

# **Alameda County Truth Act Forum 2022**

Lena Graber, Senior Staff Attorney  
Immigrant Legal Resource Center

November 22, 2022

# State and Local Laws Limiting Participation in Immigration Enforcement

- **California Values Act (SB54)** limits when law enforcement agencies can transfer someone to ICE
  - Upheld in federal courts: CA has authority to limit involvement in immigration enforcement
  - Any assistance to ICE is purely voluntary
- **California Truth Act** requires annual public forums to provide transparency on local interactions with ICE
  - Also requires service of ICE detainers and prevents coercive ICE interviews in local jails
- California counties retain power to impose further limits on involvement with immigration enforcement



# Impacts of Immigration Enforcement

- Family separation
- Double punishment
- Poverty and health impacts



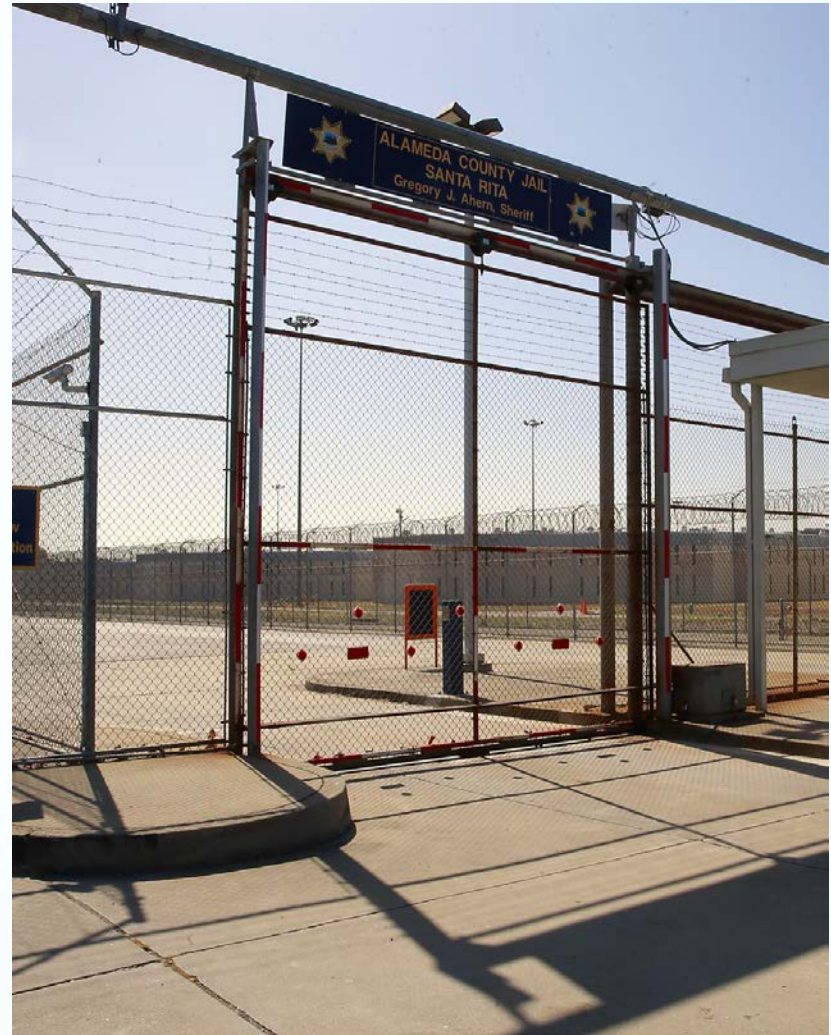
*Immigration arrests result in an average of \$24,151 in financial losses to each affected household (Boyce and Launius 2020).*

*Increased immigration enforcement raises the likelihood of life in poverty of households of U.S. born children with undocumented parents. (Amuedo-Dorantes, Arenas-Arroyo, and Sevilla 2018)*

*“If a parent is deported, children have worse outcomes in almost all aspects of their lives and are less able to be productive contributors to the economy as adults,” (Goren and Burns 2018).*

# Costs of Immigration Enforcement

Alameda County has paid over \$200,000 in settlements for SB54 violations, because the sheriff's department illegally detained and transferred community members to ICE



