

# TRUTH Act Forum

San Mateo County

November 3, 2021

Presented by:

Melanie Kim, Staff Attorney

Advancing Justice - Asian Law Caucus





# PRESENTATION ROADMAP

01

## ICE's TRACK RECORD

Racial justice, sexual & domestic violence, COVID-19.

02

## KEY CALIFORNIA LAWS

The TRUTH Act and SB 54

03

## SAN MATEO COUNTY & ICE

How the county's voluntary collaboration with ICE harms communities of color

04

## RECOMMENDATIONS & CLOSING



# San Mateo County Coalition for Immigrant Rights (SMCCIR)

Since 2008, the San Mateo County Coalition for Immigrant Rights has advocated for pro-immigrant policies in San Mateo County that centers the humanity, full rights, and leadership of all our immigrant communities. SMCCIR consists of 13 civil rights organizations that work with immigrant clients and advocates in San Mateo County.

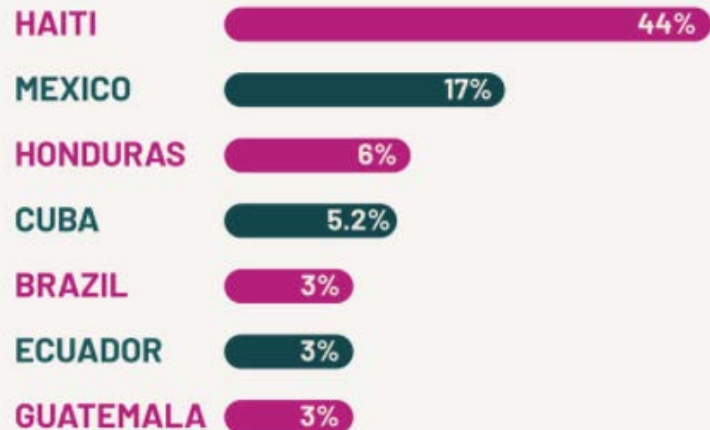


# 01 Immigration & Customs Enforcement's (ICE) Track Record

What is ICE's track record on issues we care about, such as racial justice, caring for survivors of domestic and sexual violence, and ending the COVID-19 pandemic?

# Anti-Blackness is Pervasive in Immigration Enforcement

## FAMILIES IN DETENTION DURING COVID-19 PANDEMIC



SOURCE: RAICES, 3/1/2020 - 6/1/2020 @ KARNES COUNTY RESIDENTIAL CENTER

## BAIL BONDS HIGHER FOR HAITIANS

2018-2020

**\$10,500**

AVERAGE  
IMMIGRATION  
BOND



**\$16,170**

AVERAGE BOND  
FOR HAITIAN  
IMMIGRANTS



SOURCE: RAICES

# ICE Perpetuates Anti-Asian Violence in Southeast Asian Refugee Communities

“In the US, Southeast Asian communities are 3 to 4 times more likely to be deported for past convictions when compared with other immigrant communities.... Between 2017 and 2018, there was a 279% spike in the deportation of Cambodian Americans and a 58% increase in the deportation of Vietnamese Americans.”

— Human Impact Partners, “Stop ICE Transfers: Promoting Health, Unifying Families, Healing Communities

# Sexual Violence is Rampant With No Accountability in ICE Facilities

- About 14,700 complaints alleging sexual and physical abuse were lodged against ICE between 2010 and 2016, according to federal data obtained by the advocacy group Freedom for Immigrants (FFI). Only a few were investigated by the Office of Inspector General.
- In 2020, dozens of women have accused ICE of medical atrocities such as forced sterilizations, and of retaliation including deportation for reporting the abuse. A year later, survivors these abuses are still waiting for justice and restitution.

# ICE Deports Hundreds of DV Survivors Each Year

## Immigrant domestic violence survivors are re-victimized by the state

Under Biden's ICE, immigrant survivors of domestic violence face deportation—regardless of their circumstances.



by Maurizio Guerrero July 16th, 2021



(Bundline000 via iCine5)

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### OUR LATEST STORIES

**Black parents are trapped between the pandemic and child protective services**

October 25th, 2021

**Organizers and former prisoners say decarceration is the best way to prevent in-custody deaths**

October 22nd, 2021

**After Long Island farmworkers unionize, organizers hope to see others follow**

October 21st, 2021



# ICE Risks People's Lives: COVID-Pandemic + Beyond

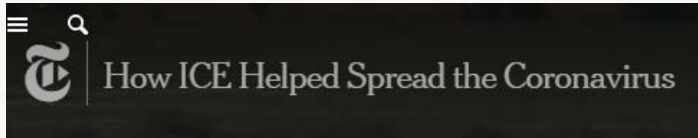
## ICE DETAINEE WHO DIED OF COVID-19 SUFFERED HORRIFYING NEGLECT



Ryan Devereaux

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

[Bio](#) | [Follow](#)



## 02 Key CA laws that limit cooperation with ICE

## What is an ICE notification?

- Occurs when a local law enforcement agency provides notification to ICE in advance of the public that an individual is being or will be released at a certain date and time.



