

November 10, 2021

The Honorable Board of Supervisors  
San Diego County  
1600 Pacific Coast Highway #335  
San Diego, CA 92101

Re: 2021 TRUTH Act Forum -- call upon Sheriff to stop entanglement with DHS

Dear Supervisors:

We, the undersigned organizations, write to you in regards to the upcoming San Diego Transparent Review of Unjust Transfers and Holds (TRUTH) Act Forum scheduled for November 16, 2021 and to urge you to call upon Sheriff Gore to immediately stop all entanglement with Department of Homeland Security (DHS) agencies, including Immigration Customs Enforcement (ICE) and Border Patrol (BP). The ways in which the Sheriff works with DHS agencies allows the San Diego Sheriff's Department (SDSD) to function as an extension of these agencies. This is harmful to our communities and puts the public safety of all San Diegans at risk.

More specifically, we demand an end to all notifications and transfers to ICE, and for DHS agencies to no longer have access to county facilities, including parking lots. Further, we ask the Supervisors to further inquire on other areas of concerns that we have to confirm whether or not the (SDSD) is providing resources and information to federal immigration agencies, or receiving resources and information from those agencies. Those other areas of concern include: data sharing, joint task forces with federal agencies, sharing and receiving resources from federal agencies.

### **ICE Notifications and Transfers**

The last two years, community members have expressed anger, frustration and worry because the Sheriff was violating the spirit of Senate Bill 54 (SB 54), the California Values Act by continuing to notify ICE when individuals were scheduled to be released, and transfer individuals to ICE. Notifying ICE when individuals are being scheduled to release amounts to an unofficial transfer, in which the individual is released from jail only to be immediately arrested by ICE the minute they set foot onto the jail parking lot. These unofficial transfers are not tracked anywhere, and are not part of the official ICE transfer reporting data that the SDSD is required to keep. Nevertheless, both unofficial transfers that occur as a result of ICE notifications and official ICE transfers result in the detention and deportation of our community members, and utilize county resources to separate families in our region.

Further, these transfers make the County complicit in the double punishment of individuals who have completed their sentences, and translate to two different criminal justice systems in our county -- one for individuals who are U.S. Citizens, and another for immigrants and refugees.

SDSD is not required to notify ICE of releases or transfer individuals to ICE, unless there is a judicial warrant. However, SDSD chooses to do so, and is thus upholding an unfair dual system that treats individuals differently solely due to the country where they were born.

We demand an end to ICE transfers and notifications. Six other counties in California have stopped ICE notifications and/or transfers: Contra Costa, Humboldt<sup>1</sup>, Los Angeles<sup>2</sup>, Santa Clara<sup>3</sup>, San Joaquin and San Francisco<sup>4</sup>. San Diego County should follow the leadership of these counties, and move away from an unfair system of double punishment that harms our community.

### **Access to county facilities**

The SDSD continues to allow ICE and other DHS agencies access to their facilities, even though it is not required. For example, we know that SDSD still allows ICE to enter the county jails to interview individuals in detention. This is completely voluntary. In fact, some of the above counties that have stopped ICE transfers, also no longer allow ICE access to their facilities<sup>5</sup>. Locally, the Oceanside Police Department and the Escondido Police Department have stopped allowing ICE access to their buildings<sup>6</sup>. Additionally, federal immigration agencies continue to have access to the jail parking lots, and as mentioned above, wait in those parking lots to arrest individuals once they have been notified by SDSD that an individual is being released. This is again, not necessary, and can be stopped. These are just two examples of access to county facilities that DHS agencies are given. We are unsure if they are provided additional access and would suggest that the Board of Supervisors confirm the full extent of access that DHS agencies, including ICE and BP, are given to county facilities.

By allowing federal immigration agencies access to county facilities, the SDSD is undermining community trust in not just their department, but in all county departments and county government as a whole. We urge the County Board of Supervisors to call upon the Sheriff to stop allowing this access.

