

CONTRA COSTA COUNTY: THE TRUTH ACT

Presented by:

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Advancing Justice – Asian Law Caucus

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Contra Costa Immigrant Rights Alliance (CCIRA)

History

- The Contra Costa Immigrant Rights Alliance (CCIRA) was established in 2017 by legal and community-based organizations aiming to advance immigrant rights and promote resources for all Contra Costa residents regardless of immigration status.
- CCIRA was formed after an article was published in the East Bay Express about the Probation Department and the Custody Alternative Facility turning people over to ICE during appointments.



Ambushed: Contra Costa County Law Enforcement Sets Up Surprise Stings To Help Federal Immigration Agents Arrest and Deport Immigrants

Chris Kim said his arrest and detention by ICE, with assistance from the Contra Costa Sheriff's Office, cost him his jobs, car, and apartment.

Image credit: Bert Johnson

From:

Story: Ambushed: Contra Costa County Law Enforcement Sets Up Surprise Stings To Help Federal Immigration Agents Arrest and Deport Immigrants (January 10, 2017)

Uploaded: | [Post](#) / [Read Comments \(14\)](#)

Activities and Accomplishments

- In 2017, CCIRA successfully secured funding through a foundation-county partnership to establish Stand Together Contra Costa, a county rapid response system to respond to increasing immigration enforcement.
- In March 2018, Stand Together officially launched with a 24-hour hotline, two attorneys, and a coordinator.

Key CA Immigrant Rights Laws

Concerns About ICE Entanglement with Local Law Enforcement

- ❑ Fosters distrust between immigrant communities and local law enforcement. Makes immigrant communities view local law enforcement and ICE as the same entity
- ❑ Unnecessarily expends local resources on immigration enforcement, which is not a responsibility of the Sheriff's department
- ❑ Opens local law enforcement up to liability

CA Laws That Disentangle ICE From Local Law Enforcement







- ❑ CA TRUTH Act (AB 2792) (Gov't Code §§ 7283 *et seq.*) (*effective Jan. 2017*)
 - ❑ Increases transparency around local law enforcement agencies that choose to collaborate with ICE either by notifying ICE of release dates or facilitating transfers of community members to ICE.

CA Values Act (SB 54)

- The CA Values Act, signed into law by Gov. Brown on October 5, 2017, is a state law that limits state and local resources from being used to carry out immigration detentions and deportations.








Credit: Irfan Khan / Los Angeles Times

POLICE-ICE TACTIC	UNDER SB 54
<p>Immigration Holds</p> 	<p>Prohibited.</p>
<p>Making arrests on civil immigration warrants</p> 	<p>Prohibited.</p>
<p>287g</p> 	<p>Prohibited.</p>
<p>Asking about immigration status or using immigration agents as interpreters.</p> 	<p>Prohibited.</p>
<p>Sharing personal info with ICE (e.g., work, home addresses)</p> 	<p>Prohibited unless publicly available.</p>
<p>Notifying ICE of release dates</p> 	<p>Prohibited unless:</p> <ul style="list-style-type: none"> • Revised TRUST Act exception applies, including: <ul style="list-style-type: none"> • Conviction for a felony punishable by imprisonment in state prison at any time • Conviction within past 15 years for any other specified felony. The 15-year “wash” is an improvement on the old TRUST Act standard. • Conviction within the past 5 years for a misdemeanor for a specified wobbler offense. • Charges for a crime that is serious, violent, or punishable by a term in state prison if finding of probable cause has been made by a magistrate pursuant to PC 872. • If release dates/times are already publicly available, can be shared

POLICE-ICE TACTIC

UNDER SB 54

<p>Transfers to ICE</p> 	<p>Prohibited unless:</p> <ul style="list-style-type: none">• Revised TRUST Act exception applies (see above under notifications)• Warrant or probable cause determination from a judge that someone has violated federal criminal immigration law. <p>Local law enforcement required to report number of transfers and basis for transfer to Attorney General's Office.</p>
<p>Local arrests for "criminal" violations of immigration law</p> 	<p>Prohibited except local law enforcement may arrest someone for unlawful re-entry following deportation <i>if</i></p> <ul style="list-style-type: none">• The re-entry is detected during an unrelated law enforcement activity, and• The person has a prior "aggravated felony" conviction <p>Any person arrested for unlawful reentry may be transferred to ICE only if a revised TRUST exception applies.</p>
<p>ICE interviews in jail and prison</p> 	<p>TRUTH Act protections essentially expanded to prisons (can't be interviewed by ICE unless sign consent form prior to interview). Prohibition on providing office space exclusively dedicated to ICE in local jails.</p>
<p>Joint Task forces</p> 	<p>Some limitations and reporting requirements imposed.</p> <ul style="list-style-type: none">• Primary purpose of task force must be unrelated to immigration enforcement, and• Participation does not violate any local law or policy.• Local law enforcement required to report information about joint taskforce operations to CA Attorney General and information is available as a public record.
<p>Databases</p> 	<p>Attorney General will draft advisory guidelines to ensure that databases are not used for immigration enforcement. State and local law enforcement agencies are encouraged but not required, to adopt guidelines.</p>

Activities and Accomplishments

- 2019 Truth Act Forum Advancement: Contra Costa Sheriff states that ICE transfers ended July 31, 2019 after public outcry.
- SB 54 US Supreme Court Victory
 - States are never obligated to work for ICE. Clearer now more than ever that any collaboration with ICE is purely voluntary.

