



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



October 3, 2017

Max Huntsman, Inspector General
Los Angeles County Office of Inspector General
312 South Hill Street, 3rd Floor
Los Angeles, California 90012

Dear Mr. Huntsman:

**RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF INSPECTOR
GENERAL REPORT – IMMIGRATION: PUBLIC SAFETY AND PUBLIC TRUST**

Attached is the Los Angeles County Sheriff's Department's (Department) response to the Los Angeles County Office of Inspector General's (OIG) recommendations from the report entitled, "Immigration: Public Safety and Public Trust."

We concur with your recommendations and thank you and your staff for your efforts in reviewing our procedures and policies as they relate to the large and diverse immigrant community we serve both in and out of custody. We also appreciate your noting that our policies and cooperation with federal immigration officials is not only lawful, but more restrictive than permitted under the law. In addition, I wanted to take this opportunity to highlight some of the additional efforts we have made to serve our immigrant communities as well as clarify and expand upon some of the sections in your report relating to public trust, inmate release procedures, and the Immigration and Customs Enforcement's (ICE) access to the Consolidated Criminal History Reporting System (CCHRS).

First, Assistant Sheriff Eddie Rivero has been active in attending community meetings to discuss the issue of balancing our enforcement efforts with community trust. He has also met with federal officials to relay to them the importance of maintaining community trust within our immigrant communities and making sure victims and witnesses in immigrant communities feel comfortable reporting crimes and cooperating with law enforcement. In order to advance these efforts, the Department published

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an Immigration Information Guide for distribution to the public by our personnel.

The guide includes information relating to our policy, but also answers questions frequently asked by members of our immigrant community and those who advocate on their behalf (see attached brochure).

Assistant Sheriff Rivero also serves as the point of contact to immigration rights advocates who assist the immigrant community with U-Visas. In the three prior years before Sheriff McDonnell took office (2012-2014), an average of 346 U-Visa applications were submitted to the Department for certification and the Department certified an average of 63 percent. In 2015, 70 percent out of the 455 applications were certified. This past year, the number of applications submitted for certification almost doubled to 954 of which 80 percent were certified. This year we are proud to note that we have already processed 774 applications and 90 percent of them have been certified.

Second, when we issued a statement indicating that in 2016, only those who qualified as serious or violent offenders were turned over to ICE, we did so in an effort to characterize for the public in a succinct, but general way, who was being released to ICE, and based on our belief and understanding that the crimes those individuals had been convicted of were in fact serious, or violent. While the report correctly notes that for purposes of the three strikes law, a "serious felony" is one enumerated in Penal Code section 1192.7, and for purposes of a sentencing enhancement under Penal Code section 667.5, violent felonies are only those enumerated therein. In addition to the crimes enumerated in these Penal Codes, the legislature chose to include many other crimes in the TRUST Act, as well as in the most recent version of SB54, because it considered those crimes serious enough to warrant honoring an ICE detainer for that offender. What might have been more precise would have been to simply state that all individuals who were turned over to ICE were Trust Act compliant. However, we did not feel that such a statement provided sufficient clarity to our personnel, or to the public. Serious and violent felonies are not limited, for purposes of general discussion, to those enumerated in those statutes. Instead, serious and/or violent crimes include serious crimes not mentioned in those statutes such as, crimes of domestic violence, human trafficking, solicitation for murder, sexual battery, drunk driving causing bodily injury or death, assaults on peace officers, and a host of other crimes. These other crimes are in fact

serious and/or violent, particularly to the victims of those crimes and their families. In making the statement that only those individuals who qualified as serious or violent offenders were turned over to ICE, we by no means intended to mislead the public and were instead, trying to speak in plain terms which have a common meaning rather than legalese.