# What happens after transfer to ICE?

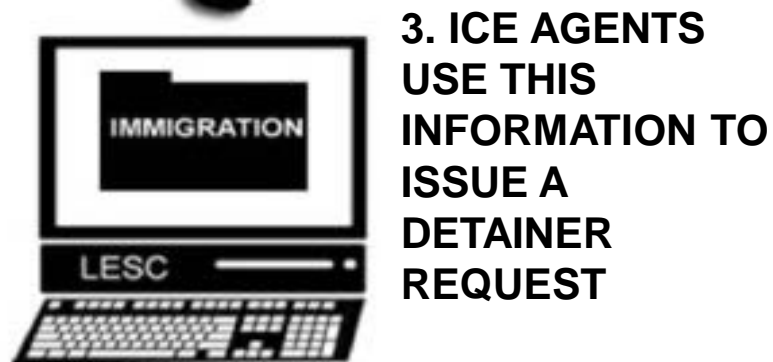
## High stakes:

- Deportation to a country where your life or your children are in danger
- Permanent exile: Nigh impossible to return after deportation
- Can lose custody of children, not to mention jobs, homes, businesses
- COVID-19 and rampant human rights abuses in ICE detention

## Little Due Process:

- People are detained for months and often years
- Many have no right to a bond hearing
- There is no right to have counsel provided, even if you are a child
- Hearings dealing with horrific persecution and family trauma occur over video conference with a judge hundreds of miles away

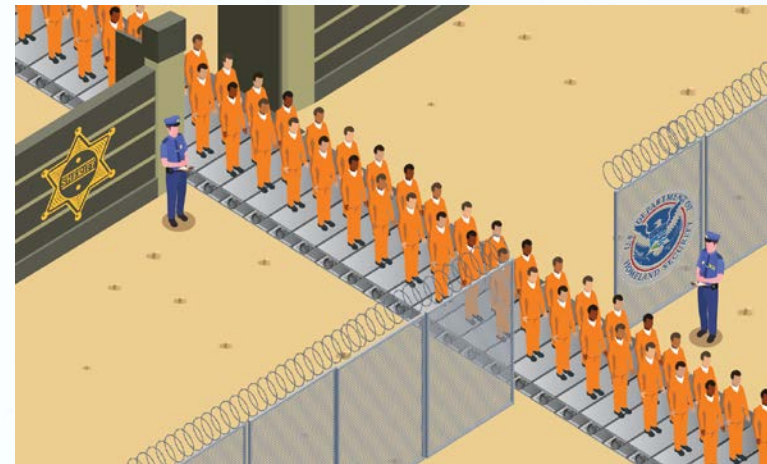
# Immigration Enforcement in Alameda County



# 2017-2020 in Alameda County

From 2017 - 2020, the sheriff's department transferred 518 people to ICE, much more than other Bay Area counties.

Annual transfers reduced significantly in 2020-2021 because of the pandemic and because of changing federal immigration policies.



# Biden Administration Actions

New DHS policies reduced ICE detainers in 2021

But this is already reversing at the federal level.

- More recent DHS enforcement policy grants enormous discretion and power to ICE, despite its track record
- Litigation has blocked DHS from having any centralized enforcement priorities or oversight of ICE agents' use of discretion
- ICE continues to target and demonize immigrant communities

# 2020-2021 in Alameda County

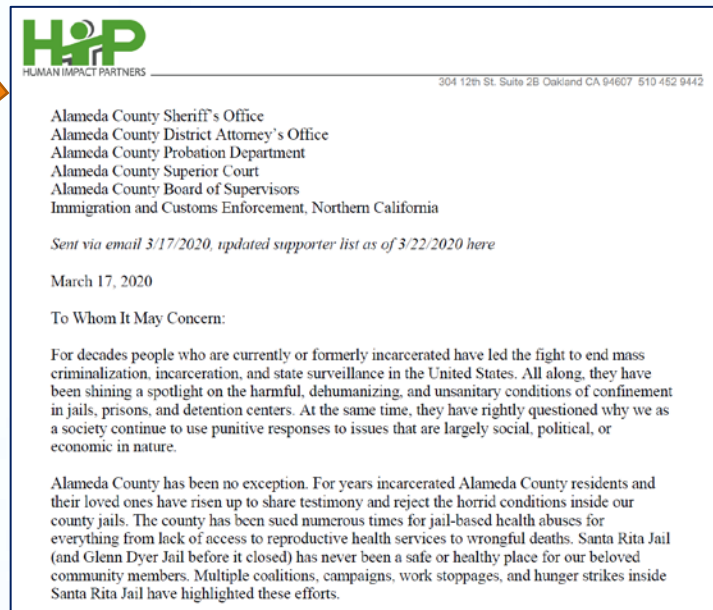
In the last few years, transfers to ICE from Alameda have nearly disappeared.

