# 2018 TRUTH Act Forum

## Los Angeles County

## Sheriff Alex Villanueva

December 18, 2018

# TRUTH Act

The TRUTH Act went into effect on January 1st of 2017. The bill primarily created requirements related to ICE's access to individuals in law enforcement custody. Some of the key provisions of the TRUTH Act include:

- In advance of any interview between an individual and ICE regarding civil immigration violations the individual must be given a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the individual may decline to be interviewed or may choose to be interviewed only with an attorney present.
  - *LASD complies with this by providing all individuals, in advance of an interview with ICE, with a consent form outlining their rights under the TRUTH Act. The form is available in 26 languages. We are in the process of evaluating our consent form which informs inmates a detainer has been placed on them. The Sheriff has decided that ICE agents will not be allowed to interview inmates in our jails for civil immigration violations.*
- Requires that release information provided to ICE is provided to an individual's attorney or other designated person
  - *LASD exceeds this requirement by offering ALL individuals the option to have anyone of their choice notified of their pending release. In addition, LASD notifies the Public Defender's Office of all pending releases for individuals with ICE detainers. The Sheriff intends to continue this practice.*
- Requires law enforcement agencies to provide a copy of an ICE detainer to the subject of the detainer/request
  - *LASD complies with this by providing a copy of any detainer request received from ICE to the individual. The Sheriff intends to continue this practice.*
- Requires the local governing body (Board of Supervisors in a county) to hold at least one community forum

# VALUES Act

The VALUES Act (commonly referred to as SB 54) went into effect on January 1st of 2018. The bill added additional restrictions on the level of cooperation that can occur with ICE. Some of the key provisions of the VALUES Act include:

- Limits who can be transferred to ICE's custody based on criminal history
  - *LASD complies with this by utilizing three lists of qualifying convictions: Serious/Violent Felonies (Per Penal Codes 667.5 and 1192.7), Other Specified Felonies, and Specified "Wobbler" Misdemeanors (Per Government Code 7282.5(a)(3)). Currently, there are over 150 charges on the Misdemeanor list. It is the Sheriff's intent to re-evaluate the Misdemeanor list and minimize it to only the most serious Misdemeanor charges.*

- Prohibits ICE from maintaining a permanent office in local law enforcement facilities
  - *LASD complies with this by not allowing ICE a permanent office in any Sheriff's facility. The Sheriff's intent, as promised during his campaign, is to eliminate ICE agents from our jails. While keeping the safety of the public and our communities a priority, he will continue to transfer inmates who qualify under the law to ICE . Our staff will continue working diligently on the logistics of the transfers.*

# VALUES Act (Cont.)

- Restricts data sharing with ICE to information available to the public except under certain exceptions
  - *LASD complies with this by <u>never</u> providing ICE with information not <u>readily</u> available to the public. The Sheriff has instructed his staff to look at the information currently provided on our website and its usefulness.*

- Limits task force cooperation to task forces whose primary mission is non-immigration related.
  - *LASD complies with this by <u>never</u> participating in task forces for immigration enforcement. The Sheriff will continue this practice. Our deputies are only involved in task forces which enforce criminal activity.*

- Prohibits holds for immigration detainers.
  - *LASD complies with this by <u>never</u> holding an individual on the basis of an immigration detainer. The Sheriff will continue this practice. We will never hold an individual solely for a civil immigration detainer.*

# Patrol Policies

The Department's Manual of Policies and Procedures states, in part:

*"In keeping with the highest traditions of the Department and with respect for the dignity of the people we serve, Department members shall investigate criminal activity without regard to an individual's legal status and shall not initiate police action with the objective of discovering the individual's immigration status. Department members shall neither arrest nor book an individual solely on suspicion of violating a federal immigration law relating to illegal entry, being unlawfully present, or overstaying a visa. When they are in contact with individuals under investigation for other criminal activity, Department members shall not inquire about immigration status unless the information is absolutely necessary to ascertain their true identity.*

*While interviewing victims and witnesses, Department members shall not inquire about a victim's or a witness' immigration status unless that information is an essential component in their investigation (e.g., human trafficking, involuntary servitude, etc.)."*

The Sheriff's Department **NEVER** performs federal immigration enforcement as part of it's patrol operations.