Third, we prioritize maintaining and increasing public trust and always endeavor to provide the public with accurate information. With respect to our statements that we were either no longer providing ICE with lists of individuals being released, or that we did not provide release information to ICE, those statements were not accurate. The Department used to provide lists to ICE which provided them with a 7-day advance notice of release dates. That particular practice, ceased sometime within the first few months of this year. In mid-February, we started providing the public, via our website, with a list of sentenced inmates and their release dates. In May, also via our website, we started providing the public with a pending release date list of inmates who were actively in the process of being released. The sentenced inmate release date list is updated automatically on a daily basis. The pending release date list is updated every 20 minutes. Hence, it would have been more accurate to state that we believed we were not providing ICE with more information than we were providing to the public.

However, at some point information relating to charges was being provided to ICE when personnel started using screenshots of a computer screen with information relating to an inmate's release instead of a formal "release pass" which did not contain charge information. This practice has ceased and the release pass procedure was replaced with the installation of a monitor at IRC which displays the same booking numbers and names of individuals being released at IRC that are provided to the public on our website. As pointed out in the report, the monitor also included information regarding how long the inmates had been at IRC because that information is helpful to IRC personnel. The time an inmate is at IRC has since been removed from the monitor visible to ICE agents because that information also had the unintended consequence of providing information to ICE which was not provided to the public.

Fourth, while not noted in the report, we want to clarify that when an individual is scheduled to be released from a station jail or court, the notification process is different than when an inmate is released from IRC. After IRC personnel verify that an inmate meets the AB4 criteria set forth in the TRUST Act, they notify the station jail or court that the inmate is eligible for ICE transfer. ICE is then notified by e-mail or phone of the inmate's

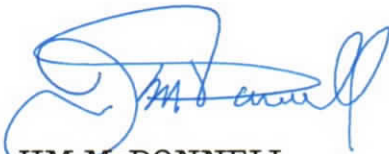
location and pending release. The inmate will then be released to ICE if they are able to pick up the inmate within the normal release parameters. As is the process at IRC, if ICE personnel are not available, the inmate is released to the public. The booking numbers and names of all inmates pending release, including those pending release from station jails and courts, are provided to the public via our public website. The public can access the inmate's specific release location by inputting the name and date of birth of the inmate onto our Inmate Information Center webpage. Or, if the date of birth is unknown, they can call (213) 473-6100, for general information including the inmate's release location.

Lastly, ICE agents do have access to CCHRS as noted in the report. However, ICE is only being provided information available to all local and federal law enforcement agencies. We do not provide the public with confidential law enforcement-related personal information included in CCHRS. However, we do not believe confidential criminal history reports available through CCHRS, as well as a variety of other law enforcement databases, should be looked at in the same context as release information.

The effort and dedication made by members of the OIG to execute this report is greatly appreciated by the Department. We are committed to balancing community safety with public trust and appreciate the recommendations you make to assist us in this endeavor.

The Audit and Accountability Bureau (AAB) has the responsibility to monitor and document the Department's response related to this review. Should you have any questions regarding the Department's response, please contact Captain Steven E. Gross at (323) 307-8302.

Sincerely,



JIM McDONNELL
SHERIFF

JM:SEG:seg
(Audit and Accountability Bureau)

Attachment

c: Jacques A. La Berge, Undersheriff
Bobby D. Denham, Assistant Sheriff
Kelly L. Harrington, Assistant Sheriff
Eddie Rivero, Assistant Sheriff
Jill F. Serrano, Chief Financial and Administrative Officer
Stephen B. Johnson, Chief, Custody Services Division, Specialized
Programs
Karyn J. Mannis, Chief, Professional Standards and Training Division
Joanne Sharp, Chief, Custody Services Division, General Population
Daniel J. Dyer, Commander, Custody Services Administration Command
Steven E. Gross, Captain, Audit and Accountability Bureau (AAB)
Faye A. Adragna, Operations Lieutenant, AAB
Mark P. Smith, Constitutional Policing Advisor
Diana M. Teran, Constitutional Policing Advisor
Daniel Baker, Chief Deputy, Office of Inspector General (OIG)
Cathleen Beltz, Assistant Inspector General, OIG
John F. Gilligan, Assistant Inspector General, OIG
Don Pederson, Assistant Inspector General, OIG
Brian Williams, Executive Director Civilian Oversight Commission

RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF
INSPECTOR GENERAL REPORT

COUNTY OF LOS ANGELES – SHERIFF

SUBJECT: IMMIGRATION: PUBLIC SAFETY AND PUBLIC TRUST

RESPONSE TO RECOMMENDATIONS BY THE OIG

1. The Department implement internal review procedures to ensure that all of its communications with the public, the Civilian Oversight Commission, and the Board of Supervisors are accurate.