# What is an ICE transfer?

- A jail-to-ICE transfer or “ICE transfer” occurs when an immigrant community member in county jail is allowed to be released, but is instead handed over to ICE for detention and deportation.
- But for their immigration status, they would be able to return to their family and community. This is “double punishment.”



# Key California Immigrant Rights Laws

## 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.



# Key California Immigrant Rights Laws







## **The CA Values Act (SB 54) signed into law on October 5, 2017**

- A state law that limits state and local resources from being used to carry out immigration detentions and deportations.



## POLICE-ICE TACTIC

## UNDER SB 54

<b>Immigration Holds</b> 	<b>Prohibited.</b>
<b>Making arrests on civil immigration warrants</b> 	<b>Prohibited.</b>
<b>287g</b> 	<b>Prohibited.</b>
<b>Asking about immigration status or using immigration agents as interpreters.</b> 	<b>Prohibited.</b>
<b>Sharing personal info with ICE (e.g., work, home addresses)</b> 	<b>Prohibited</b> unless publicly available.
<b>Notifying ICE of release dates</b> 	<b>Prohibited</b> unless: <ul style="list-style-type: none"><li>• Revised TRUST Act exception applies, including:<ul style="list-style-type: none"><li>• Conviction for a felony punishable by imprisonment in state prison at any time</li><li>• Conviction within past 15 years for any other specified felony. The 15-year "wash" is an improvement on the old TRUST Act standard.</li><li>• Conviction within the past 5 years for a misdemeanor for a specified wobbler offense.</li><li>• 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.</li></ul></li><li>• If release dates/times are already publicly available, can be shared</li></ul>

## POLICE-ICE TACTIC

## UNDER SB 54

### Transfers to ICE



#### **Prohibited** unless:

- 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.

Local law enforcement required to report number of transfers and basis for transfer to Attorney General's Office.

### Local arrests for "criminal" violations of immigration law



#### **Prohibited** except local law enforcement may arrest someone for unlawful re-entry following deportation *if*

- The re-entry is detected during an unrelated law enforcement activity, and
- The person has a prior "aggravated felony" conviction

Any person arrested for unlawful reentry may be transferred to ICE only if a revised TRUST exception applies.

### ICE interviews in jail and prison



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.

### Joint Task forces



#### **Some limitations and reporting requirements imposed.**

- 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.

### Databases



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.



# ICE Transfers in California



Between 2018-2019, **3,700 immigrants** were transferred to ICE from local jails

...and from 2019-2020, CA transferred **3,200 immigrants** to ICE from CDCR.

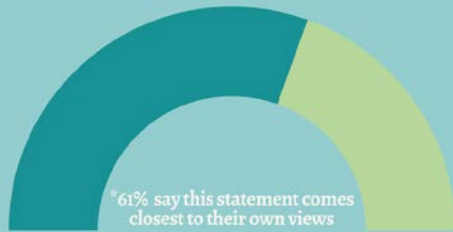
In some California ICE detention centers, an **estimated 80% of incarcerated immigrants** are there as a result of ICE transfers from jails and CDCR.

Source: Alliance for Boys & Men of Color

# Californians Support Ending Collaboration With ICE

**6 in 10 agree\***

after an immigrant who is convicted of a crime serves their prison or jail time, they should be allowed to return to their community here in California and rebuild their life.



\*61% say this statement comes closest to their own views

[bit.ly/VISIONpoll](https://bit.ly/VISIONpoll)

**4 in 5 CA voters agree:**

regardless of where a person was born, they should be released from prison or jail after completing their sentences.



