



AGENDA ITEM: 1

February 16, 2023

DISCUSSION ITEM TITLE:

**Los Angeles County Sheriff's Department:
Immigration Policy Adherence Update**

EXECUTIVE SUMMARY:

On January 10, 2017, the Board of Supervisors (Board) adopted a motion¹ directing the Los Angeles County Sheriff Civilian Oversight Commission (Commission), the Office of Inspector General (OIG) and the Auditor-Controller to report back quarterly with their review, analysis, and recommendations to the Los Angeles County Sheriff's Department's (LASD) adherence to the policies described in LASD's January 10, 2017 letter regarding immigration.² In 2019, the Commission adopted its report with twelve recommendations³ regarding LASD's immigration policy adherence. Commission staff continue to monitor this issue and recommends the Commission receive and file this report.

BACKGROUND:

In the years leading up to the Board adopting the January 10, 2017 motion, Immigration and Customs Enforcement (ICE) agents increased their efforts to serve civil detainees on local law enforcement agencies⁴ to assume custody of undocumented incarcerated persons. As a result of ICE's civil detainees, LASD transferred 945 undocumented people to ICE in 2018.⁵ On May 21, 2019, the Commission adopted its report and the twelve (12) recommendations born from analyzing LASD's immigration policies, procedures, and practices.⁶

LASD IMMIGRATION ADHERENCE DURING 2022

On April 24, 2020, Sheriff Alex Villanueva placed a moratorium on transfers of qualified incarcerated people to ICE during the COVID-19 pandemic.⁷ The sheriff's moratorium was then adopted as LASD policy on December 8, 2021⁸. LASD Custody Division Manual (CDM) Policy 4-06/005.05-Immigration & Custom Enforcement Detainer Notification provides that LASD shall not

¹ L.A. County Board of Supervisors. (2017). Motion by Supervisors Solis and Kuehl. Retrieved from <https://file.lacounty.gov/SDSInter/bos/supdocs/110755.pdf>

² LASD. (2017). LASD Report on our policies, practices, and procedures relating to our immigrant residents. Retrieved from <https://file.lacounty.gov/SDSInter/bos/supdocs/110712.pdf>

³ L.A. County Sheriff Civilian Oversight Commission. (2019). LASD Cooperation with Immigration and Customs Enforcement. Retrieved from https://assets-us-01.kc-usercontent.com/0234f496-d2b7-00b6-17a4-b43e949b70a2/001f0818-7694-4a79-9b1f-690648c61070/1055898_ImmigrationFinalReport-5-21-2019.pdf

⁴ U.S. Immigration and Customs Enforcement. (2017). Fiscal Year 2017 ICE Enforcement and Removal Operations Report. Retrieved from <https://www.ice.gov/sites/default/files/documents/Report/2017/IceEndOfYearFY2017.pdf>

⁵ LASD. (2022) ICE Civil Detainers Stats. Retrieved from https://lasd.org/wp-content/uploads/2022/10/Transparency_Custody_2022_LASD_ICE_September.pdf

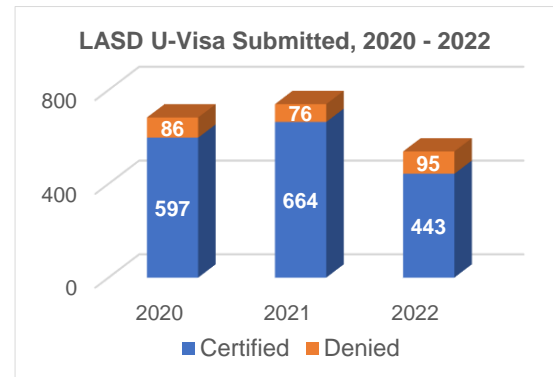
⁶ L.A. County Sheriff Civilian Oversight Commission. (2019). L.A. County Sheriff's Department Cooperation with Immigration and Customs Enforcement. Retrieved from http://file.lacounty.gov/SDSInter/bos/commissionpublications/report/1055898_ImmigrationFinalReport-5-21-2019.pdf

⁷ LASD. (2020). Sheriff Announces Permanent Ban on ICE Transfers. Retrieved from <https://lasd.org/sheriff-announces-permanent-ban-on-ice-transfers/>

⁸ LASD. (2021). CDM 4-06/005.05-ICE Detainer Notification. Retrieved from <https://pars.lasd.org/Viewer/Manuals/12683/Content/19100?showHistorical=True>

transfer incarcerated people into the custody of ICE based solely on a civil immigration detainer. This change to LASD policy closely aligns with one of the Commission’s 12 recommendations. Soon after LASD implemented these policy changes, the number of incarcerated persons that ICE assumed control of from LASD reduced significantly. LASD’s 2022 Department ICE Stats related to ICE Civil Detainers shows that zero incarcerated people were transferred to ICE in 2022.⁹ This is a huge difference when compared to LASD transferring 457 inmates to ICE in 2019.¹⁰ LASD maintains monthly ICE Civil Detainer statistics reports that Commission staff will continue to monitor for fluctuation associated with operation, policy, or other reasons.

On September 28, 2022, LASD Field Operations Directive (FOD) Policy 09-002-Procedures for Law Enforcement Certification for U Nonimmigrant Status¹¹ was revised. Policy 09-002 describes LASD’s Detectives Bureau’s responsibilities when completing a U-Visa certification forms for undocumented crime victims who are helpful to law enforcement and are eligible to apply for a U-Visa.¹² The revised policy includes new reasons not to deny a U-Visa certification, such as the petitioner’s criminal history. In 2022, LASD operations observed a decrease in the number of U-Visa certification forms submitted by applicants: 538 submissions in 2022 compared to 740 in 2021.¹³ There was also a significant increase in the number of U-Visa certification forms denied in 2022: 95 denials in 2022 compared to 76 in 2021.¹⁴ These changes in U-Visa certification submissions and denials could be a random occurrence; however, they warrant continued monitoring when you compare the data from 2020 - 2022 side by side—see graph above.



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RECOMMENDATION/CONCLUSION:

After reviewing and analyzing data and documents to create this report and for the reasons mentioned above, staff recommend that the Commission receive and file this report. Staff will continue to monitor this matter and report back when necessary.

GUEST SPEAKERS:

⁹ LASD. (2022). ICE Civil Detainers Stats. Retrieved from https://lasd.org/wp-content/uploads/2022/10/Transparency_Custody_2022_LASD_ICE_September.pdf
¹⁰ Ibid.
¹¹ LASD. Field Operations Directives (FODs) 09-002 Procedures for Law Enforcement Certification for U Nonimmigrant Status. Retrieved from <https://pars.lasd.org/Viewer/Manuals/13233/Content/19668?showHistorical=True>
¹² Los Angeles County District Attorney’s Office. (2022). U Visas/T Visas. Retrieved from <https://da.lacounty.gov/victims/uvisa#:~:text=To%20apply%20for%20a%20U%20Visa%20or%20a%20T%20Visa,District%20Attorney's%20Office%20for%20consideration.>
¹³ LASD Letter Regarding Conditions of Confinement. 11.9.2022. Retrieved from <https://file.lacounty.gov/SDSInter/bos/supdocs/ConditionsofConfinement-LASDLetterJails11.9.2022.pdf>
¹⁴ Ibid.

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