Response: Concur. We are committed to providing the public, the Civilian Oversight Commission, and the Board of Supervisors with information that is as clear and accurate as possible and will be implementing internal review procedures to ensure our communications are as accurate as possible. When data is released, it will be cited and sourced to indicate the origin of the data as well as the time period, the unit releasing the data, and any variables or disclaimers known in advance. If data is preliminary, the release of that data will be contingent on whether the need for the data outweighs the delay for its validation. We acknowledge we have provided information to the public which was inaccurate in the past because it was either not thoroughly vetted, or it was reliant on outdated databases. Hence, the Department is additionally in the process of establishing a new link on its public website where we will be updating, correcting, and/or clarifying information when it comes to our attention that information released or published was either inaccurate, or has been misinterpreted. We expect to have the link operational within the next month, barring any unforeseen delays.

2. The Department implement an ongoing training, education, and supervision program for its patrol deputies to ensure that deputies are aware of and follow the Department's policies regarding contacts with the immigrant community and measure compliance with those policies in a transparent manner that does not erode public trust.

Response: Concur. On September 21, 2015, the Department implemented its first formal policy specifically prohibiting personnel from initiating police action with the objective of discovering an individual's immigration status, from inquiring about immigration status except in limited circumstances, and from arresting individuals for suspicion of violating a federal immigration law such as illegal entry, being unlawfully present, or overstaying a visa. In December 2016, the Sheriff appointed the Department's first executive charged with becoming the Department's expert on issues concerning our immigrant communities. Assistant Sheriff Eddie Rivero has since attended a myriad of community and/or town hall meetings to educate our personnel and the public about our policies. He also created a training video for personnel to educate and train them on our immigration policy.

The Department welcomes any internal review or audit by the OIG or Audit and Accountability Bureau (AAB) in order to assist the Department in ensuring the policy is being followed. The Department is committed to enforcing the policy on Immigration Inquiries and Notifications when violations of the policy are brought to our attention and any violations of the policy will be reflected in our Quarterly Discipline Reports which are published on the Public Data Sharing link on our public website.

3. The Department collaborate with the newly created Immigration Affairs Office to ensure that all inmates subject to Immigration and Customs Enforcement detainers receive proper and timely notice of those detainers and their rights.

Response: Concur. Personnel from our Inmate Reception Center (IRC) currently participate in a meeting on immigration-related issues every other week that includes at least one representative from the Office of Immigrant Affairs (OIA). However, IRC command staff will reach out to representatives of OIA to see if additional collaboration on proper and timely notifications to inmates subject to Immigration and Customs Enforcement (ICE) detainers is needed, or desired.

4. The Department should review its "AB4" list of "qualifying" convictions to ensure consistency with proposition 47.

Response: Concur. We have already asked our County Counsel attorneys to re-review the charge list to ensure compliance with Proposition 47, as well as the additional provisions of SB54, which will prevent local law enforcement from cooperating with immigration authorities if an individual has been "arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as misdemeanors or felonies" prior to the passage of Proposition 47 and will impose a 15-year washout period for felonies.

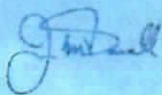
Message from Sheriff Jim McDonnell

As Sheriff of one of the most diverse counties in the nation, I want to assure our residents and immigrant communities the Los Angeles County Sheriff's Department is deeply committed to providing professional law enforcement services to everyone regardless of their immigration status.