# U-Visa Program

The U Visa Program is designed to offer victims (and their immediate family members) who suffered mental and/or physical abuse and are willing to assist law enforcement and government officials in the investigation or prosecution of criminal activity an opportunity to obtain a visa giving them permission to remain and work in the United States.

The Department of Homeland Security is ultimately responsible for issuing a U visa. However, the Sheriff's Department is responsible for certifying U visa applications.

As a testament to the Department's ability to foster trust within our communities, the number of U visa applications received and certified by the Sheriff's Department has increased substantially in recent years:

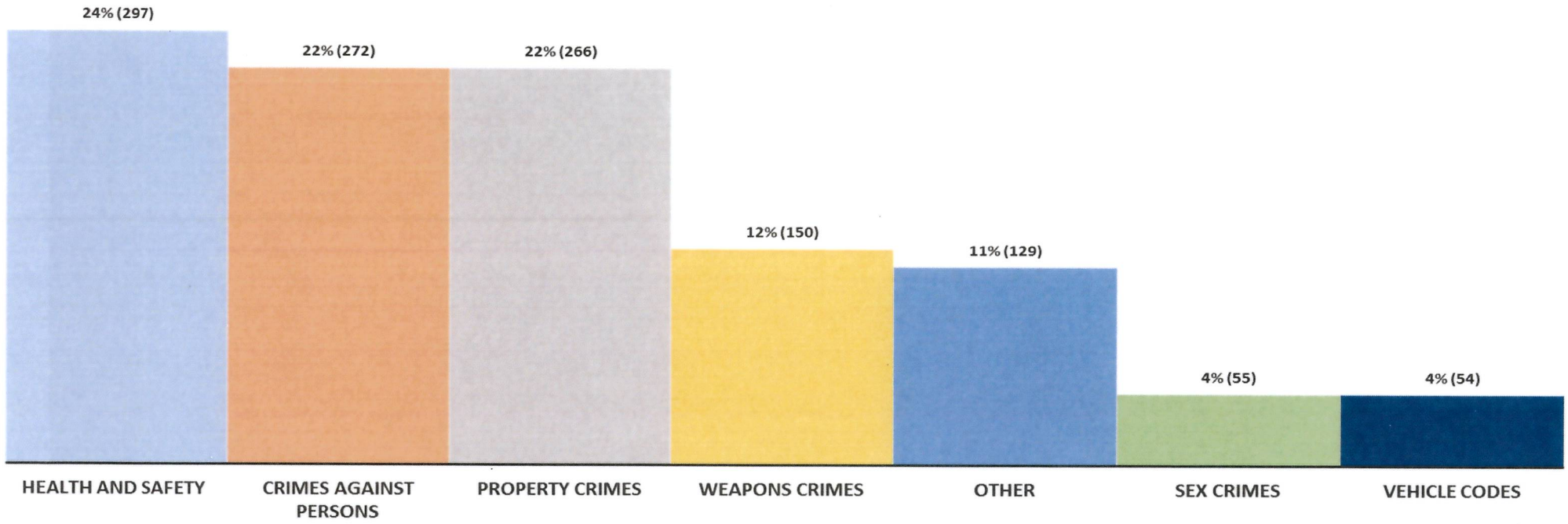
| Year | 2014 | 2015 | 2016 | 2017 | 2018* |
|---|---|---|---|---|---|
| Applications Received | 372 | 455 | 982 | 1077 | 914 |
| Applications Certified | 229 | 322 | 772 | 969 | 789 |
| Certification % | 62% | 71% | 79% | 90% | 86% |