But there has been no official change of policy at ACSO.



# ICE Transfers are Against Community Values

- 50+ Local Organizations Support End to ICE Collaboration
- Testimony and public comment at every Truth Forum since 2016 has opposed transfers to ICE
- In September 2016, Alameda BOS passed a resolution against offering any assistance to ICE. Res. No. 2016-274.



# Incoming Sheriff Sanchez



# Incoming Sheriff Sanchez



In a community forum on October 25, 2022, Sheriff-elect Yesenia Sanchez told community members:

*“I have long disagreed with our current policy of communicating with ICE... [when people meet SB54 criteria]. I can assure you that come next year, the sheriff’s office will have a policy that will severely restrict communication with ICE...”*

*“My policy will be very simple. It’s going to say that we will no longer respond to requests for information to ICE for anyone in our custody. The only way we are going to have any type of interaction with ICE is if they come forward with a criminal warrant signed by a federal judge or magistrate for someone to take into custody...”*

*“I believe that restricting this communication with ICE will allow for our undocumented community members to feel safe living in our county.”*

# Alameda's Future: NO MORE TRANSFERS

- 2021-2022 show that it can be done and that there is no need for ACSO or other local agencies to work with ICE
- Incoming Sheriff has announced intention for new policy at ACSO
- **The Board of Supervisors should pass an ordinance affirming this policy**, as has been done in San Francisco and Los Angeles

Alameda County



Sheriff's Office

# Alameda County Community Forum

Undersheriff Richard T. Lucia  
2022

# 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.

# SB54, AND THE TRUTH/TRUST ACTS

- 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 2021, ACSO received 82 (I-247 A) forms and ICE took custody of one individual.

## 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).

# 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.

Neither ACSO, nor any of our local Law Enforcement Partners perform Immigration Enforcement.

<b>ALAMEDA COUNTY</b> <b>SHERIFF'S OFFICE</b> <b>GENERAL ORDER</b>	<b>NUMBER:</b> 1.24
	<b>RELATED ORDERS:</b> ACA 4-ALDF-2A-21 General Order 1.22, 9.14 D&C 11.02, 11.09, 11.40 CA Gov. Code 7282, 7282.5, 7284, 7284.2, 7282.4 7282.6
	<b>ISSUE DATE:</b> January 1, 2014
	<b>REVISION DATE:</b> <i>May 14, 2020</i>
<b>CHAPTER:</b> Law Enforcement Role, Responsibilities, and Relationships	<b>SUBJECT:</b> Communication with Immigration 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:
1. Requests ACSO notify ICE, as early as practical, of the release date of an inmate prior to his/her release.
  2. Requests ACSO maintain custody of an inmate for a period not to exceed 48 hours beyond his/her scheduled release.
  3. Requests ACSO relay the detainer request to any other law enforcement agency to which the inmate is transferred.
  4. 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

The following personal identification 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.

DEPARTMENT OF HOMELAND SECURITY  
**IMMIGRATION DETAINER - NOTICE OF ACTION**

Subject ID: Event #:	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)

DHS Form I-247A (3/17) Page 1 of 3

# 2021 SRJ Truth Act Demographics

	Receipt of I-247A	Age Range	Response to I-247A
<b>Asian</b>			
Female	0	N/A	0
Male	12	39-68	0
<b>Black</b>			
Female	0	N/A	0
Male	3	26-44	0
<b>Hispanic</b>			
Female	3	29-35	0
Male	59	21-55	1
<b>Other</b>			
Female	0	N/A	0
Male	3	53-54	0
<b>White</b>			
Female	0	N/A	0
Male	1	30	0
<b>Totals</b>	<b>81</b>		<b>1</b>

## 2014 – 2021 Statistics

On June 1<sup>st</sup>, 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.

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	81	1

# Alameda County Sheriff's Office



QUESTIONS?

# TRUTH ACT PUBLIC FORUM

Marcus Dawal  
Alameda County  
Chief Probation Officer

November 22, 2022



# 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



# 2021 Probation Department Data

## Calendar Year 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
- 0 requests for additional information-No information provided





Thank You & Questions

---



# *Immigration Representation Unit*

Truth Act Community Meeting  
November 22, 2022

# Presentation Overview

---

California Is Seeking to Reunify  
Immigrant Families & Expand Due  
Process Protections for Noncitizens

---

What Is The Public Defender Doing  
To Protect Immigrants In Alameda  
County?

