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**COMMUNITY TRUTH
ACT FORUM 2021**

San Diego Immigrant Rights Consortium

San Diego Immigrant Rights Consortium

The San Diego Immigrant Rights Consortium, a coalition of over 50 community, faith, labor and legal organizations, seeks to continue fostering our region's values by defending the civil and human rights of immigrants and refugees, educating and empowering immigrants and refugees on their rights and the resources available to them, and countering the myths and untruths made about immigrants and refugees.



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The truth about the California Values Act (SB 54)



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SB 54 Discourages Entanglement with DHS

The California Values Act (SB 54) states:

- **“Trust is threatened when state and local agencies are entangled with federal immigration enforcement**, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, **to the detriment of public safety and the well-being of all Californians”**
- “Entangling state and local agencies with federal enforcement programs **diverts already limited resources and blurs the lines of accountability** between local and state federal governments.”



SB 54 is a Floor, Not a Ceiling

- SB 54 allows law enforcement agencies to transfer individuals with certain criminal convictions to ICE and notify ICE of releases **but it does not require it.**
- In fact, SB 54 makes clear that this is not required, and that **the state does not encourage participation in immigration enforcement:**
 - *“It is the intent of the legislature that this chapter **shall not be construed as providing, expanding or ratifying any legal authority** for state or local law enforcement to participate in immigration enforcement.”*
- Further, the legislation clarifies that **SB 54 does not supercede the policies of local jurisdictions who have already decided to provide more protection** to their community members:
 - *“...this section does not prevent any local law enforcement agency from doing any of the following that **does not violate any policy of the law enforcement or any local law or policy of the jurisdiction** in which the agency is operating...”*



ICE Transfers and Notifications



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SDSD Transfers to ICE

- The vast majority of people that SDSD transfers to ICE custody are entirely **voluntary & unnecessary**.
- In 2020, SDSD transferred 78 people to ICE. Of that 78, only 2 had a federal warrant requiring the transfer. Everyone else SDSD **chose** to hand over to ICE.
- By voluntarily transferring people to ICE custody, SDSD has continued **facilitating ICE's detention & deportation scheme**, even as federal leadership & policies have proven **reckless, irresponsible, and unlawful**.



SDSD Transfers to ICE

- Voluntary transfers thrust San Diego County residents--new neighbors and longtime community members alike--into the crosshairs of immigration enforcement, even as other counties (Contra Costa, Humboldt, Los Angeles, Santa Clara, San Joaquin, San Francisco, and most recently, San Mateo) have taken responsible measures to **cut ties & end transfers to ICE custody**.
- Further, transferring individuals to ICE who have already completed their sentences is **double punishment** and results in **two different criminal justice systems in San Diego** -- one for individuals who are U.S. citizens and another from immigrants and refugees.



SDSD ICE Notifications

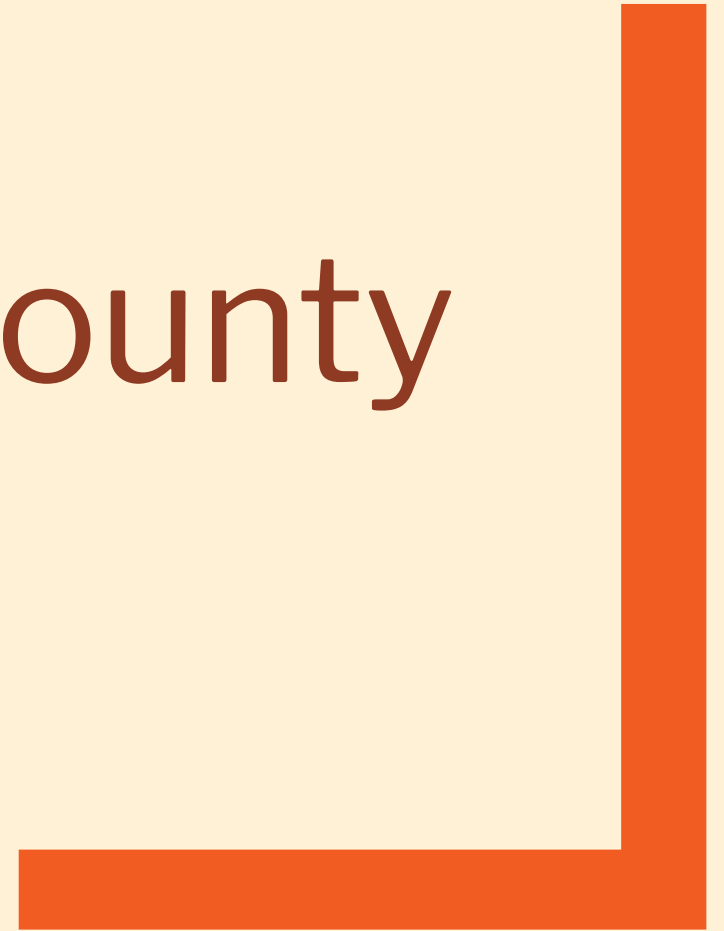
- SDSD also notifies ICE when individuals are scheduled to be released.
- This results in an **“unofficial transfer”** in which an individual is released from jail only to be immediately arrested by ICE the minute they set foot into the parking lot.
- While ICE notifications are not an official transfers, **the end result is the same -- county resources being used to facilitate the detention and deportation of San Diego community members.**
- These “unofficial transfers” are not tracked anywhere and are not part of the official ICE transfer reporting data that SDSD is required to keep.
- As with ICE transfers, **ICE notifications are not required** and other counties have already stopped notifying ICE of release dates.



