

PROFILE TAG DEPORT



CDCR Betrays California's Values



ASIAN AMERICANS
ADVANCING
JUSTICE
ASIAN LAW CAUCUS



ACKNOWLEDGEMENTS

We are first and foremost thankful to and humbled by the incarcerated and formerly incarcerated people who have bravely shared their experiences and stories with us for this report and to further our understanding of these practices.

ACLU of Northern California defends the fundamental rights of all people. These include the right to freedom from discrimination, due process of law, and equality before the law. We strive for an inclusive nation where all people are free and equal in dignity and rights, no matter who they are, where they live, or where they are from. The ACLU of Northern California recognizes that the exercise of constitutional liberties and rights is deeply entwined with racial justice.

Asian Americans Advancing Justice-Asian Law Caucus (AAAJ-ALC) was founded in 1972 as the nation's first legal and civil rights organization focusing on the needs of low-income, immigrant and underserved Asian Americans and Pacific Islanders. Recognizing that social, economic, political, and racial inequalities continue to exist in the United States, AAAJ-ALC is committed to the pursuit of equality and justice for all sectors of our society.

Asian Prisoner Support Committee (APSC), a non-profit organization based in Oakland, California, works to end mass incarceration and deportation by providing direct support to currently and formerly incarcerated immigrants and refugees, facilitating ethnic studies programs in prisons, providing community based reentry services, and organizing anti-deportation campaigns.

Root & Rebound (R&R) is a national reentry advocacy organization that creates second-chance opportunities by restoring and protecting the rights, dignity, and hope of currently and formerly incarcerated people, as well as all those impacted by the criminal legal system. Their mission is to support people navigating reentry and reduce the harms perpetuated by mass incarceration.

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We would like to thank Sean Riordan (ACLU NorCal), Kristen Perez (ACLU NorCal), Leighton Fernando Cook (ACLU NorCal), Lorena Ortega-Guerrero (ACLU NorCal), Maricela Sanchez (ACLU NorCal), Carl Takei (AAAJ-ALC), Niketa Kumar (AAAJ-ALC), Megan Vees (AAAJ-ALC), Eileen Kim (AAAJ-ALC), Gail Yen (R&R), Claudia Gonzalez (R&R), Hien Nguyen (APSC), Ny Nourn (APSC), Anoop Prasad (APSC), Luis Nolasco (ACLU SoCal), Jennie Pasquarella (ACLU SoCal), Andres Kwon (ACLU SoCal), and Felicia Gomez (ACLU SDIC).

August 2023

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EXECUTIVE SUMMARY

"Should we just put US citizen on a piece of paper fold it up and put it in a hat, and then write on another piece of paper Mexican, fold it up and also throw that in the hat and pick one."

— September 2022 email exchange between CDCR Staff at Avenal State Prison and ICE Officers.

"Throughout my incarceration, CDCR informed me I had an active ICE hold. Knowing that caused me so much fear and anxiety throughout the years, believing I would never be able to return home to my family."

— Ny Nourn, Co-Director of the Asian Prisoner Support Committee
and an advocate for other immigrant community members and survivors of domestic violence.

For years, countless immigrant Californians have been calling attention to the California Department of Corrections and Rehabilitation's (CDCR) discriminatory practices that assist in U.S. Immigration and Customs Enforcement's (ICE) deportation efforts. CDCR staff identify individuals in their custody, whom CDCR assumes to be born outside of the U.S., report them to ICE, and deny them valuable rehabilitation, education, and credit-earning opportunities.

In 2022, the ACLU of Northern California filed a major public records request seeking communications between CDCR and ICE. Over the past several months, the ACLU of Northern California, Asian Americans Advancing Justice-Asian Law Caucus, Asian Prisoner Support Committee, and Root & Rebound have analyzed over 2,500 CDCR records and emails between August and September 2022. Step by step, the team pieced together a more detailed view than ever before into how CDCR voluntarily goes to horrifying lengths to illegally discriminate against Californians born outside the U.S. and against anyone CDCR officers unilaterally perceive or assume to be born outside the U.S.

Dozens of previously unseen emails show how California's largest public agency is using public resources to operate a system of double punishment

that rips apart immigrant and refugee families and communities, in direct conflict with California's values of equality, fairness, and justice. In their zeal to collude with ICE, CDCR is not only targeting people who have served their time and are set to return home for detention and deportation but is also sweeping up U.S. citizens and Green Card holders, relying on racist assumptions and ignoring their own records.

CDCR's practices are also increasingly out of step with the rest of California and statewide officials' own commitments to their constituents. Many counties across California, including Los Angeles,¹ San Joaquin,² Santa Cruz,³ Humboldt,⁴ San Francisco,⁵ San Mateo,⁶ and Santa Clara,⁷ have already stopped facilitating transfers of people to ICE after they have served their time in jail or

prison. Governor Newsom has recently called on California to “be in the homecoming business,”⁸ and CDCR Secretary Macomber has stated his intentions to “create a space focused on preparing individuals for successful returns to the community.”⁹

CDCR’s practices raise urgent legal and policy questions and implicate the fundamental rights of numerous Californians in CDCR custody, adding further to the agency’s deeply troubling record of medical abuse and neglect, warehousing of people in long-term solitary confinement, racist and antisemitic social media comments,¹⁰ and forced sterilizations, among other concerning practices.

The human costs of CDCR’s collusion with ICE are severe, as revealed in disturbing email records in the report that follows. By proactively offering people up to ICE, CDCR has engineered a two-tiered system of justice that brings trauma to those in their custody

and to their loved ones. The impact of such discriminatory practices is felt widely in California, which is home to the largest immigrant population in the country.¹¹ In 2021, over a quarter of Californians were foreign-born and almost half of the children in the state had at least one immigrant parent.¹²

In 2023, California lawmakers can take immediate action to hold CDCR accountable to the state’s values and laws. AB 1306 authored by Assemblymember Wendy Carrillo, otherwise known as the HOME Act, harmonizes state immigration policy with existing, broadly-supported criminal justice reforms, ensuring immigrant Californians who earn their release from state prison through these measures are not transferred to ICE. The legislation offers a simple fix to one form of CDCR’s discrimination against immigrants and refugees and takes important strides toward enacting equal treatment for all who call California home.