---

The Need For Alameda County To  
End Transfers To ICE Custody



# Doing Its Part: State of California



**CALIFORNIA REPUBLIC**



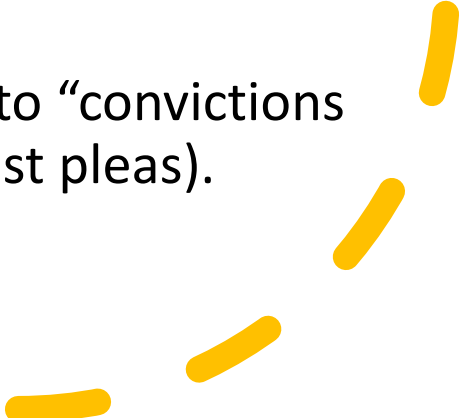
# California Is Unequivocally Prioritizing The Protection Of Immigrants

- California Penal Code 18.5 (2015, 2017) – Reduced maximum sentence on a misdemeanor from 365 to 364 & made that applicable retroactively.
- California Penal Code 1016.3 (2016) – Requires prosecutors to consider the avoidance of adverse immigration consequences during plea negotiations; Requires defense attorneys to advise on *and defend against* immigration consequences.
- California Penal Code 679.10 (2016) – Requires law enforcement officers and judges to timely certify a noncitizens helpfulness in an investigation or prosecution, thereby enabling qualified noncitizen victims to petition for U-Visa status.

# California Is Unequivocally Prioritizing The Protection Of Immigrants

- California Penal Code 236.14 (2017) and 236.15 (2022) – Allows survivors of human trafficking or intimate partner violence to vacate a past conviction upon a showing that they were coerced to commit an offense and adds language to ensure such a vacatur would be honored under federal immigration law.
- California Truth Act (2017)- Increased transparency with respect to communications between ICE and local law enforcement; requires that noncitizens in criminal custody be notified re the placement of an ICE detainer & be provided a copy of that detainer and the law enforcement agencies intent to cooperate with ICE. Also requires annual public review and input regarding any and all local dealings with ICE.
- California Values Act (2018) – Limits cooperation between county and state agencies and immigration enforcement agents.

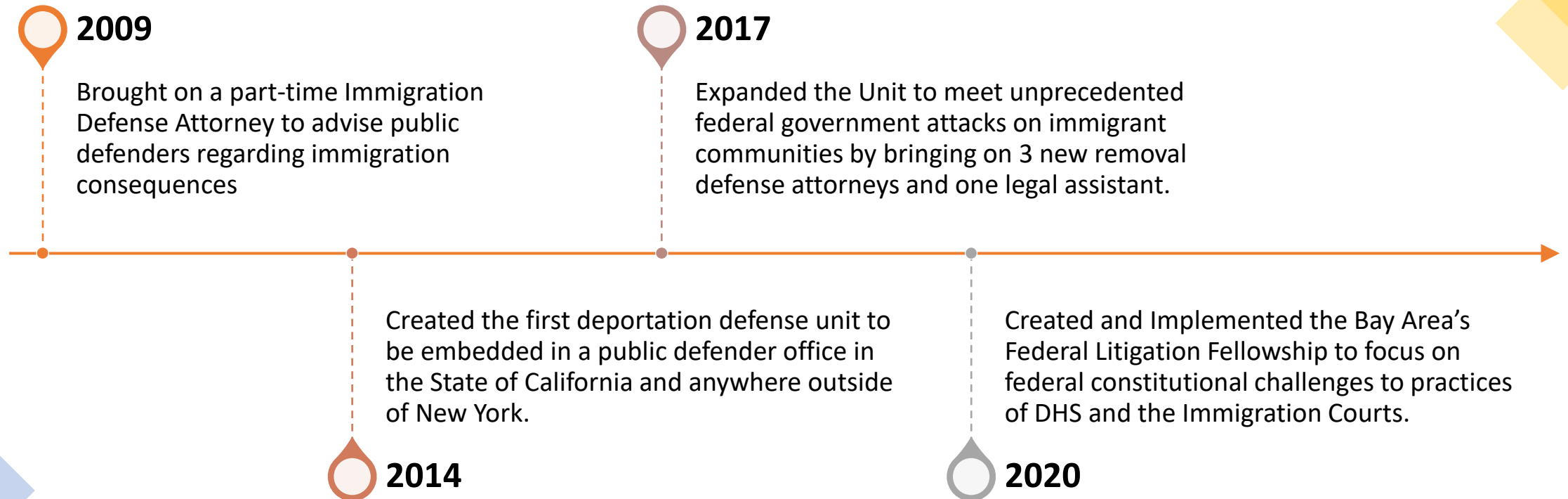
# California Is Unequivocally Prioritizing The Protection Of Immigrants