Enforcement of immigration laws is the responsibility of the federal government. The men and women of the Sheriff's Department are focused on keeping our local communities safe, and will not detain or arrest any individual solely on suspicion of illegal presence in the United States.

***"This is our promise.
It is our Department policy.
Most importantly,
it is the law."***

Deputies are neither instructed nor trained to ask for a victim's or witness' legal residency status. The trust we have earned from the community is critical in providing the highest level of service.



Los Angeles County Sheriff's Department policy regarding immigration inquiries and notification

This policy is intended to reassure immigrant communities that there is no need to fear contact with the Sheriff's Department.

Policy Section 05-09/271.00
"Immigration Inquiries and Notifications."

- Department members shall investigate criminal activity without regard for individual's legal status.
- Department members shall not initiate police action with the objective of discovering the individual's immigration status.
- Deputies shall not arrest an individual solely on suspicion of violating a federal immigration law relating to illegal entry, being unlawfully present, or overstaying a visa.
- Department members shall not inquire about individual's immigration status unless that information is essential to their investigation. (e.g., human trafficking investigation)
- If a victim's or witness' immigration status is discovered during an investigation, deputies shall not forward that information to the US Immigration and Customs Enforcement (ICE).
- For additional policy information visit www.lasd.org

Frequently Asked Questions

Can I be deported during a routine traffic stop or call for help?

Answer: No. Deputies from the Los Angeles County Sheriff's Department do not inquire about a person's immigration status during routine traffic stops or calls for service. The Sheriff's Department does not enforce federal immigration laws.

If a deputy discovers I am an undocumented immigrant, can I be arrested solely for federal immigration laws?

Answer: No. Sheriff's Department policy prohibits deputies from arresting or booking an individual solely on suspicion of violating federal immigration laws.

Can I be deported when reporting a crime or call for help?

Answer: No. The mission of the Sheriff's Department is to enforce the law fairly and within constitutional authority. When receiving a call for service, the focus of the Sheriff's Department is helping the victim, not enforcing federal immigration laws. We have built trust within our communities, which is the basis for our "Immigration Inquiries and Notifications Policy."

What happens to a deputy who asks about my immigration status without legal cause?

Answer: A deputy sheriff who inquires about immigration status without merit is subject to administrative discipline.

Frequently asked Questions

Does the Sheriff's Department assist ICE with civil immigration enforcement operations?

Answer: No. The Sheriff's Department does not participate in or assist ICE with immigration enforcement operations. We may participate in federal task force operations, which include ICE, purely to investigate criminal activity.

What is the procedure for a victim of a crime to apply for a "U Visa"?

Answer: The person must be a victim of a qualifying crime. In some cases, witnesses and/or family members may be eligible to apply for a U Visa. The petitioner or station detective can initiate the U Visa application (USCIS Form I-918). The form must be filled out and presented to the handling detective. The detective will review the case file and determine if the petitioner was a victim of a qualifying charge and was helpful in the investigation. The filing of criminal charges and a criminal prosecution are not requirements for our certification of the U Visa application. If all requirements are met on the application, the station or bureau captain will certify the application, by signing it on the Sheriff's behalf. The original signed application is returned to the petitioner or the advocate. The petitioner shall send all applicable documents to the USCIS.



NOTE: All forms can be downloaded on the United States Citizenship & Immigration Services (USCIS) website at uscis.gov

For Questions or Complaints please call

**Sheriff's Information Bureau
(213) 229-1700**

**Internal Affairs Bureau
(800) 698-8255**



We welcome you to contact any local Sheriff's Station for additional questions or concerns.

"This pamphlet was created to provide information regarding our immigration policy, and to reassure everyone in the community there is no need to fear contact with your Sheriff's Department."

Our goal is to protect all people in Los Angeles County regardless of background or immigration status."

Jim McDonnell, Sheriff



**Los Angeles County
Sheriff's Department**

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08/2017

Immigration Information Guide



Jim McDonnell, Sheriff