The emails reviewed by the investigative team and described below are communications from August and September 2022. Despite the narrow timeframe of these records, the records we have received paint a disturbing picture. In just the two months the below communications span, CDCR transferred over 200 people from CDCR facilities to ICE custody.

What follows is a description of the practices that CDCR uses to collude with ICE, and examples of discrimination, indiscretion, resource mismanagement, and anti-immigrant behavior by department staff, as revealed in disturbing email records. We conclude with a summary of the harms caused and the need for legislative action.

CDCR'S DEPORTATION PRACTICES: HOLDS AND NOTIFICATION

CDCR has no obligation under state or federal law to cooperate with ICE at all.¹³ Yet, CDCR has concocted a discriminatory and inscrutable classification system to collude with ICE, which begins at intake. While CDCR has released only 2,500 of the roughly 65,000 records related to the ACLU of Northern California's 2022 public records request, the available emails and documents provide new details about a drawn-out dehumanization process that starts early on in the CDCR-to-ICE pipeline.

CDCR claims to value rehabilitation, yet their policies ensure that individuals are denied opportunities and their constitutional rights, often based on little more than a CDCR official's perception of where they were born. As a result, CDCR operates a dual system of "justice" by creating two tiers of access to programming: one for those whom CDCR officials believe were born in the United States, and a second, more difficult tier for immigrants and those whom CDCR officials perceive to be immigrants.

Potential Holds: CDCR's Invented and Formalized Discrimination Tactic

At intake, a CDCR official's mere assumption that someone may be foreign-born triggers an internal CDCR designation called a "Potential Hold." A Potential Hold has no meaning in the federal immigration context — it is a label invented entirely by CDCR with no direction from ICE.

Yet, despite its arbitrary nature, individuals designated with CDCR's Potential Holds face serious consequences. Once marked, they are barred from lower security custody placements, certain jobs, reentry programming, and more. CDCR also shares lists of individuals with Potential Holds with ICE, and puts together "ICE packets" of background information and criminal records about those individuals for ICE.

Individuals in custody have almost no recourse once a Potential Hold is placed. They are instructed by CDCR officials to wait until ICE makes a final determination as to whether it wants to arrest them upon their release from CDCR custody. However, because Potential Holds are entirely created by CDCR, ICE has no incentive to investigate individual cases until

close to the date of release when ICE needs to arrange a pickup for transfer. Often, ICE does not begin investigating until 30 days from the individual's release, meaning many people are stuck in limbo without access to basic programming for months, or even years.

Actual Holds: From CDCR to ICE Custody

If ICE decides to investigate a person in CDCR custody and believes them to be subject to deportation, then ICE issues an "Actual Hold," which indicates ICE's intent to assume custody of the person after their release. Under an Actual Hold, people are again barred from rehabilitative programming, certain jobs, and lower security custody placements while in CDCR custody. Restrictions on access to programming based on Potential and Actual Holds and referral to ICE have a substantive, adverse impact on the individual's daily life, health, and morale.

It is worth noting that an investigation by ICE does not constitute absolute proof that an individual is subject to deportation. In fact, the AAAJ-ALC and the ACLU of Northern California settled a lawsuit¹⁴ with ICE just last year for the unlawful arrest and detention of a U.S. citizen. That U.S. citizen had been referred to ICE by CDCR.

THE COST OF COLLUSION: DISCRIMINATION, RESOURCE MISMANAGEMENT, AND BETRAYAL OF CALIFORNIA VALUES

"They may as well take the 'R' out of 'CDCR.'"

— T.R., mother of a U.S. citizen who was subject to a Potential Hold in CDCR custody

CDCR Staff Pursue Unjustified ICE Transfers in Spite of Their Own Records

Among hundreds of emails between CDCR and ICE, numerous records reveal how CDCR staff push people into the ICE detention and deportation pipeline, even when their own records show that person is shielded from deportation or is a U.S. citizen.

In one disquieting instance, a Case Record Technician at Avenal State Prison referred an individual to ICE whose CDCR records and record of arrest and prosecutions both indicated that he was born in California. Unconvinced by CDCR's own records, the Case Record Technician treated the situation as a joke. In an email to ICE agents, the technician asked, "should we put US citizen on a piece of paper fold it up and put it in a hat, and then write on another piece of paper Mexican, fold it up and also throw that in the hat and pick one."

CDCR Staff Flag People for ICE Based on Racist Assumptions — and ICE Itself Questions CDCR Practices

CDCR facilities also regularly send lists to ICE of people they believe may be subject to deportation, even when their records indicate otherwise. In one such instance, a Supervising Case Records Technician at California Correctional Center sent an "ICE List" to ICE in which 12 of the individuals had their place of birth listed as the United States.

CDCR provides no reason why it makes these referrals. While names in this document have been

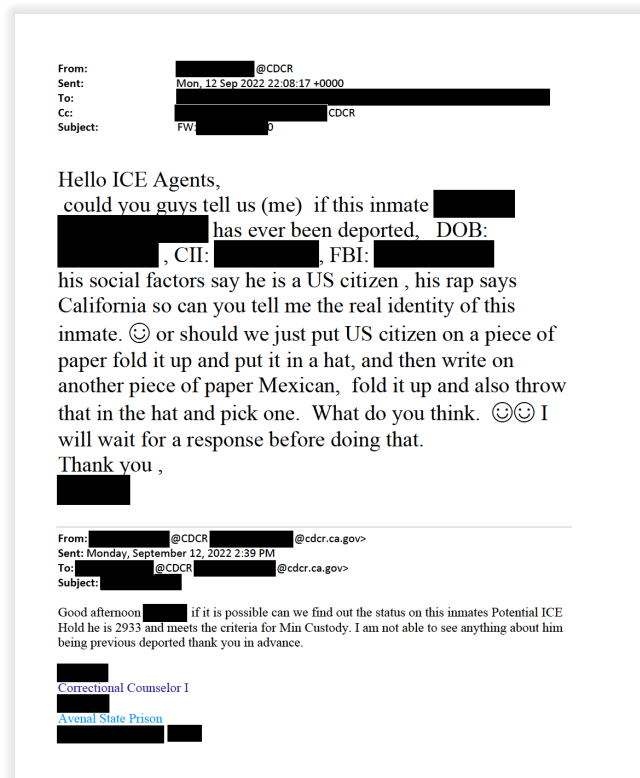


Figure 1. Email Exchange Between CDCR Staff at Avenal State Prison and ICE Officers. In August and September 2022, Avenal State Prison transferred 29 people to ICE.