- California Penal Code 1473.7 (2017) – Creating a legal mechanism for noncitizens to set aside pleas and sentences upon a showing that they did not meaningfully understand the immigration consequences of those pleas or sentences.
  - 2019 → Added Protections → Broadened scope and eased burdens on moving party.
  - 2020 → Added Protections → Racial Justice Act; allows a conviction or sentence to be vacated if sought, obtained, or imposed on the basis of race, ethnicity or *national origin*.
  - 2022 → Added Protections → Applicable to “convictions and sentences” (not just guilty & no contest pleas).
- 



Doing Its Part: Public Defender

# The Public Defender's Office Is Helping Protect The Rights of Immigrants Impacted by the Criminal Legal System



# Immigration Representation Unit – Five Thriving & Groundbreaking Practice Areas

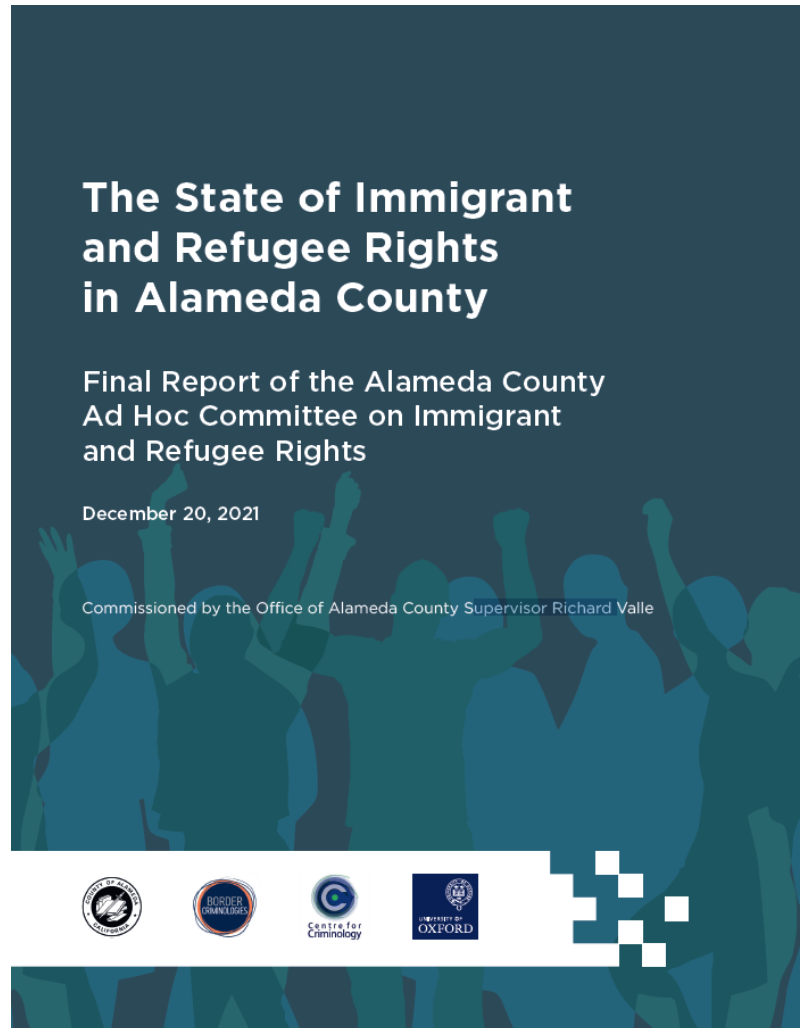
1. *Padilla* – Providing zealous and accurate advice to over 100 criminal defense attorneys as to the immigration consequences of criminal convictions.
2. **Traditional Removal Defense** – *Defending individuals targeted by DHS for detention and deportation before the Immigration Courts and Board of Immigration Appeals.*
3. **Protecting Undocumented Minors** – *Prioritizing juvenile clients eligible for Special Immigrant Juvenile Status.*
4. **Federal Litigation** – Challenging unlawful and unconstitutional conduct by DHS and the Immigration Courts before U.S. Federal Courts including the District Court and U.S. Court of Appeals.
5. **Post Conviction Relief** – Identifying and vacating convictions that are triggering or can imminently trigger severe immigration consequences.

Doing Its  
Part:  
Alameda  
County



Alameda County  
has already  
shown itself as a  
leader in  
immigrants  
rights!