* Year to date

# 2017 ICE Statistics

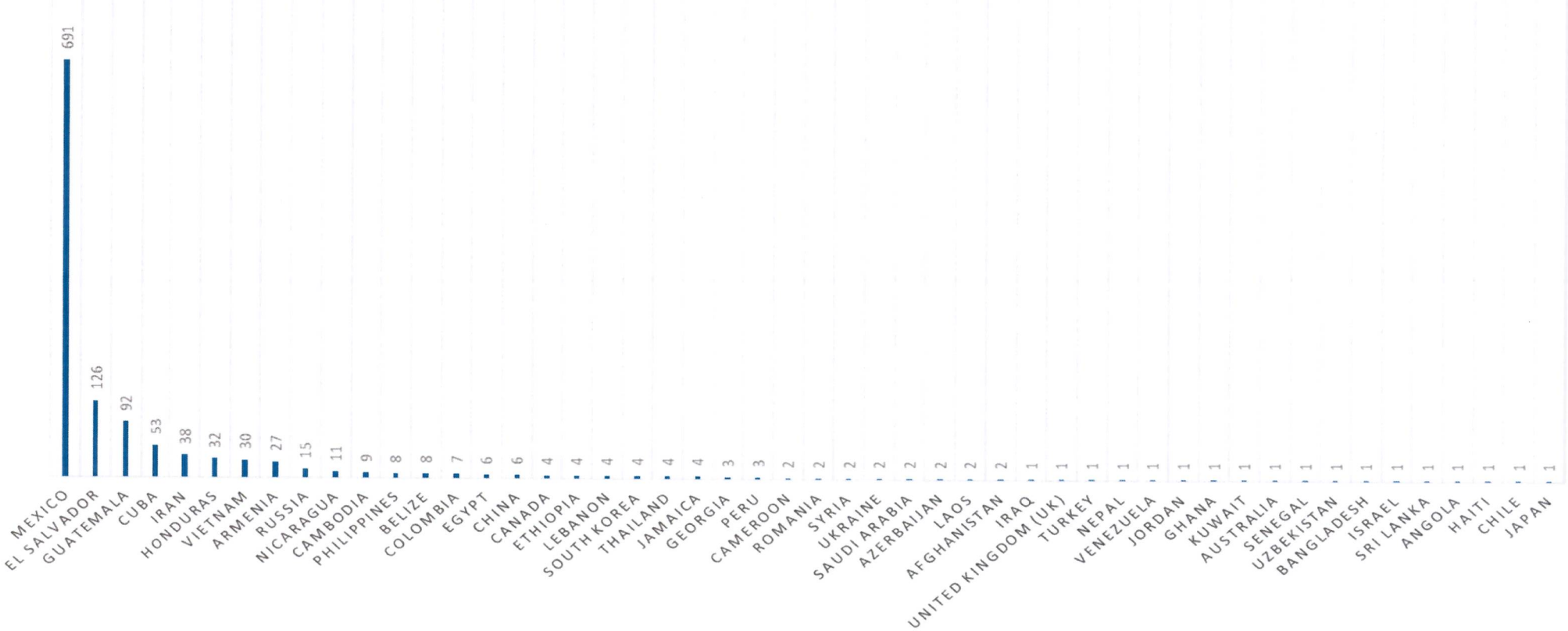
| | |
|---|---|
| • Total Inmates Releases From IRC/CRDF: | 116443 |
| • Total Detainer Requests Received: | 4941 |
| • Individuals Released With a Detainer Request Not Qualified for Transfer: | 2606 |
| • Individuals Released With a Detainer Request Qualified for Transfer: | 1507 |
| • Individuals Transferred to ICE's Custody: | 1223 |
| • Number of Nationalities Detainers/Notification Requests Received: | 85 |