Source: CDCR, as provided to the ACLU of Northern California

redacted to protect the privacy of the individuals referred, the ACLU of Northern California has reviewed an unredacted list, which revealed that **most people whose place of birth is listed as United States that are nonetheless referred to ICE have non-Anglo-Saxon names.**

Another email, sent by a Correctional Case Records Supervisor to ICE ten days before an individual was scheduled to be released, illustrates that CDCR staff

members question people’s citizenship based on how well they speak English. The supervisor wrote: “...his RAP sheet indicates he was born in California. He was not; he was born in Mexico.” When the ICE Officer asked why she believed the individual is not a citizen,

From:

@CDCR

Sent:

Thu, 18 Aug 2022 16:22:41 +0000

To:

@ice.dhs.gov

Cc:

@ice.dhs.gov

Subject:

ICE LIST

Attachments:

ICE LIST 8-16-2022.xlsx

Good morning

Attached is the POTENTIAL/ICE list

Have a great day ☺

Supervising Case Records Technician

Records Department

@cdc.ca.gov

I 220 DAYS OUT	
POB	NOTES
UNITED STATES	
PAPUA NEW GUINEA	
UNITED STATES	
UNKNOWN	
MEXICO	
UNITED STATES	
MEXICO	
UNITED STATES	
UNKNOWN	
UNITED STATES	
MEXICO	
MEXICO	
MEXICO	
UNKNOWN	
MEXICO	
MEXICO	
UNITED STATES	
UNKNOWN	
UNKNOWN	
UNKNOWN	
LAOS	
MEXICO	
UNITED STATES	
MEXICO	
UNITED STATES	
CHILE	
UNITED STATES	
VIETNAM	
MEXICO	
UNKNOWN	
UNKNOWN	
MEXICO	
PHILIPPINES	
UNKNOWN	
UNITED STATES	
UNITED STATES	
UNITED STATES	
MEXICO	
UNKNOWN	
MEXICO	
MEXICO	

the Case Records Supervisor said, “I was tipped off while reviewing his parole audit, as the PSA’s [Parole Service Associate] indicated on his parole conditions that he doesn’t speak English.” See Appendix A.

Throughout the hundreds of emails reviewed, ICE regularly sends back Detainer Summary forms (Form CDC 850 A) to CDCR indicating that the individual referred by CDCR cannot be deported. See Appendix B.

In one email, even an ICE Officer was perplexed by CDCR’s aggressive and unnecessary referral of an individual, stating: “Not sure why he was flagged since his rap sheet has him being born in California and no other country.”

From:

Sent:

Mon, 8 Aug 2022 21:50:38 +0000

To:

@CDCR

Subject:

RE:

CAUTION: This email originated from outside of CDCR/CHCS. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Good afternoon,

This Subject is a U.S citizen by birth. Not sure why he was flagged since his rap sheet has him as being born in California and no other country.

Deportation Officer

U.S. Department of Homeland Security

Immigration and Customs Enforcement



U.S. Immigration and Customs Enforcement

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From:

@CDCR

Sent:

Monday, August 8, 2022 8:31 AM

To:

Subject:

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Good Morning Mr. ,

I'm Requesting deportation information on inmate:

- SID:
- FBI:
- Social sec. #
- CDCR:

This inmate has a potential ICE detainer in our system. Can you assist us to see if he has been "Previously deported" , and This inmates states that he Is a "Naturalized U.S. Citizen?"

Thank you for your assistance in this matter.

Respectfully,
Correctional Counselor I

Figure 2. (left) Email from a CDCR Supervising Case Records Technician at California Correctional Center to ICE. In August and September 2022, California Correctional Center transferred four people to ICE.

Figure 3. (above) Email Exchange Between a CDCR Correctional Counselor and an ICE Deportation Officer.

Sources: CDCR, as provided to the ACLU of Northern California

CDCR'S OVERZEALOUS DRIVE TO DEPORT CALIFORNIANS

Without prompting from ICE, CDCR will ask the federal agency if they would like to place a hold on an individual. If ICE does not respond, CDCR staff will repeatedly follow up with ICE. In one email exchange over the course of 10 days, a CDCR Case Records Technician sent at least three emails urging ICE to detain an individual before their release date. See Appendix C. Furthermore, CDCR will often detain an individual beyond their release date to provide ICE additional time to detain that person. See Appendix D.

Records reveal that CDCR will also warn ICE if someone is eligible for resentencing and that their release date may change. See Appendix E. In other instances, CDCR will work quickly to update ICE and arrange an interview if an individual's parole date changes, even if the new parole date is in the past. See Appendix F.

In another instance, an individual's sentence was recalculated, and he was "overdue to be released." Instead of releasing this individual, CDCR swiftly contacted ICE to arrange a weekend pickup. See Appendix G.

Email records also show how CDCR expends significant staff time and state resources to push people into ICE detention and deportation.

- Some facilities have staff designated to the "ICE Desk," whose entire job is to facilitate the referral, detention, and deportation of state residents in CDCR custody.
- In one situation, when ICE emailed that they required a medical summary and negative COVID-19 test, CDCR copied an additional 14 CDCR staff members to address the request. See Appendix G.
- When referring individuals, CDCR staff also frequently put together "ICE packets," which require staff to pull together various documents in files that regularly run upwards of 30 pages. Despite the labor required to pull together so many files and documents, CDCR consistently creates and sends ICE packets for individuals that their own records indicate cannot be deported.