### **Joint task forces**

Another area of concern that we have raised in prior TRUTH Act forums is SDSD's participation on joint task forces with immigration agencies. SDSD continues participating on joint task forces with DHS agencies, and the number of task forces that Homeland Security Investigations (HSI), which is part of ICE, and Border Patrol participate on has expanded each year that we have held TRUTH Act forums. While state law prohibits local law enforcement agencies from

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<sup>1</sup>

<https://humboldt.gov/DocumentCenter/View/86786/Measure-K-Ordinance-Memo-and-Acknowledgment>

<sup>2</sup> <https://file.lacounty.gov/SDSInter/bos/supdocs/148377.pdf>

<sup>3</sup> [https://www.ilrc.org/sites/default/files/resources/santa\\_clara\\_ordinance.pdf](https://www.ilrc.org/sites/default/files/resources/santa_clara_ordinance.pdf)

<sup>4</sup> <http://freesf.org/resources>

<sup>5</sup> <https://file.lacounty.gov/SDSInter/bos/supdocs/148377.pdf>

<sup>6</sup> [https://www.immigrantsandiego.org/sb\\_54\\_implementation\\_in\\_san\\_diego\\_county](https://www.immigrantsandiego.org/sb_54_implementation_in_san_diego_county)

participating on a task force where immigration enforcement is the primary function of a task force, there is still a gray area in which immigration enforcement can occur. An example of this is with collateral arrests that immigration agencies make.

Because there is limited to no transparency on these joint task forces, we have no idea to what extent SDSD is entangled with federal immigration agencies and whether immigration enforcement actually occurs as a byproduct of task force activities. It is not enough for the SDSD to merely report which agency sits on which task force. We recommend that the Board of Supervisors request that SDSD do the following:

- List the number of officers from each agency on each task force;
- Provide the amount of resources that the county is contributing to each task force;
- Outline the scope of activities for each participating agency;
- Explain the specific measure they are taking to guarantee that SDSD participation in joint task forces with federal immigration agencies does not inadvertently lead to community members being deported.

At a minimum, SDSD's participation on joint task forces with federal immigration agencies creates *the perception* that SDSD is aiding those agencies in the deportation and detention of community members, and that county resources are being used to separate families in our region. For this reason, Humboldt County does not allow their Sheriff to participate on joint task forces with ICE at all<sup>7</sup>. The perception that SDSD is aiding federal immigration agencies in the deportation and detention of community members damages community trust in law enforcement and local government, even if SDSD's participation on joint task forces is not primarily around immigration enforcement.

## Data Sharing

Our organizations have been concerned about the potential of data being shared, either intentionally or unintentionally, with federal immigration agencies for some time. This concern is not unfounded -- data sharing and security was an issue at the state level after Assembly Bill 60 passed to allow undocumented individuals the ability to apply for drivers licenses. ICE and other DHS agencies were allowed to apply access to their databases for criminal investigations; however, it was later discovered that DHS agencies were roaming the databases freely, without having to explain the inquiries they were making or even tracking them<sup>8</sup>. In other jurisdictions, such as Marin County<sup>9</sup>, law enforcement agencies have been illegally sharing their automated license plate reader (ALPR) data with federal immigration agencies through the LEARN database, which is operated by a third party vendor called Vigilant Solutions.

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<https://humboldt.gov/DocumentCenter/View/86786/Measure-K-Ordinance-Memo-and-Acknowledgment>

<sup>8</sup> <https://www.nilc.org/issues/immigration-enforcement/how-calif-dl-records-shared-with-dhs/>

<sup>9</sup> <https://www.aclunc.org/news/california-activists-sue-marin-county-sheriff-illegally-sharing-drivers-license-plate-data-ice>

We request that the Board of Supervisors ask the following questions to confirm whether or not information is being shared with federal immigration agencies:

- Is the Sheriff sharing data with federal immigration agencies?
- Is SDSD allowing federal immigration agencies to access the databases they use?
- Which agencies does SDSD share their ALPR data with through the LEARN database, and does this include federal immigration agencies?
- What measures is the SDSD taking to protect the integrity of their databases and insure that federal immigration agencies are not able to access the data?