[bit.ly/VISIONpoll](https://bit.ly/VISIONpoll)

Source: Poll by U.S. Immigration Policy Center at University of California San Diego, commissioned by Advancing Justice - Asian Law Caucus



## 03 San Mateo County & ICE

# Number of ICE Transfers in Bay Area Counties in 2020

MARIN

0

SAN FRANCISCO

0

CONTRA COSTA

0

NAPA

0

SANTA CLARA

0

SONOMA

0

Source: California Department of  
Justice

# Number of ICE Transfers in Bay Area Counties in 2020

SOLANO

**1**

ALAMEDA

**8**

SAN MATEO

**15 - 26**

Note: There are discrepancies between official data published by the California Department of Justice and what the Sheriff's office has reported to the public.

## Number of Transfers in Bay Area Counties in 2020

SOLANO

1

ALAMEDA

8

SAN MATEO

15 - 26

**San Mateo County transferred more people to ICE than any other Bay Area county, accounting for more than half of total ICE transfers in the area.**

# Cost of ICE Transfers to San Mateo County

- The exceptions in which ICE notifications & transfers are permitted (not required) under SB 54 are complicated and exposed the county to liability.
- In San Mateo County, the time and resources of a Booking Legal Office Specialist, Jail Classification Officer, Releases Officer, Facilities Captain, Intake Sergeant, Security Sergeant, Court Desk Staff, and a Cashier are all spent on working with ICE.
- San Mateo County has rightfully funded deportation defense & COVID-19 relief for immigrants. Voluntarily working with ICE undercuts these vital investments.
- Money spent on ICE transfers should be redirected to mental health, housing, youth development, and access to a living wage-- all of which have been proven to reduce crime and stabilize communities.

# Hardships Triggered by Having a Family Member in ICE Custody

## PAYING FOR A LAWYER

Unlike criminal court, no one is guaranteed a lawyer in immigration court

## DETERIORATION OF HEALTH

92% HHs reported that an immediate family member experienced negative physical or mental health outcomes

## IMMIGRATION BOND

\$10k was the median bond amount set by CA immigration courts in 2020

## HOUSING & FOOD INSECURITY

25% reported that financial losses affected housing stability. 39% of these involved foreclosure or eviction

## LOST INCOME

Average income decline of 47% among noncitizen & mixed-status households

## GENERATIONAL WEALTH INEQUALITY

These outcomes compound a significant generational wealth gap in immigrant communities

Sources: Bay Area Immigration Bond Fund; Geoffrey Alan, Boyce, Sarah Launius, "The Household Financial Losses Triggered By An Immigration Arrest, And How State And Local Government Can Most Effectively Protect Their Constituents," Journal on Migration and Human Security (Dec. 7, 2020)



# Public Safety

- Everyone wants to live in a safe community. “Public safety” is not served by treating community members differently based solely on an arbitrary attribute-- where they were born.
- Voluntarily participating in ICE transfers actively causes harm and separates families.
  - In contrast, the Sheriff’s office recounting of a community member’s conviction or charge to determine public safety (in some cases many years ago), after they have *already* served time or otherwise found eligible for release, is based on a discriminatory prediction based on immigration status alone. Citizens in the same situation are simply released.
- Resources spent on ICE transfers should instead be invested in re-entry: housing, mental health, and access to a living wage.



## 04 Recommendations & Closing



## Recap

Any collaboration with ICE is unacceptable.

- ICE treats Black immigrants worse at every juncture in the detention and deportation process.
- ICE facilities are rampant with sexual violence and no accountability.
- ICE re-victimizes survivors of domestic violence who are funneled through the criminal legal system.
- ICE is a global super spreader of COVID-19 and places individuals in deplorable conditions.

- The vast majority of Californians support ending collaboration with ICE.
- San Mateo County voluntarily engages in ICE notifications and transfers, and accounts for more than half of the total transfers in the area.
- Collaborating with ICE costs the county precious resources, destabilizes communities of color, and does not serve public safety.

# Recommendations for Sheriff & Board of Supervisors



STOP ALL ICE NOTIFICATIONS AND TRANSFERS



SHERIFF BOLANOS: UPDATE SHERIFF'S OFFICE POLICY

to reflect an end to all ICE notifications and transfers.



BOARD OF SUPERVISORS: PASS AN ORDINANCE OR RESOLUTION

so that no county resources can be used toward ICE notifications and transfers.



COMMUNITY FEEDBACK

Collaborate with SMCCIR to finalize a policy that protects the county's immigrant and refugee residents.

# Thanks!

Do you have any questions?

[melaniek@advancingjustice-alc.org](mailto:melaniek@advancingjustice-alc.org)

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