- Provides immigration advice for adult, juvenile and Clean Slate Clinic cases as mandated by <u>Padilla v.</u> <u>Kentucky</u>, 559 US 356 (2010)
- Monitors Values Act/SB 54 enforcement
- Provides individual representation in immigration and federal court cases to stop deportation, end detention, and obtain legal status
- Vacates deportable convictions in state courts
- Screens every undocumented juvenile for eligibility for special status available only to juveniles.
- Other litigation and advocacy

2021 Values Act Enforcement

- In 2020, we filed an administrative complaint against the Sheriff's Office for violating the Values Act. **The claim was settled in 2021.**
 - In July 2020, our client completed sentence for misdemeanor offense and should have been released and permitted to go home.
 - Instead, the Sheriff's Office erroneously notified ICE of his release. ICE picked him up and moved him to Georgia the same day.
 - He was kept in immigration detention for three months. He was not given COVID protections and fell ill from COVID. He received inadequate health care, and was subjected to degrading treatment by guards.
 - In October 2020, he was deported to Guatemala.
- This is the third known complaint filed against the Sheriff's Office since 2018. All three complaints have been settled.

No known cases of ICE transfers among our clients in 2021.

Public Safety Is About <u>All</u> of Us

1. Separating families, causing distress, and removing breadwinners from households and communities does not make us safer.

2. Non-Cooperation in immigration enforcement by counties does not preclude federal immigration authorities from enforcing immigration laws.

3. Everyone transferred from jail to ICE custody has been deemed suitable for release by the criminal legal system.

We oppose all law enforcement cooperation with ICE.

Cooperation discriminates against our county's non-citizens.

All persons who are subject to the Values Act have already completed their sentences and/or have already been deemed safe for release by Alameda County's criminal legal system.

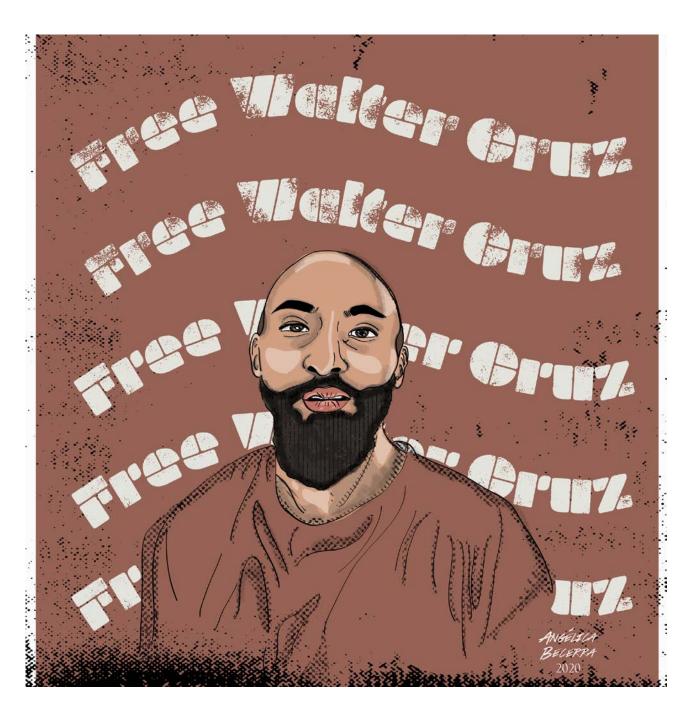
[PHOTO REDACTED]

Alameda resident who was released from immigration detention and whose case pending.

Cooperating with ICE subjects our community members to systemic racism, mistreatment and inequities in the immigration deportation and detention systems.

[PHOTO REDACTED]

Permanent resident client who was released from immigration detention following federal court habeas filing.



Client who was transferred from Santa Rita Jail in July 2017 to ICE custody. He was granted relief from removal twice by an immigration judge.

Chose to self-deport in 2021 after fighting his case for nearly four years on appeal in ICE custody.

We should spend our county resources more wisely than on Values Act review, oversight, and settlements.

[PHOTO REDACTED]

 Alameda County resident whom we helped obtain a green card. He now runs his own small business.

Alameda County



Sheriff's Office

Alameda County Community Forum

Undersheriff Richard T. Lucia 2021

TRUTH ACT

ASSEMBLY BILL NO. 2792

CHAPTER 768

An act to add Chapter 17.2 (commencing with Section 7283) to Division 7, Title 1 of the Government Code relating to local government.

Approved by Governor September 28, 2016. Filed with Secretary of State September 28, 2016.

AB 2792, Bonta, Local law enforcement agencies: federal immigration policy enforcement: ICE access.