- Began providing in-house immigration advice to noncitizens in the criminal legal system in **2009!** (*before* it was required by the U.S. Supreme Court!)
- Began an embedded deportation defense unit in **2014** that has since been replicated across California and in various regions nationwide!
- Supported the creation of the Alameda County Immigration Legal & Education Partnership (ACILEP) in **2017** to organize rapid response teams and increase access to legal counsel.
- Board of Supervisors created the Adhoc Committee on Immigrant and Refugee Rights in **2017!**



- 2021 Report of Dr. Peter Mancina commissioned by Sup. Valle.

*“From 2017 to 2021, Alameda County has taken extensive measures to minimize the impact of federal immigration enforcement efforts on immigrant and refugee communities.”*

# Alameda County Should Stop Helping ICE Enforce Federal Immigration Laws

## **Impact on individuals, families, and communities:**

- Detaining and Deporting Household Breadwinners
- Impact of Family Separation on Children, including US Citizen children
- Well-documented Due Process Violations within the Immigration System
- Transfer to ICE custody also means being transferred to detention facilities hundreds of miles south of the Bay Area or even out of state to places like Colorado or Louisiana; away from family, resources, legal representation.

# Alameda County Should Stop Helping ICE Enforce Federal Immigration Laws

## **Impact on the Criminal Legal System:**

- Individuals transferred from the jail to ICE have already been deemed suitable for release from criminal custody for one reason or another.
- Transfers to ICE custody during the pendency of a criminal case only *disrupt* the criminal justice process by making it so that a person cannot return to court to respond to the District Attorney's charges.
- Transfers to ICE custody means that a person cannot comply with the terms of their sentence as determined by a state court, including completing treatment or paying restitution.

# Alameda County Should Stop Helping ICE Enforce Federal Immigration Laws

- If Alameda County stopped honoring ICE holds altogether, our clients would know *before* their actual release that they were not going to be transferred to ICE custody.
- Currently, the Sheriff has discretion to call ICE in certain cases so our clients are subject to the psychological terror of potential deportation as they wait for release.

#68

**Perkins, Cheryl, CAO**

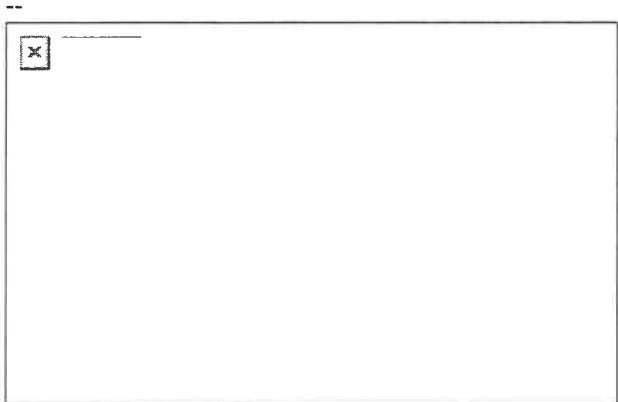
---

**From:** Melika Panbehchi <mpanbehchi@caimmigrant.org>  
**Sent:** Tuesday, November 22, 2022 3:55 PM  
**To:** dave.brown@avgov.org; Haubert, David, Supv BOS Dist 1; Carson, Keith, Supv BOS Dist 5; BOS District 4; Valle, Richard, Supv BOS Dist 2  
**Cc:** Clerk of the Board  
**Subject:** TRUTH Act Forum: Please formalize a policy to end all ICE collusion in Alameda County

To the Alameda County Board of Supervisors,

My name is Melika Panbehchi and I am an immigrant as well as an Immigrant Rights Organizer at the California Immigrant Policy Center as well as a resident in Alameda County. I urge the Sheriff's office and Board of Supervisors to adopt a policy to end all transfers and notifications to ICE. With very low ICE transfer numbers in the past few years, the county has already demonstrated we don't need to collude with ICE. Alameda County families and communities should be reunited with their loved ones, not doubly punished and subjected to ICE's abusive detention and deportation practices!

Thank you



**Melika Panbehchi**

*Northern California Organizer*

p: 510.488.3544 ext. 201

a: 436 14th St., Ste 808, Oakland, CA 94612

w: [caimmigrant.org](http://caimmigrant.org) e: [mpanbehchi@caimmigrant.org](mailto:mpanbehchi@caimmigrant.org)

pronouns: she/her/hers



**\*\* This email was sent from an external source. If you do not know the sender, do not click on links or attachments. \*\***