For most people in CDCR custody, resentencing or a parole date moving up is cause for celebration, bringing them closer to reunification with their loved ones. However, for people who are born outside the U.S. and for those whom CDCR staff perceive to be born outside the U.S., these moments are only an acceleration of the agency's quest to facilitate their transfers to ICE.

From: [REDACTED]@CDCR
Sent: Sun, 4 Sep 2022 20:11:33 +0000
To: [REDACTED]
Cc: [REDACTED]@CDCR
Subject: [REDACTED] - POB CA - CAN YOU CONFIRM CITIZENSHIP FOR ME PLEASE

This inmate has a potential ICE detainer, that may be a mistake and I was hoping you could confirm this inmates citizenship. His CII show his place of Birth as CA and he said he was born in Los Angeles. The Live Agency Scan shows that he is a US Citizen. Can you confirm that the is a citizen please so I can clear this up. There were some identifiers that showed MX Citizenship, but I am thinking this is a mistake. Please let me know if his citizenship can be confirmed.

Inmate Name: [REDACTED]
CDCR #: [REDACTED]
CII: [REDACTED]
SS#: [REDACTED]
FBI: [REDACTED]
DOB: [REDACTED]

Figure 4. A CDCR official asks ICE for permission to clear CDCR's Potential Hold, even though all CDCR documentation indicates that the individual is a U.S. citizen.

Source: CDCR, as provided to the ACLU of Northern California

CDCR Gives ICE Power Over Decisions Within CDCR's Scope of Authority

In other instances, CDCR abdicates its own responsibilities despite being the state agency charged with managing corrections and rehabilitation. In one email, a Case Records Technician asked ICE for a Detainer Summary on an individual due to be released the next day because the CDCR Classification & Parole Representative “will not sign off parole unless the 850A is in [their] hands.” See Appendix H. CDCR therefore allows ICE to be the ultimate arbiter on parole decisions, which fall squarely within CDCR's core departmental duties.

Furthermore, although Potential Holds are entirely a CDCR creation, CDCR staff wait for ICE's authorization to clear such holds, even when all evidence indicates that the individual is not deportable.

While CDCR is largely exempt from much of California's pro-immigrant legislation, Government Code section 7284.10 explicitly circumscribes CDCR's collaboration with ICE. Section 7284.10(a)(1)¹⁵ requires CDCR to obtain written, informed consent from individuals in custody before scheduling an interview with ICE and emphasizes that such interviews are completely voluntary. However, communications between CDCR and ICE reveal that even when an individual declines an ICE interview, CDCR will still ask ICE if they want to conduct an interview. See Appendix I.

CONCLUSION

CDCR acts with impunity to help ICE detain community members who have been ordered released by a court, or otherwise gained the right to return to their communities. The records received thus far make clear that this is not the case of a single bad actor or even a single problematic facility: CDCR systematically discriminates against actual and perceived immigrants. The enormous amount of staff time and state resources CDCR uses to maintain these dual systems of incarceration sends a clear message to all Californians: **CDCR believes immigrants to be less deserving of opportunities for rehabilitation and a safe return to their families.**

The racial biases that pervade the criminal legal system are well documented. The policies and practices described above make clear that CDCR only doubles down on perpetuating harm to racial and ethnic minorities by facilitating a system of double punishment for those who do not seem “American enough” to CDCR officials. These discriminatory assumptions have permanent consequences for thousands of Californians, whose families are ripped apart by immigration detention and deportation.

Without addressing the exemptions for CDCR in California’s pro-immigrant legislation, our largest state agency will continue to spread terror and harm throughout local communities.



RECOMMENDATION

The passage of laws like the TRUST, TRUTH, and Values Acts have affirmed California's values of equality, fairness, and justice and taken steps to enact due process protections for everyone. In the last several years, these laws have helped counties across the state disentangle from ICE and provide assurance that local resources will not be used to double punish community members because of where they were born.

However, homecoming for thousands of immigrants and refugees who have completed their sentences, had charges dropped, or earned parole remains elusive as long as CDCR continues its unconstitutional and discriminatory practices and voluntarily chooses to push Californians into ICE detention. The California Legislature has the power to enact and implement legislation to protect our immigrant communities and their loved ones.

The California Legislature

To hold CDCR accountable to California's values and laws, the state legislature should pass AB 1306, authored by Assemblymember Wendy Carrillo. Otherwise known as the HOME Act (Harmonizing Our Measures for Equality), the bill aligns state immigration policy with broadly-supported, existing criminal justice reforms that have already been enacted into law. These laws are reducing mass incarceration and addressing racism in our legal systems.

Through AB 1306 community members who have earned release under these existing reforms would be able to return back home, reunite with their families, and rebuild their lives.

APPENDICES

Appendix A — CDCR Relies on Discriminatory Assumptions About U.S. Citizenship.

In these emails, a Correctional Case Records Supervisor at San Quentin State Prison referred an individual to ICE ten days before his release date, even though his file said he was a U.S. citizen. The supervisor became suspicious of his claim to citizenship when they learned that he did not speak English. In August and September 2022, San Quentin State Prison transferred seven people to ICE.

From: [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>
Sent: Tuesday, August 16, 2022 1:19 PM
To: [REDACTED]@ice.dhs.gov>
Cc: [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>; [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>; [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>; [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>
Subject: [REDACTED]

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His Probation Officer's Report, as well as the information collected by the counselors when first received in prison, all state he was born in Mexico. I was tipped off while reviewing his parole audit, as the PSA's indicated on his parole conditions that he doesn't speak English.

[REDACTED] you're the in-office back-up. Would you please print out the docs ICE is requesting below and forward them?