2018 - SB54 AND THE TRUTH ACT

- Pursuant to SB 54, ACSO may respond to an ICE request for notification for an individual who meets the following criteria:
 - The individual has been convicted of a serious or violent felony identified in Penal Code Sections 1192.7 (c) or 667.5 (c).
 - > The individual has been convicted of a felony punishable by imprisonment in the state prison.
 - > The individual is a current registrant on the California Sex and Arson Registry.
 - The individual is arrested for a serious felony or violent felony, as identified in Penal Code Sections 1192.7 (c) or 667.5 (c), or a felony that is punishable by imprisonment in state prison; and after appearing before a magistrate for a preliminary hearing, the magistrate has determined under Penal Code Section 872 that there is probable cause to hold the individual to answer for the crime.
 - The individual has been convicted within the past 5 years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony as described in Government Code Section 7282.5.

2019 - SB54 AND THE TRUTH ACT

ACSO continues to comply with the TRUST Act (AB 4-2014) and the TRUTH Act (AB 2792-2016).

> The California Values Act (SB54) became effective on January 1, 2018.

- SB54 sets specific criteria as previously discussed for law enforcement agencies when corresponding with ICE.
- In 2020, ACSO received 322 I-247 A Forms and ICE took custody of 8 individuals. As of November 1, 2021, ACSO has received 70 I-247 A Forms and ICE taken 0 individuals into their custody.

Government Code Section 7283.1 (d)

- Beginning January 1, 2018, the local governing body of any county, city, or city and county in which a local law enforcement agency has provided ICE access to an individual during the last year shall hold at least one community forum during the following year, that is open to the public and in an accessible location with at least 30 days' notice to provide information to the public about ICE's access to individuals and to receive and consider public comment.
- The local law enforcement agency may provide the governing body with data it maintains regarding the number and demographic characteristics of individuals to whom the agency has provided ICE access, the date ICE access was provided and whether the ICE access was provided through a hold, transfer, or notification request or through other means.
- Data may be provided in the form of statistics or, if statistics are not maintained, individual records, provided that personally identifiable information shall be redacted.

Government Code Section 7283 (d)

- > Ice Access means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:
 - Responding to an ICE hold, notification, or transfer (1).
 - Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise (2).
 - Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise (3).
 - Allowing ICE to interview an individual (4). >
 - Providing ICE information regarding dates and times of probation or parole check-ins (5). 6

General Order 1.24

Under no circumstances shall a person be detained or arrested by Sheriff's Office members based solely on his or her immigration status whether known or unknown.

ACSO General Order precludes us from asking immigration status. ACSO does not track citizenship and/or immigration status.

ACSO and all of our local Law Enforcement Partners do not perform Immigration Enforcement.

	NUMBER: 1.24	
	RELATED ORDERS:	
	ACA 4-ALDF-2A-21	
ALAMEDA COUNTY	General Order 1.22, 9.14	
	D&C 11.02, 11.09, 11.40	
SHERIFF'S OFFICE	CA Gov. Code 7282, 7282.5, 7284, 7284.2, 7282.4	
SHERITS OTTICE	7282.6	
GENERAL ORDER		
GENERAL ORDER	ISSUE DATE: January 1, 2014	
	REVISION DATE: May 14, 2020	
CHAPTER: Law Enforcement Role,	SUBJECT: Communication with Immigration	
Responsibilities, and Relationships	Authorities	

- I. PURPOSE: The purpose of this order is to provide deputies with guidelines on their duties and responsibilities associated with immigration law, enforcement, arrests, detentions/detainers, and Requests for Notification.
- II. POLICY: The Alameda County Sheriff's Office (ACSO) will equally enforce laws and serve the public without consideration of immigration status. The ACSO does not accept nor honor immigration detainers from Immigration and Customs Enforcement (ICE). The immigration status of a person, and the lack of immigration documentation, alone, shall have no bearing on the manner in which staff executes their duties.

Under no circumstances shall a person be detained or arrested by Sheriff's Office members based solely on his or her immigration status whether known or unknown.

III. DEFINITIONS

- A. IMMIGRATION ENFORCEMENT JURISDICTION: The U.S. Department of Homeland Security (DHS) Immigration and Customs Enforcement Agency (ICE) has primary responsibility to investigate and enforce federal immigration laws.
- B. DHS Form I-247A (Immigration Detainer-Notice of Action), requests the following of the receiving law enforcement agency:
 - Requests ACSO notify ICE, as early as practical, of the release date of an inmate prior to his/her release.
 - Requests ACSO maintain custody of an inmate for a period not to exceed 48 hours beyond his/her scheduled release.
 - Requests ACSO relay the detainer request to any other law enforcement agency to which the inmate is transferred.
 - Requests ACSO notify ICE in the event of the inmate's death, hospitalization, or transfer to another institution.