DHS Access to County Facilities



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DHS Access to County Facilities

- SDSD continues to allow ICE to access to individuals in custody **even though the Sheriff is not required to allow ICE access to its jails.**
- In 2020, SDSD revised the protocols that ICE needs to follow any time they want to interview individuals at the jails. Rather than have free access, ICE now has to sign in like any other visiting agency any time they want to interview an individual.
- The development has reduced the number of people ICE accesses in county jails, but its policy of allowing ICE access to jails continues to **undermine community trust** and means **County resources are being utilized to help ICE** interrogate our community members.



Joint Task Forces



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Joint Task Forces

- SDSD and others continue participating in joint task forces with federal agencies, including ICE, Homeland Security Investigations (HSI) Customs & Border Protection (CBP) and Border Patrol (BP), exposing San Diego County residents to **greater risk of collateral civil immigration enforcement**.
- **HSI and BP participation on these task forces actually expanded in 2019** -- HSI joined 3 more task forces (East County Gang Task Force, Border Crime Suppression Team & San Diego Regional Fugitive Task Force) while BP joined an additional task force (San Diego Fugitive Task Force) in 2019.
- **And again in 2020.** HSI joined an additional task force and DHS was added to another one as well.
- The perception that SDSD could be aiding DHS agencies in the detention and deportation of San Diego community members through participating in joint task forces **erodes community trust and damages public safety for all us.**



Data Sharing



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Data Sharing

- SDSD continues to share data with DHS agencies, including **ARJIS** and it continues to contract with **Vigilant Solutions** for Automated License Plate Readers (**ALPR**). Vigilant Solutions maintains the **LEARN** database which collects local data that DHS agencies have access to.
 - *With which agencies does SDSD share their ALPR data via the LEARN database?*
 - *Does SDSD allow federal immigration agencies access to the databases they use?*
 - *What measures is SDSD taking to protect the integrity of their databases and to insure that federal immigration agencies do not have access to data?*



Shared Resources



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Sharing Resources with DHS

- Last year, SDIRC raised concerns about SDSD sharing resources with federal immigration agencies after we witnessed the presence of **militarized** Border Patrol agents at Spring/Summer 2020 public protests, participation in which is protected by the First Amendment.
- Letters between American Friends Service Committee's U.S. Mexico Border Program and SDSD reveal that **SDSD requested the assistance and presence of Border Patrol agents** at public protests.



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Sharing Resources with DHS

- In early 2021, the Board of Supervisors accepted millions in Operation Stonegarden (OPSG) funding from DHS despite growing community concerns about OPSG, which uses SDSD capacity to sustain CBP operations in our region.
 - *In 2018, SDSD violated SB 54 at least two times, both of which occurred during Operation Stonegarden activities.*
- Sharing resources with DHS agencies endangers community members.



SDIRC Demands

Stop transfers to ICE.

Stop ICE notifications.

Stop allowing DHS access to county facilities, including parking lots.

Stop sharing data with DHS agencies.

Stop sharing resources with and receiving resources from DHS agencies.



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