[REDACTED]
Correctional Case Records Supervisor
San Quentin State Prison, Main Records
[REDACTED]
[REDACTED]@cdcr.ca.gov

From: [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>
Sent: Tuesday, August 16, 2022 12:43 PM
To: [REDACTED]@ice.dhs.gov>
Cc: [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>
Subject: [REDACTED]

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We have not done an ICE referral on the above inmate, scheduled to parole on 8/27/22, because his RAP sheet indicates he was born in California. He was not; he was born in Mexico. What do you need from us to start a review?

[REDACTED]
Correctional Case Records Supervisor
San Quentin State Prison, Main Records
[REDACTED]
[REDACTED]@cdcr.ca.gov

From: [REDACTED]@ice.dhs.gov>
Sent: Tuesday, August 16, 2022 1:11 PM
To: [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>; [REDACTED]@ice.dhs.gov>
Cc: [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>
Subject: RE: [REDACTED]

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Hi [REDACTED]

This will be very difficult to push through this late in the game as I'm trying to meet a few other deadlines from SQ and PB but I will certainly take a look. I'll be back in the office tomorrow. May I ask what leads you to believe he was born in Mexico? In the meantime, if we could take a look at **certified AOJ, complaint, POR**. In addition, **social factors, and RPS**, no need for cert. Thanks.

[REDACTED]
Deportation Officer
Department of Homeland Security
Immigration and Customs Enforcement
Criminal Alien Program-State Prisons
San Francisco, CA Field Office
[REDACTED]@ice.dhs.gov



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Appendix B — CDCR Refers People Who Their Own Records Indicate Are U.S. Citizens.

These communications, between a Case Record Technician at Calipatria State Prison and ICE, provide an example of CDCR's overzealous and arbitrary ICE collaboration practices. This referral expended state official time, and therefore taxpayer money, only to have ICE confirm what CDCR's own records already indicated: that the individual was not deportable. In August and September 2022, Calipatria State Prison transferred three people to ICE.

STATE OF CALIFORNIA DETAINER SUMMARY - UNITED STATES IMMIGRATION CUSTOMS ENFORCEMENT SERVICE (USICE) CDC 850 A (4/15/96) WR-850A (4/15/96) CRIMINAL ALIEN		DEPARTMENT OF CORRECTIONS	
A. DETAINER INFORMATION		<input checked="" type="checkbox"/> Initial <input type="checkbox"/> Update	
A# None		NATIONALITY	USC
B. INTERVIEW OF CRIMINAL ALIEN			
Date of Action	<input checked="" type="checkbox"/> USICE interview / determination conducted on this date:	Person Taking Action	
08/03/2022			
Date of Action	<input type="checkbox"/> Inmate did not appear for USICE interview	Person Taking Action	
Date of Action	<input type="checkbox"/> Reschedule Inmate for another interview	Person Taking Action	
C. DETAINER DETERMINATION			
Date of Action	USICE detainer placed on Inmate.	Person Taking Action	
Date of Action	<input checked="" type="checkbox"/> NOT DEPORTABLE. No detainer will be placed on inmate:	Person Taking Action	
08/03/2022			
Date of Action	<input type="checkbox"/> DEPORTABLE. USICE detainer will be placed 60 to 90 days. If a detainer has not been received within 60 days, contact USICE agent/office shown below.	Person Taking Action	
Date of Action	<input type="checkbox"/> UNDER INVESTIGATION. If a detainer has not been received 60-90 days prior to the Inmate's release date, contact the local ICE Office.	Person Taking Action	
D. STATUS DETERMINATION			
THE INMATE'S CURRENT IMMIGRATION STATUS IS:			
<input type="checkbox"/> Permanent Resident	<input type="checkbox"/> Illegal Entry Without Inspection	<input type="checkbox"/> Refugee	
<input type="checkbox"/> Temporary Resident	<input type="checkbox"/> Non-Immigrant	<input type="checkbox"/> Mariel Cuban	
<input type="checkbox"/> Conditional Resident	<input type="checkbox"/> Non-Immigrant Over-Stay	<input type="checkbox"/> Other:	
<input type="checkbox"/> Parolee - USINS	<input checked="" type="checkbox"/> U.S. Citizen (Derived/Naturalized)		
DEPORTABILITY GROUNDS:			
<input type="checkbox"/> Aggravated Felon	<input type="checkbox"/> Drug Possession	<input type="checkbox"/> Deportable, but Not Under Federal Criminal Statute	
<input type="checkbox"/> 1 CIMT Within 5 Years of Entry	<input type="checkbox"/> Firearm Violation	<input type="checkbox"/> Other:	
<input type="checkbox"/> 2 or more CIMT'S			
PRIOR REPORT:		<input type="checkbox"/> YES <input type="checkbox"/> NO	
E. USICE POINT OF CONTACT			
AGENT (Print Full Name)	BRANCH/OFFICE	TELEPHONE #	
	DHS/ICE/ERO		
F. USICE DETAINER REMOVAL			
REMOVED BY: ICE Employee (Print Full Name)	BRANCH/OFFICE	TELEPHONE #	
	DHS/ICE/ERO		
G. RELEASE TO USICE DETAINER			
DATE & TIME OF ACTION		PERSON TAKING ACTION	
On 08/03/2022, ICE will not be placing a I-247 hold on		CDC#	
CDCR#	CDC NAME	INSTITUTION	
		Calipatria State Prison	

From: [REDACTED]
Sent: Wed, 3 Aug 2022 17:48:12 +0000
To: CDCR INSTITUTIONS CAL HWD Requests; [REDACTED] @CDCR
Cc: [REDACTED]
Subject: 850/E [REDACTED] CDC# [REDACTED]
Attachments: 2022_08_03_10_45_10.pdf

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Hi [REDACTED],

Here is the 850 form no I247 Hold will not be place on inmate [REDACTED] CDC# [REDACTED]

[REDACTED]

From: [REDACTED] @CDCR <[REDACTED]@cdcr.ca.gov>
Sent: Wednesday, August 3, 2022 9:45 AM
To: [REDACTED]
Subject: [REDACTED]

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please use the Cofense Report Phishing button to report. If the button is not present, click here and follow instructions.