# 2017 ICE Transfer Statistics

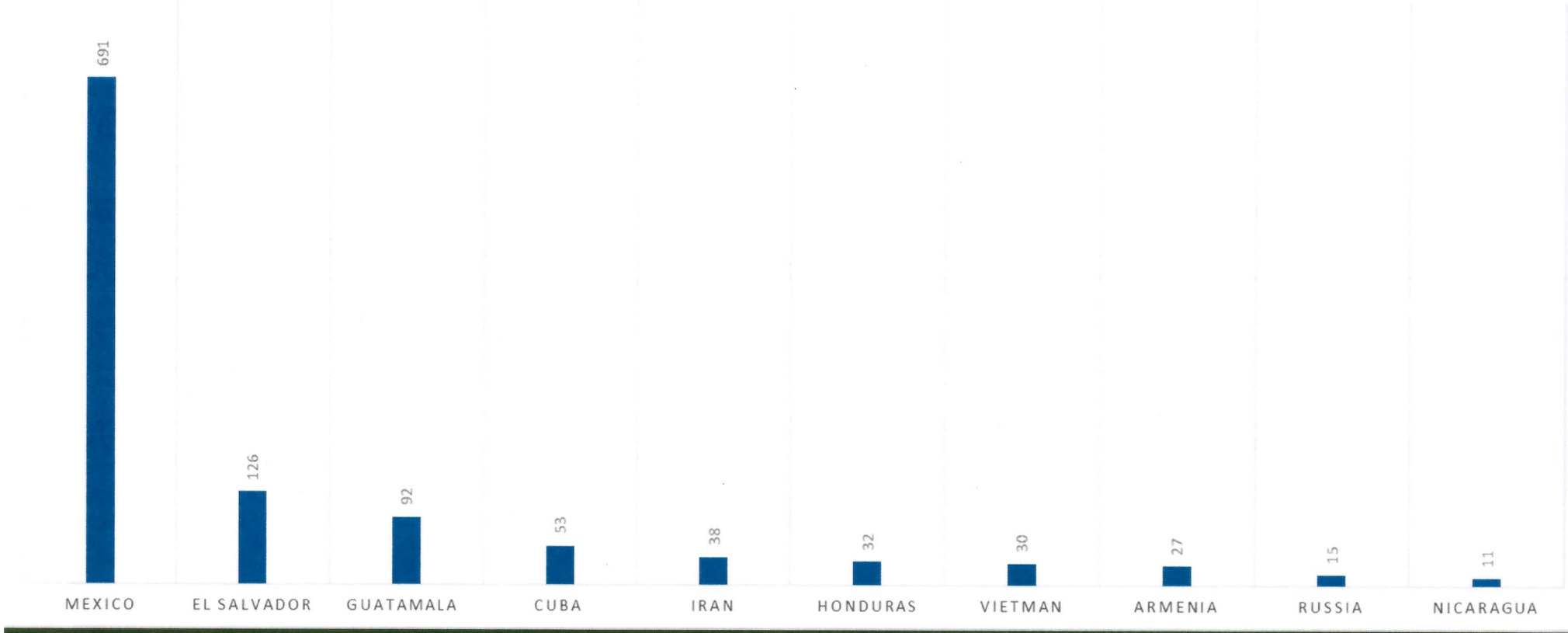



Other category includes State Prison Offenses, Offenses by Prisoners, Conspiracy, Attempted Crimes and Non-Qualifying Charges

# 2017 ICE Demographics
# Citizenship of Individuals Transferred



# 2017 ICE Demographics
# Top 10 Citizenship of Transfers



# ICE Policy Summary

- ICE agents will be removed from all jail facilities
- ICE agents will no longer be allowed to interview inmates regarding civil immigration matters
- The Misdemeanor charge list will be re-evaluated to reduce the list of charges to only the most serious charges
- Information on the public website will be re-evaluated for usefulness
- A new detainer notification form will be created emphasizing the Department's new policies
- Our task forces will continue to enforce only criminal laws, not civil immigration laws

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