Keeping data secure from federal immigration agencies is a real concern, and not something that should be taken lightly.

### **Shared resources**

During the 2020 TRUTH Act Forum, community members raised concerns about SDSD receiving and sharing resources with federal immigration agencies. Specifically, community members were angry over the militarized presence of BP agents at public protests during the Spring and Summer of 2020. SDSD requested the presence of BP at these protests, and received pepper balls from BP which were then used on protesters.

Community members raised concerns again over resources that SDSD receives from DHS early in 2021, when Operation Stonegarden funding came before the Board of Supervisors for approval. In 2018, SDSD violated SB 54 by transferring two individuals to BP during Operation Stonegarden activities.

Sharing and receiving resources from DHS agencies can result in real danger to our community members. To our knowledge, SDSD continues to receive and share resources with DHS agencies, but we do not know the extent to which that occurs. We need the Board of Supervisors to call upon the Sheriff to provide a detailed accounting of the resources SDSD receives and shares with federal immigration agencies.

### **Conclusion**

Transparency and accountability are necessary for law enforcement to be able to build community trust that keeps all of us safe. Over the last three years, the San Diego County TRUTH Act Forum has provided transparency through the explanation of how, why and when some collaboration between the San Diego County Sheriff's Department and federal immigration agencies occurs. However, while transparency is important, transparency without accountability is not enough.

It is time for the Board of Supervisors to hold the Sheriff accountable and represent all San Diegans. The previous Board of Supervisors refused to listen to the testimonies of community members, and failed to act, resulting in the transfer, detention and deportation of community members. The health and safety of our entire community depend on the community trusting our

local law enforcement, and that trust cannot exist so long as the Sheriff continues to use county resources to separate families and deport our community members. We urge the Board of Supervisors to call upon Sheriff Gore to immediately stop all entanglement with Department of Homeland Security (DHS) agencies.

Sincerely,

ACLU of San Diego & Imperial Counties  
Anti-Defamation League San Diego  
Alliance of Californians for Community Empowerment, San Diego  
Alliance San Diego  
American Friends Service Committee  
American Immigration Lawyers Association-San Diego Chapter  
Asian Pacific American Labor Alliance San Diego  
Asian Solidarity Collective  
BIPOC Educators Association NCSD  
Border Angels  
Border Kindness  
Border Organizing Project  
Buen Vecino  
CAIR San Diego  
California Immigrant Policy Center  
Casa Familiar  
Center for Justice & Reconciliation at PLNU  
Change Begins with ME (Indivisible)  
Chula Vista Partners in Courage  
Community Advocates for Just and Moral Governance (MoGo)  
Communities United for Restorative Youth Justice  
Comunidad de Apoyo San Diego  
Employee Rights Center  
Espacio Migrante  
Haitian Bridge Alliance  
ICE Out of Marin  
Immigrant Defenders Law Center  
Immigration Center for Women and Children  
Indivisible Resistance San Diego  
International Rescue Committee in San Diego  
Jewish Family Service of San Diego  
Justice Overcoming Boundaries  
Karen Organization of San Diego  
League of Women Voters North County SD  
League of Women Voters of San Diego  
Long Beach Immigrant Rights Coalition  
Los Geys de Esco

MAS-PACE

North County Immigration Task Force

Orange County Equality Coalition

Partnership for the Advancement of New Americans (PANA)

Pillars of the Community

San Diegans for Justice

San Diego and Imperial Counties Labor Council

San Diego Immigrant Rights Consortium

San Diego La Raza Lawyers Association

San Diego Rapid Response Network

SEIU United Service Workers West

Showing Up for Racial Justice - SURJ San Diego

Social Justice Executive Team of First Unitarian Universalist Church of San Diego

South Bay People Power

Southern California Immigration Project

Unified U.S. Deported Veterans Resource Center

UNITE HERE Local 30

Universidad Popular

UURISE - Unitarian Universalist Refugee & Immigrant Services & Education

Viet Vote

We the People Escondido

We the People SD