Good Morning [REDACTED]
08/03/2022

Request status for the following Inmate, Charge [REDACTED]
Parole 08/08/2022

Race: Hispanic
Ethnicity: Hispanic
DOB: [REDACTED]
Birthplace - City: [REDACTED]
Height: [REDACTED]
Hair: Brown
SID: [REDACTED]
DL: [REDACTED]
Citizenship: Native Born
Age: [REDACTED]
State: California
Weight: [REDACTED]
Eyes: Brown
FBI: [REDACTED]

Appendix C — CDCR Proactively Follows Up With ICE and Warns Them of Upcoming Release Dates.

These emails from a Case Records Technician at Sierra Conservation Center show that CDCR repeatedly follows up with ICE to ask if they would like to place a detainer on an individual with increasing frequency until their release date. In August and September 2022, Sierra Conservation Center transferred six people to ICE.

From: [REDACTED]@CDCR
Sent: Thu, 1 Sep 2022 20:48:02 +0000
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: ICE DETAINER - [REDACTED] - PICK UP ARRANGEMENTS

Hello [REDACTED]

Have you received this fella's file yet? Do you want to pick him up?

Thank you.

[REDACTED]
Case Records Technician
CDCR, Sierra Conservation Center
5100 O'Byrnes Ferry Road
Jamestown, CA 95321
[REDACTED]

From: [REDACTED]
Sent: Thursday, August 25, 2022 12:46 PM
To: [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>
Cc: [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>
Subject: RE: ICE DETAINER - [REDACTED] - PICK UP ARRANGEMENTS

CAUTION: This email originated from outside of CDCR/CHCS. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Waiting for this guys file to see if he isn't a citizen.

I'll be off for 2 weeks and my homie [REDACTED] me I'll be filling in for me

[REDACTED]
Deportation Officer
Stockton Sub Office
[REDACTED]

From: [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>

Date: Thursday, Aug 25, 2022, 12:34 PM
To: [REDACTED]
Cc: [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>
Subject: FW: ICE DETAINER - [REDACTED] - PICK UP ARRANGEMENTS

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please use the Cofense Report Phishing button to report. If the button is not present, click [here](#) and follow instructions.

HEY THERE [REDACTED]

Did you forget about me? ☺

Want this fella?

[REDACTED]
Case Records Technician
CDCR, Sierra Conservation Center
5100 O'Byrnes Ferry Road
Jamestown, CA 95321
[REDACTED]

From: [REDACTED]@CDCR
Sent: Monday, August 22, 2022 12:40 PM
To: [REDACTED]
Subject: ICE DETAINER - [REDACTED] - PICK UP ARRANGEMENTS

Hello [REDACTED]

I have another ICE pickup for you...

[REDACTED]

This email from a Correctional Case Records Administrator to ICE reveals that CDCR will hold individuals that are “overdue to be released” to determine whether they are wanted by ICE.

[REDACTED] CCRA
 1170 (d) Unit
 [REDACTED]
 [REDACTED]@cdcr.ca.gov
 [REDACTED]@CDCR.CA.GOV

This email from a Case Records Technician to ICE reveals that CDCR will inform ICE of an individual's possible resentencing to ensure that they are transferred to ICE. It includes over a dozen CDCR staff members. In August and September 2022, Valley State Prison transferred six people to ICE.

Case Records Technician
Valley State Prison
P.O. Box 99
21633 Ave 24
Chowchilla, CA 93610-0099
Phone: [REDACTED]
[REDACTED]@cdcr.ca.gov

Appendix F — CDCR Works Quickly to Inform ICE of Updated Parole Dates, Even When the Parole Date Has Passed.

This email from a Correctional Case Records Supervisor to CDCR staff reveals that CDCR works quickly to inform ICE of updated parole dates, even when the parole date has passed. In August and September 2022, High Desert State Prison transferred one person to ICE.

From: [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>
Sent: Wednesday, September 14, 2022 3:00 PM
To: [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>
Cc: [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>; [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>; [REDACTED]@CDCR [REDACTED]@cdcr.ca.gov>
Subject: [REDACTED]

Good Afternoon [REDACTED]

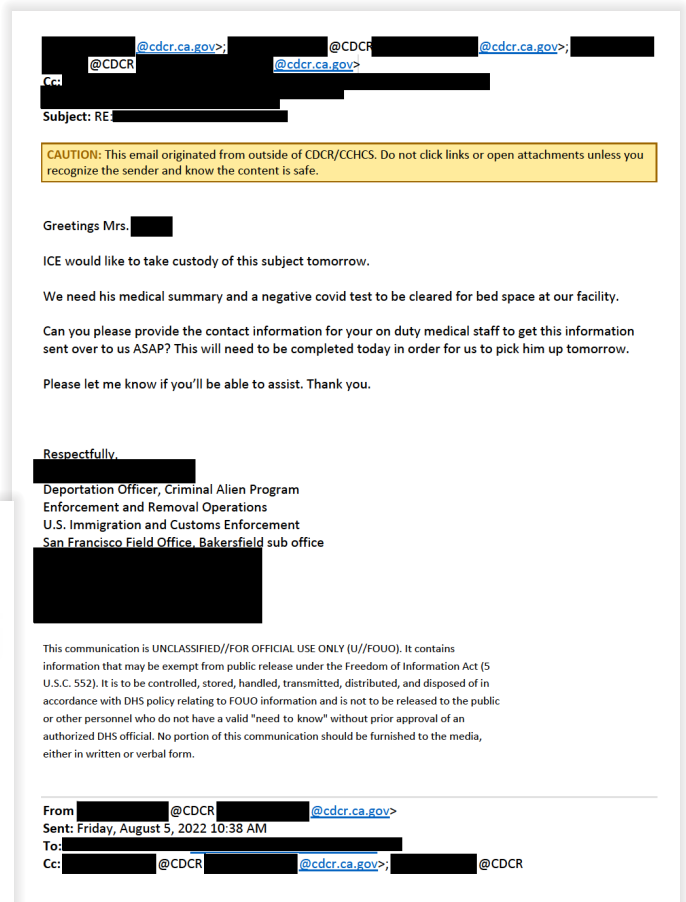
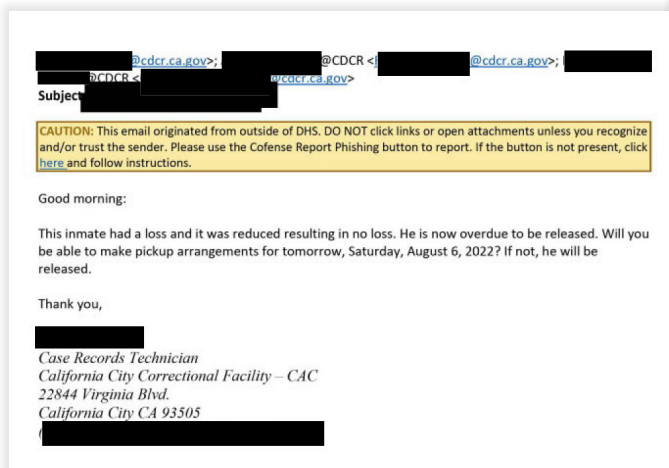
The above inmate received amended court documents and his date is now in the past, you won't see that yet as we need to get him interviewed by ICE in a hurry as we are hoping to release him next week on 09/20/2022. Could you please advise ICE agent of his imminent release date?

