



COUNTY OF LOS ANGELES
OFFICE OF INSPECTOR GENERAL

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November 5, 2018

TO: Supervisor Sheila Kuehl, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Janice Hahn
Supervisor Kathryn Barger

FROM: Max Huntsman
Inspector General 

SUBJECT: QUARTERLY REPORT BACK ON THE SHERIFF'S
DEPARTMENT'S ADHERENCE TO POLICIES REGARDING
COOPERATION WITH IMMIGRATION AUTHORITIES

Purpose of Memorandum

This is a report back to your Board on the Sheriff's Department's (Department) adherence to the policies described in the Sheriff's January 10, 2017 letter and other applicable policies. On January 10, 2017, the Board instructed as follows:

Request the Civilian Oversight Commission, in collaboration with the Inspector General and the Auditor-Controller, review, analyze and make recommendations to the Sheriff's department's adherence to the policies described in his January 10, 2017 letter and any other relevant policies as needed to carry out the intention of this policy and to report back in writing to the Board quarterly . . .

The Office of Inspector General offers this report back as its second ongoing status report.

SHERIFF'S DEPARTMENT'S ADHERENCE TO POLICIES REGARDING COOPERATION WITH IMMIGRATION AUTHORITIES

Since the Office of Inspector General's June 14, 2018 report back on the Sheriff's Department's Adherence to Policies Regarding Cooperation with Immigration Authorities, the Department has proposed modifications, not yet final, to its policies and procedures to more accurately reflect the changes imposed by Senate Bill 54 (SB54), the California Values Act.¹ The bill took effect on January 1, 2018. The Office of Inspector General reviewed the Department's current practices and presents the following:

Policies Affecting Patrol Divisions and Residents

The Department's revised policy on immigration inquiries and notifications prohibits deputies from: 1) inquiring into an individual's immigration status; 2) detaining an individual during a field contact on the basis of an immigration hold request; 3) arresting or booking an individual on a civil immigration warrant or on suspicion of violating a federal immigration law relating to illegal entry, being unlawfully present, or overstaying a visa; or 4) using an immigration authority as an interpreter.

Since March 31, 2018, the Office of Inspector General's community outreach unit has not received any complaints alleging Department personnel made inquiries about an individual's immigration status, while on patrol.

The Department's Immigration Information Guide, which is distributed at most public meetings and Department appearances, has also been modified. Most notably, the brochure added a section explaining the circumstances under which an individual could be deported by ICE from a county jail. The brochure states that the federal government has access to the fingerprints of every individual who is booked nationwide and may begin deportation proceedings. However, the Department only allows access by ICE to prisoners in county jails who have been convicted of the qualifying crimes enumerated in SB 54.

The Department reports that since April 1, 2018, it has attended or participated in approximately 76 community meetings and engagements to discuss immigration issues including:

¹ Senate Bill 54 added Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of the California Government Code and amended sections 7282 and 7282.5. Section 11369 of the Health and Safety Code, relating to law enforcement, was repealed.

Since April 1, 2018, Century station personnel have addressed immigration concerns during the City of Lynwood block watch meetings, which are held the fourth Tuesday of every month. Block captains were briefed on the Department's immigration policies and asked to discuss the topic with the community. Immigration issues were also discussed on September 25, 2018, with the 79 participants of the Century Station Spanish Community Academy.

Since April 1, 2018, East Los Angeles Station personnel discussed the Department's stance and policies on immigration at the following meetings: the Centro Maravilla Advisory Committee meeting, the Salazar Park Senior Citizen Presentation, the Safe Passages meeting (Los Angeles Unified School District), the Saybrook Neighborhood Watch meeting, the Townsend Neighborhood Watch, the National Night Out event at Salazar Park, the Humphrey's Neighborhood Watch, and during the East Los Angeles Station/COPS Survey event.

Since April 1, 2018, Lancaster station personnel have addressed community concerns regarding immigration issues at Neighborhood Watch meetings, with the Antelope Valley Hispanic Chamber of Commerce, at the Homeless Coalition meeting, at Coffee-with-a-Deputy events, and at the Lancaster Station Open House on June 2, 2018. The Department's Immigration Information Guide was distributed in both English and Spanish during the meetings. On September 18, 2018, Lancaster station personnel also addressed immigration concerns at the Community Advisory Committee town hall meeting.

