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Sheriff will only transfer inmates to feds if they qualify under state law

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Los Angeles County Sheriff Jim McDonnell said Tuesday he will only transfer county inmates to federal immigration agents for potential deportation who qualify under state law, according to a memo sent to the Board of Supervisors.

McDonnell said he will allow U.S. Immigration and Customs Enforcement agents to have access to county inmates for potential transfer to ICE under the Priority Enforcement Program once the inmates are preparing to be released as long as the inmates qualify under the California Trust Act. If ICE wants custody of an inmate, but the inmate has not committed a serious or violent felony, the inmate will not be transferred to ICE, McDonnell said.

The California Trust Act, passed by the state Legislature in 2013, limits the criteria under which people can be transferred to ICE custody for potential deportation to serious or violent felony convictions.

"While I have made clear my desire to abide by and implement PEP as it applies to the county's jails, the department will not do so when and if that program conflicts with the California Trust Act or applicable case law," McDonnell wrote.

McDonnell

"Our federal and state leaders have developed approaches in regard to this important issue that are at times in tension with each other. It is the department's aim to balance and reconcile these provisions."

The L.A. county supervisors voted in May to participate in the program and directed the sheriff to come up with policies and procedures to carry out the program within the county jail system. At the supervisors' request, the sheriff held community meetings throughout the county before the policies were developed.

McDonnell said his objectives in developing the policies were to work with federal authorities to identify "undocumented persons who pose a danger to our community," "partner with some of the most diverse and immigrant-rich" communities and promote public safety.

PEP was unveiled by federal Homeland Security officials this year as a successor to the controversial Secure Communities Program. PEP uses fingerprint data to identify potentially deportable noncitizens when the FBI performs criminal background checks for local police.

The issue of the deportation of inmates who are undocumented was pushed to the forefront with the death of Kathryn Steinle who was shot in San Francisco in July, allegedly by an illegal immigrant who was released from police custody despite a detention request from ICE.

McDonnell said at the request of immigrant advocacy groups his department will notify inmates when ICE has requested a detainer for an inmate. The department will also develop an information sheet for inmates and their families.

McDonnell said the department will provide ICE with notification up to seven days before an inmate with an ICE detainer is scheduled to be released. ICE agents will be given full access to county jails to interview inmates and will also have access to Sheriff's Department databases.

"Prior to any in-custody transfer to ICE, department personnel will validate an inmate's qualification under the California Trust Act," McDonnell wrote. "All crimes allowable by the Trust Act will be eligible for in-custody transfer."

The sheriff said an inmate will not be held beyond their release date and they won't be held beyond the time it would normally take to be released for the ICE transfer.