Thank You,

[REDACTED]
Correctional Case Records Supervisor
High Desert State Prison
P.O. Box 750
Susanville, CA 96127-0750
[REDACTED]

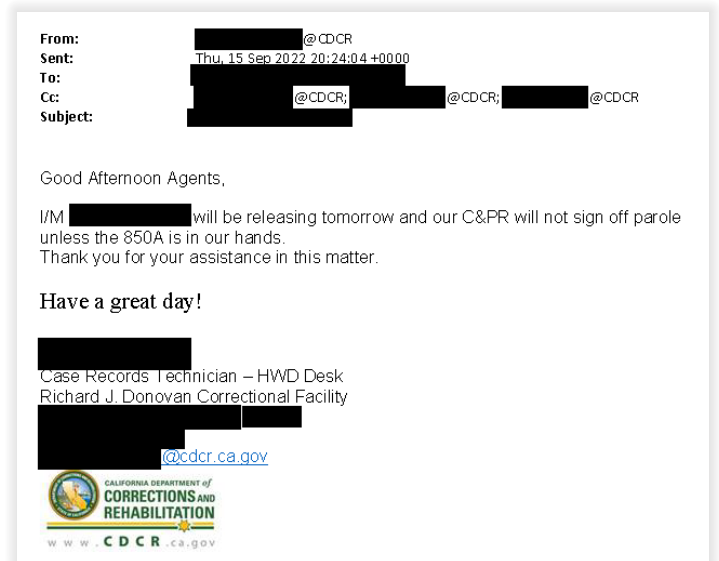
Appendix G — Even When an Individual is “Overdue to Be Released,” CDCR Devotes Significant Staff Resources to Notify ICE and Facilitate Transfer.

These emails between Correctional Case Records staff at California City Correctional Facility and ICE reveal that even when an individual is overdue to be released, CDCR will prioritize substantial staff resources to facilitate transfer to ICE. In August and September 2022, California City Correctional Facility transferred twenty people to ICE.



Appendix H — CDCR Abdicates Authority Over Corrections and Rehabilitation Decisions to ICE.

This email from a Case Records Technician at the Richard J. Donovan Correctional Facility shows that CDCR waits for authorization from ICE to sign off on parole for individuals they suspect of being foreign-born. In August and September 2022, the Richard J. Donovan Correctional Facility transferred three people to ICE.



Appendix I — CDCR Violates the Law to Collude With ICE.

This email, from a Case Records Technician at Chuckwalla Valley State Prison to an ICE Officer, shows that CDCR officials will ignore an individual's refusal to speak with ICE and attempt to schedule an interview in violation of Government Code Section 7284.10(a)(1).¹⁷ In August and September 2022, Chuckwalla Valley State Prison transferred nine people to ICE.

From: [REDACTED]@CDCR
Sent: Tue, 30 Aug 2022 20:09:19 +0000
To: [REDACTED]
Subject: 2003 form
Attachments: [Untitled].pdf

Forwarding 2003 form on inmate [REDACTED] -CDC# [REDACTED] he decline to an ICE Interview, do you still want to set an interview for him .

Thank You
[REDACTED]
Case Records Technician
Holds/Warrants/Detainers Desk (HWD)
Chuckwalla Valley State Prison
[REDACTED]
[REDACTED]@cdcr.ca.gov