On April 24, 2018, the Carson station held a town hall meeting at Scott Park with the City of Carson mayor and mayor pro-tem to address immigration concerns. On May 3, 2018, the captain of the Walnut-Diamond Bar station attended a prayer breakfast, hosted by the mayor of Walnut at the Walnut Senior Center, where he addressed community concerns on immigration. On September 22, 2018, the captain of the Carson station conducted a town hall meeting at Veterans Park in Carson with elected officials and city staff to discuss various issues within the community, including immigration.

Immigration issues were discussed at the Community Advisory Committee town hall meetings in both Palmdale and Avalon. In Palmdale, a round table discussion was facilitated for Spanish speakers to discuss immigration concerns and Department policies. On July 5, 2018, the captain of the Palmdale station was interviewed on a Spanish radio show called Café Con Leche regarding immigration concerns and Department policies. On September 17, 2018, a Palmdale Station deputy was interviewed on the Salvadorians in Antelope Valley (SALVA) radio show and addressed immigration concerns within the community.

Since April 1, 2018, South Los Angeles station personnel attended two Saint Michael's Parish community meetings and one Southwest Community Association Quarterly meeting to address immigration concerns.

On August 29, 2018, the captain of the San Dimas station attended a town hall meeting in the unincorporated area of Azusa and distributed the Department's Immigration Information Guide.

On September 20, 2018, a Department panel consisting of a chief, three commanders and a captain discussed Department immigration policies and the provisions of SB 54 at town hall meeting hosted by the Civilian Oversight Commission (COC) at the San Gabriel Valley Service Center in South El Monte.

The Department reports that custody personnel attended County Counsel's Sanctuary Cities task force meetings at which legal issues related to immigration were discussed, as well as the Immigration Protection and Advancement Task Force (IPAA) meetings held in East Los Angeles.

Custody Operations and Immigration and Customs Enforcement (ICE)

The Department has been working to revise the Custody Division Manual (CDM) to more clearly reflect the requirements of both Senate Bill 54 and the TRUTH Act (California Government Code section 7283).² In compliance with SB 54, the revisions to the CDM proscribe Department personnel from transferring a prisoner to United States Immigration and Customs Enforcement (ICE) unless, at the time of release 1) a federal detainer has been issued, 2) the prisoner has been "qualified" in accordance with SB 54, and 3) the prisoner has been properly notified of the detainer in accordance with the TRUTH Act.³

In April, a new "ICE Interview Request Form" was created to help track the number of interview requests made by ICE. A new section was added to the CDM, which lists the conditions that have to be met before an ICE agent can be granted access to interview an prisoner. According to the revised CDM, once an "ICE Interview Request Form" is received for an prisoner, the prisoner must be notified of the request in one of two ways: 1) if a federal detainer is issued by ICE, the prisoner must be given the "Notification to Inmate of Immigration Detainer and Interview" form, with a copy of the issued detainer attached; or 2) if