California Penal Code Section 13150

For each arrest made, the reporting agency **shall** report to the Department of Justice concerning each arrest, the applicable identification and arrest data described in Section 13125 and fingerprints, except as otherwise provided by law or as prescribed by the Department of Justice.

California Penal Code Section 13125

All basic information stored in state or local criminal offender record information systems shall be recorded, when applicable and available, in the form of the following data:

- Personal identification data
- Arrest data
- Misdemeanor or infraction data or preliminary hearing data
- Superior court data
- Corrections data

Name—(full name)
Aliases
Monikers
Race
Sex
Date of birth
Place of birth (state or country)
Height
Weight
Hair color
Eye color
CII number
FBI number
Social security number
California operator's license number
Fingerprint classification number
Henry
NCIC
Address

I247 A Form

Effective April 2017, ICE consolidated their I-247 forms and created an I-247 A Form which is an Immigration Detainer-Notice of Action.

All individuals in our custody are treated in the same manner in order to ensure their care, custody, and control.

ACSO does not honor the detainer nor hold individuals past their release dates.

Subject ID: Event #:		File No: Date:
Lvent#.		Date.
TO: (Name and Title of Institution - OR Any Subseq Enforcement Agency)	uent Law	FROM: (Department of Homeland Security Office Address)
Name of Alien:		
Date of Birth: C	Citizenship:	Sex:
1. DHS HAS DETERMINED THAT PROBAB DETERMINATION IS BASED ON (comple		S THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS
or in addition to other reliable information removable under U.S. immigration law;	eedings against the ntity and a records on, that the alien eit and/or nigration officer and	check of federal databases that affirmatively indicate, by themsel her lacks immigration status or notwithstanding such status is d/or other reliable evidence that affirmatively indicate the alien eith
		R A PROCEEDING OR INVESTIGATION (complete box 1 or 2)
T IS THEREFORE REQUESTED THAT YOU:	-	n admissibility determination.
IS THEREFORE REQUESTED THAT YOU: Notify DHS as early as practicable (at lease DHS by calling U.S. Immigration and Center at: (802) 872-6020. Maintain custody of the alien for a period been released from your custody to allow to detainer to take effect. This detainer arises	st 48 hours, if poss Customs Enforcer n official at the num NOT TO EXCEED DHS to assume cus from DHS authorit stody classification nent agency to whild death, hospitalizati	ble) before the alien is released from your custody. Please notify nent (ICE) or ☐ U.S. Customs and Border Protection (CBP) at ber(s) provided, please contact the Law Enforcement Support L48 HOURS beyond the time when he/she would otherwise have stody. The alien must be served with a copy of this form for the ties and should not impact decisions about the alien's bail, n, work, quarter assignments, or other matters ch you transfer custody of the alien. on or transfer to another institution.
IS THEREFORE REQUESTED THAT YOU: Notify DHS as early as practicable (at leas: DHS by calling U.S. Immigration and f you cannot reach an Center at: (802) 872-6020. Maintain custody of the alien for a period been released from your custody to allow I detainer to take effect. This detainer arises rehabilitation, parole, release, diversion, c Relay this detainer to any other law enforcer Notify this office in the event of the alien's	st 48 hours, if poss Customs Enforcern n official at the num NOT TO EXCEED DHS to assume cus from DHS authori istody classification pent agency to white death, hospitalizati elated to this alien	ble) before the alien is released from your custody. Please notify nent (ICE) or ☐ U.S. Customs and Border Protection (CBP) at ber(s) provided, please contact the Law Enforcement Support L48 HOURS beyond the time when he/she would otherwise have stody. The alien must be served with a copy of this form for the ties and should not impact decisions about the alien's bail, n, work, quarter assignments, or other matters ch you transfer custody of the alien. on or transfer to another institution.
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2020 SRJ Truth Act Demographics

	Receipt of I-247A	Age Range	Response to I-247A		
Asian					
Female	1	39	0		
Male	30	22-60	1		
Black					
Female	0	N/A	0		
Male	4	38-53	0		
Hispanic					
Female	16	24-39	1		
Male	260	20-68	6		
Other					
Female	0	N/A	0		
Male	3	42-53	0		
White					
Female	2	37-55	0		
Male	6	28-48	0		
Totals	322		8		

2014 - 2021 Statistics

Year	I-247A Received	Transferred
2014	588	120
2015	191	89
2016	263	165
2017	731	386
2018	685	102
2019	436	44
2020	322	8
2021 (Year to Date)	70	0

So far this year, ICE has not taken anyone into custody from Santa Rita Jail.

On June 1st, 2019 the Alameda County Sheriff's Office closed our Glenn Dyer Detention facility. All numbers prior to that date include actions taken at Santa Rita Jail and the Glenn Dyer Facility.

Alameda County



Sheriff's Office

QUESTIONS?

COMMENTS?