ENDNOTES

- 1 *LA County to End Transfers to ICE without a Judicial Warrant*, LOS ANGELES COUNTY SUPERVISOR HILDA L. SOLIS (Sept. 1, 2020), available at: <https://hildalsolis.org/la-county-to-end-transfers-to-ice-without-a-judicial-warrant/>.
- 2 *Enforcement and Removal Operations: Weekly Declined Detainer Outcome Report*, U.S. IMIGRM. & CUSTOMS ENFT 16 (Feb. 2017), available at: https://www.ice.gov/doclib/ddor/ddor2017_02-11to02-17.pdf.
- 3 Tracey Kaplan, *ICE holds vary from county to county*, SANTA CRUZ SENTINEL (Sept. 11, 2018), available at: <https://www.santacruzsentinel.com/2015/08/29/ice-holds-vary-from-county-to-county/>.
- 4 *Humboldt County Sanctuary Ordinance*, HUMBOLDT COUNTY (Dec. 14, 2018), available at: <https://humboldt.gov/DocumentCenter/View/86786/Measure-K-Ordinance-Memo-and-Acknowledgment>.
- 5 *Sanctuary City Ordinance*, CITY AND COUNTY OF SAN FRANCISCO (updated July 19, 2022), available at: <https://sf.gov/information/sanctuary-city-ordinance>.
- 6 LaMonica Peters, *New San Mateo County ordinance says funds can't be used to help ICE detain people*, KTVU FOX 2 (Apr. 26, 2023), available at: <https://www.ktvu.com/news/san-mateo-county-passes-ordinance-funds-cant-be-used-to-help-ice-detain-people>.
- 7 *Creating Safe Communities for Immigrants: Santa Clara County, CA*, DARE TO REIMAGINE (updated Jan. 19, 2021), available at: <https://www.daretoreimagine.org/case-studies/santa-clara-county-sanctuary-protections>.
- 8 Dustin Gardiner, *San Quentin prisoners elated by plans to transform the facility*, SAN FRANCISCO CHRONICLE (Mar. 18, 2023), available at: <https://www.sfchronicle.com/politics/article/san-quentin-prisoners-react-newsom-plan-17846164.php>.
- 9 *A message from CDCR Secretary Jeff Macomber*, CAL. DEP'T OF CORR. AND REHAB. (Apr. 7, 2023), available at: <https://www.cdcr.ca.gov/insidecdcr/2023/04/07/the-california-model-will-transform-corrections/>.
- 10 Sukey Lewis, *Documents Show How California Dept. of Corrections Handles Racism Among Officers*, KQED (Mar. 16, 2022), available at: <https://www.kqed.org/news/11908340/documents-show-how-california-dept-of-corrections-handles-racism-among-officers>.
- 11 Nicole Ward & Jeanne Batalova, *Frequently Requested Statistics on Immigrants and Immigration in the United States*, MIGRATION POLY INST. (Mar. 14, 2023), available at: <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>.
- 12 Cesar Alesi Perez, Marisol Cuellar Mejia, & Hans Johnson, *Fact Sheet: Immigrants in California*, PUB. POLY INST. OF CAL. (Jan. 2023), available at: <https://www.pplic.org/wp-content/uploads/jtf-immigrants-in-california.pdf>.
- 13 CDCR may argue that Penal Code § 5025 or § 5026 creates such an obligation. However, Penal Code § 5025 was amended in September 1994 by S.B. 1878 to “delete the requirement that [CDCR] refer to the INS the name and location of any inmate who may be an undocumented [person] and who may be subject to deportation” Meanwhile, Penal Code § 5026 creates obligations on CDCR if and only if CDCR chooses to host immigration court hearings at CDCR facilities through the federal Institutional Hearing Program (IHP). CDCR does not currently participate in IHP.

- 14 *Civil Rights Groups Sue ICE for Unlawful Arrest and Detention of U.S. Citizen*, ACLU OF NORTHERN CAL. (Nov. 22, 2021), available at: <https://www.aclunc.org/news/civil-rights-groups-sue-ice-unlawful-arrest-and-detention-us-citizen>.
- 15 Cal. Gov't Code §7284.10(a) reads, in relevant part: "(a) The Department of Corrections and Rehabilitation shall: (1) In advance of any interview between the United States Immigration and Customs Enforcement (ICE) and an individual in department custody regarding civil immigration violations, provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean."
- 16 INS refers to the U.S. Immigration and Naturalization Service, which in 2002 was split into ICE, Customs and Border Patrol, and U.S. Citizenship and Immigration Services. Several CDCR regulations and staff continue to use "INS" to refer to ICE.
- 17 See *supra* note 15.

From: [REDACTED] @CDCR [REDACTED] @cdcr.ca.gov>
Sent: Wednesday, September 14, 2022 3:00 PM
To: [REDACTED] @CDCR [REDACTED] @cdcr.ca.gov>
Cc: [REDACTED] @CDCR [REDACTED] @cdcr.ca.gov>; [REDACTED] @CDCR [REDACTED] @cdcr.ca.gov>
Subject: [REDACTED]

Good Afternoon [REDACTED]

The above inmate received amended court documents and his date is now in the past, you won't see that yet as we need to get him interviewed by ICE in a hurry as we are hoping to release him next week on 09/20/2022. Could you please advise ICE agent of his imminent release date?

Thank You,

[REDACTED]
Correctional Case Records Supervisor
High Desert State Prison
P.O. Box 750
Susanville, CA 96127-0750
[REDACTED]

From: [REDACTED] @CDCR
Sent: Mon, 12 Sep 2022 22:08:17 +0000
To: [REDACTED] CDCR
Cc: [REDACTED]
Subject: FW: [REDACTED]

Hello ICE Agents,
could you guys tell us (me) if this inmate [REDACTED]
[REDACTED] has ever been deported, DOB: [REDACTED]
[REDACTED], CII: [REDACTED], FBI: [REDACTED]
his social factors say he is a US citizen, his rap says
California so can you tell me the real identity of this
inmate. ☺ or should we just put US citizen on a piece of
paper fold it up and put it in a hat, and then write on
another piece of paper Mexican, fold it up and also throw
that in the hat and pick one. What do you think. ☺☺ I
will wait for a response before doing that.

Thank you ,
[REDACTED]

From: [REDACTED] @CDCR [REDACTED] @cdcr.ca.gov>
Sent: Monday, September 12, 2022 2:39 PM
To: [REDACTED] @CDCR [REDACTED] @cdcr.ca.gov>
Subject: [REDACTED]



From: [REDACTED]
Sent: Tuesday, August 16, 2022 1:11 PM
To: [REDACTED] @CDCR [REDACTED] @ice.dhs.gov>
Cc: [REDACTED] @CDCR [REDACTED]
Subject: RE: [REDACTED]

CAUTION: This email originated from outside
recognize the sender and know the content is

Hi [REDACTED]

This will be very difficult to push through this
deadlines from SQ and PB but I will certainly try
what leads you to believe he was born in Mexico
AOJ, complaint, POR. In addition, social factors,

[REDACTED]
Deportation Officer
Department of Homeland Security
Immigration and Customs Enforcement
Criminal Alien Program-State Prisons
San Francisco, CA Field Office
[REDACTED] @ice.dhs.gov



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