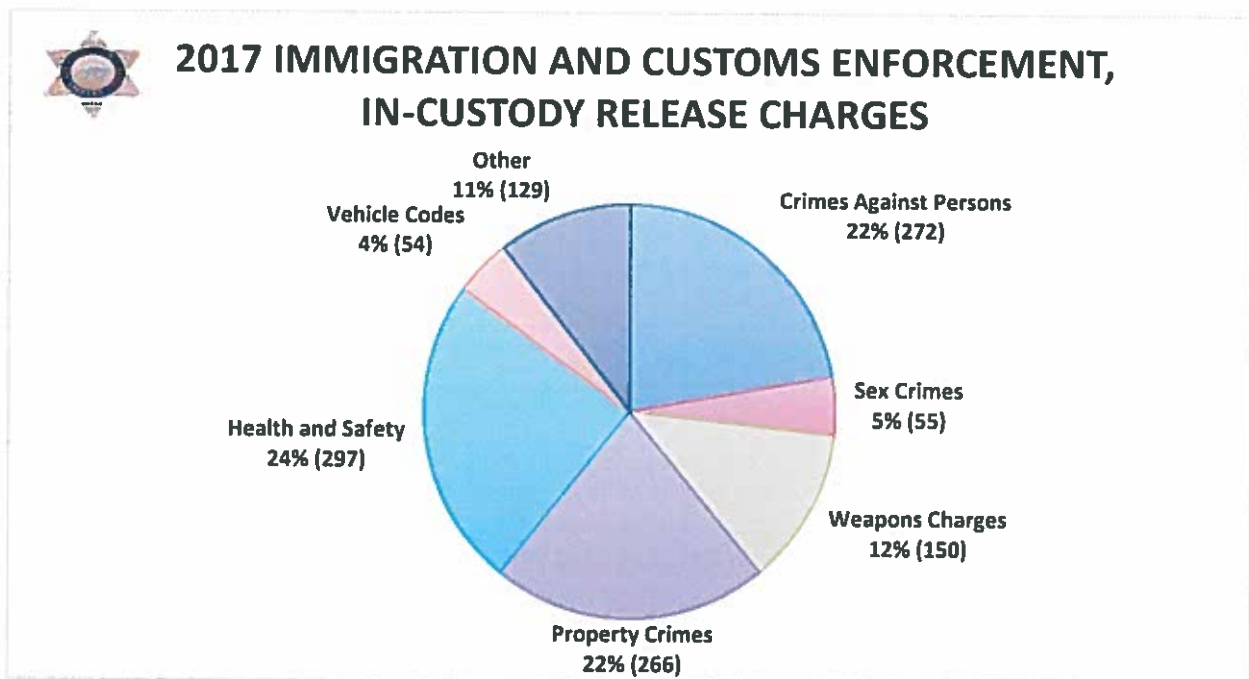
² The TRUTH Act, which went into effect on January 1, 2017, requires local law enforcement officers to provide individuals with notice of an issued immigration detainer and the opportunity to decline to be interviewed by ICE.

³ Custody Division Manual (CDM) 4-06/005.05. Final approval is pending.

a detainer has *not* been issued, the prisoner must be provided with the "Notification to Inmate of Immigration Interview (No Detainer Issued)" form. The CDM prohibits an prisoner from being notified of ICE's request to interview unless the prisoner is "qualified" in accordance with Government Code section 7282.5.⁴

From May 8, 2018, through September 9, 2018, the Department reports that ICE requested to interview a total of 27 prisoners. A detainer was issued for 8 of the 27 prisoners ICE requested to interview. The other 19 prisoners ICE requested to interview had no detainer issued and only 2 of the 19 "qualified" and consented to be interviewed. The remaining 17 either did not "qualify" or declined to be interviewed. The Department reports that it denied ICE access to those prisoners.⁵

Separate from ICE interview requests, the Department also tracks the number of "qualified" prisoners transferred to ICE at the time of release. The Department reports that in 2017 a total of 1,223 prisoners were transferred to ICE for the offenses depicted in the chart below.⁶



⁴ Custody Division Manual (CDM) 4-06/005.05. Final approval is pending.

⁵ ICE interview request data provided to the OIG on September 21, 2018.

⁶ Pie chart created by the Department for the OIG.

Collaboration with Office of Immigration Affairs (OIA)

To assist prisoners for whom a federal detainer is issued while in Department custody, the Office of Immigrant Affairs (OIA) has created an informational flyer to be distributed to them. The flyer has been published in English and Spanish and is in transit to the Department. When delivered the flyer will provide prisoners with a telephone number to call for legal referrals and other questions.

Audit and Accountability Bureau Review of the Inmate Reception Center's Policies and Procedures

In response to OIG's report, *Immigration: Public Safety and Public Trust*, published in October 2017, the Department's Audit and Accountability Bureau (AAB) conducted a brief review of the Department's immigration detainer and release policies and Department procedures for ensuring compliance with all local, state and federal laws. From May 25, 2018, through June 1, 2018, AAB interviewed IRC personnel, inspected the ICE transfer process, reviewed all relevant documents, and examined IRC's transfer statistics, record keeping and internal auditing. AAB found that all policies and procedures in place at IRC met minimum requirements of current legislation but recommended that the Department adopt language in the CDM to make the policies' objectives more clear. As a result, modifications to the CDM have been adopted. AAB also suggested a more formal audit could be conducted, if necessary.

MH:DB:bo

c: Jim McDonnell, Sheriff
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Los Angeles County Sheriff Civilian Oversight Commission