Contra Costa County & ICE

CCIRA's Concerns with the Sheriff

CCIRA's meetings with members of the Sheriff's Office

- CCIRA is appreciative of the staff who met with CCIRA in October 2019 and January 2020
- CCIRA provided recommended changes to Sheriff's Policy 1.02.28 in November 2019.
- Progress was made at our meetings, but CCIRA did not get confirmation whether CCIRA's recommendations were adopted.
- Sheriff's Office halted meetings because one participant from their office retired.

ICE During COVID-19

ICE DETAINEE WHO DIED OF COVID-19 SUFFERED HORRIFYING NEGLECT



Ryan Devezeaux

May 24 2020, 5:29 a.m.

IF THERE'S ONE thing the men locked inside the Otay Mesa Detention Center want the world to know, it's that Carlos Ernesto Escobar Mejia didn't need to die. The 57-year-old passed away in a southern California hospital on May 6, becoming the first person in Immigration and Customs Enforcement custody to lose their life to Covid-19. The men who knew him fear that he won't be the last.

COVID-19 cases among immigrant detainees could be 15 times higher than ICE reports, study says

As many as 9 percent of the people who have had COVID-19 have been transferred by ICE at least once while actively contagious, according to a Vera Institute of Justice study.

July 1, 2020, 2:46 PM PDT

By Carmen Sesin

Immigration and Customs Enforcement could be severely underreporting the number of COVID-19 infections in detention centers, according to estimated projections released Tuesday by the [Vera Institute of Justice](#).

POLITICS JULY 21, 2020

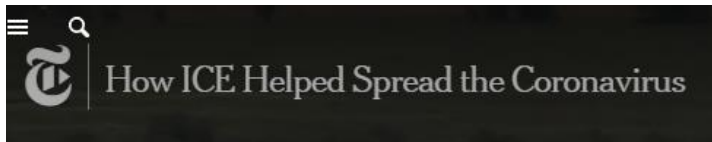
Whistleblowers Say an ICE Detention Center Used Deceptive Tricks to Conceal COVID Outbreak

One was instructed to crank the AC to "freeze out" high-fever detainees who ICE wanted to deport.



NOAH LANARD

Reporter
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CCIRA's Concerns with the Sheriff: Publishing Release Dates

- The Sheriff continues to publish release dates of individuals eligible for release from county jail online.
 - Sheriff will implement release date online system that will require input of personal info. But may take 2 years to launch.
 - CCIRA proposed an interim solution while a new system, but not adopted: Email interested reentry groups release dates instead.

Daily Scheduled Release Report



Report Run Time: 7/22/2020 6:15:21AM

Name	Scheduled Release Date
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Names
redacted

	08/09/2020
	07/22/2020
	08/22/2020
	10/02/2020
	10/21/2020
	09/17/2020
	08/13/2020
	09/23/2020
	10/03/2020
	09/28/2020
	07/26/2020
	11/02/2020
	08/21/2020
	07/28/2020
	07/23/2020
	08/04/2020
	07/25/2020
	07/28/2020
	07/28/2020

CCIRA's Concerns with the Sheriff: ICE Notifications

- The Sheriff continues to respond to ICE notification requests.
- These practices are especially cruel given that COVID-19 is running rampant inside ICE facilities. People in ICE custody are vulnerable to grave illness or death.

CCIRA's Recommendations for the Sheriff

Recommendation #1:

Adopt CCIRA's recommendations to Sheriff's Immigrant Policy and provide the current version of the Sheriff's Policy to the community, including the office's updated policy ending ICE transfers.

Immediate Recommendations for the Sheriff's Office

Recommendation #2:

Stop ALL notifications to ICE of release dates through communications w/ ICE and through the publishing release dates online.

Rationale for Recommendation #2

- ❑ Posting release date information only after SB 54 went into effect could be construed as using resources to engage in immigration enforcement, which is prohibited by SB 54.
- ❑ Encourages ICE to show up at the jail at the point of release to conduct immigration arrests.
- ❑ Deters immigrant community members from going to the jail to visit or receive their loved ones.
- ❑ ICE notifications and publishing release dates is voluntary.
- ❑ Subjects immigrants to double punishment. ICE detention could be a death sentence during the pandemic.

Questions for the Sheriff's Office (1 of 2)

1. Will the Sheriff share the version of Sheriff's Policy 1.02.28 his office is currently working under?
 - a. Has the Sheriff issued a written policy reflecting his commitment to end all ICE transfers from Coco jails?
2. How many ICE detainer/notification requests did the Sheriff's Office receive in 2019 and during the pandemic?
 - a. What did these requests ask of the Sheriff's Office (e.g. hold, notify, or transfer)? How many did the Sheriff's Office comply with? Since the pandemic, how many ICE requests have the Sheriff answered?

Questions for the Sheriff's Office (2 of 2)

3. How many notifications to ICE did the Sheriff make in 2019 and during the pandemic?
4. Why does the Sheriff continue to publish release dates online when both Immigrant Rights and Reentry organizations have asked him to stop?
5. Will the Sheriff's Office adopt CCIRA's interim solution of emailing reentry organizations release dates?
6. Does the Sheriff Office know when the new online platform that will require personal information search terms to populate release dates will launch?

Questions?

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