



# Collusion in California's Central Valley:

The Case for Ending Sheriff Entanglement with ICE



**ACLU**

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Northern  
California

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# Executive Summary

Over the past decade, the California Legislature enacted a trio of critical laws intended to protect people from collusion between state and local law enforcement agencies and agencies engaged in immigration enforcement. Certain sheriffs and local law enforcement agencies, however, have circumvented these laws and undermined the protections envisioned for California immigrants — at times in consultation with U.S. Immigration and Customs Enforcement (ICE). As a result of these unlawful practices, sheriffs facilitate the reincarceration of noncitizen community members, whom ICE then forces to sit in prison-like detention awaiting trial, often without counsel. Collaboration between sheriffs and ICE are particularly destructive to the communities of the Central Valley: an expansive rural region with a large immigrant population, high poverty levels, and a dearth of legal services providers.

This report exposes the different tactics used by Central Valley sheriffs to divert their resources to immigration enforcement and funnel noncitizen community members into the hands of immigration enforcement authorities. This report also reveals new details about the mechanisms developed by Central Valley sheriffs and law enforcement agencies in close partnership with ICE to evade pro-immigrant state laws. Notably, the practice of funneling people in Central Valley communities to ICE custody has continued

even during the COVID-19 pandemic, which threatens particularly dangerous results in the congregate settings of ICE detention centers, which have been plagued by outbreaks.

A two-year bill that was introduced in 2021 (AB 937, VISION Act), if enacted, would strengthen prohibitions on entanglement between state and local law enforcement agencies and ICE.<sup>1</sup> This report demonstrates the need for such a bill: to sever sheriff entanglement with immigration enforcement and better protect all California residents.



## KEY FINDINGS

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Over a quarter of all the ICE arrests in the Central Valley from October 2014 through May 2018 took place in local jails.

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After the passage of the Values Act, ICE and Central Valley sheriffs worked closely to develop new mechanisms to enable ICE to readily arrest people inside local jails.

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The ACLU of Northern California estimates that the total number of people transferred to ICE custody since the enactment of the Values Act is nearly three times higher than what sheriffs in the region have officially reported.

## TOP RECOMMENDATIONS

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The Governor and Legislature should enact laws like the VISION Act that clearly prohibit all state and local law enforcement agencies from transferring people in their custody to ICE.

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In order to properly and equitably implement laws like the TRUTH Act, the Values Act, or VISION Act, the Governor and Legislature should ensure that individuals have an opportunity to enforce their rights through legal action.

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The California Attorney General's Office must monitor and ensure the full implementation of laws like the Values Act by investigating inaccurate reporting and instances of violations.

# Introduction

Erika was a resident of the Central Valley, where she worked in the citrus and almond fields to support her three daughters. She had been the primary provider for her family since kidnappers killed her husband in Mexico after he traveled there from the United States to visit his ailing father.

In 2019, while working at a farm in Kern County, Erika was falsely accused of stealing a bag of fruit. The farm owner called the police, who arrested and jailed Erika. Kern County Sheriff deputies released her from their custody after she paid bail. However, instead of allowing Erika to return home to her daughters, the deputies transferred her to two ICE agents that were waiting inside the jail for her. The ICE agents confined Erika in a detention facility, where she languished for six months.

Stories like Erika’s are not uncommon in the Central Valley, where the racial biases and injustices that pervade the criminal legal system also infect the immigration system with grave consequences. In California, local law enforcement agencies often funnel people who have criminal convictions, or even charges, into the hands of federal immigration enforcement agencies. Unlike the criminal legal system, however, the immigration system does not recognize a right to appointed counsel. The comingling of these two systems results in the double punishment of noncitizens who come into contact with the criminal legal system.

Over the past decade, California enacted critical laws like the TRUST, TRUTH, and Values Acts to protect its immigrant population — the largest in the nation — from collusion between state and local law enforcement agencies and agencies engaged in immigration enforcement. Despite the clear intent of California lawmakers, some local law enforcement agencies in the San Joaquin Central Valley (“Central Valley” or “Valley”) have circumvented these laws and undermined the protections envisioned for California immigrants — at times in consultation with ICE. These circumventions are particularly destructive to the communities of the Valley: an expansive rural region with a large immigrant population, high poverty levels, and a dearth of legal services providers.

The TRUST, TRUTH, and Values Acts did not curb ICE’s interest in conducting enforcement actions in the region. ICE has increasingly relied on and strengthened the criminal-system-to-deportation pipeline in the Central Valley to fuel deportation and populate immigration detention centers in California. Though the TRUST Act went into effect in January 2014, over a quarter

of the ICE arrests that occurred in the Central Valley from October 2014 through May 2018 took place in local jails. And over a third of all deportations since 2001 in the region occurred after the Values Act was enacted in 2017.

While ICE continues to arrest people at local jails after they are transferred by sheriffs, the state laws have reduced the frequency of these transfers. In Kern County, for example, ICE made at least 622 notification requests in 2017 and 638 in 2018, leading to 486 and 374 ICE arrests at the jail each year, respectively. With the onset of the COVID-19 pandemic, transfers slowed even more dramatically: the Kern County Sheriff's Office reportedly transferred 25 people to ICE in 2020. Despite the decline in immigration arrests, the misreporting of transfer information by local law enforcement agencies obscures the actual level of collaboration between sheriffs and ICE.

The **inconsistent implementation** of the Values Act by Central Valley sheriffs has fostered new, opaque versions of harmful entanglement with ICE.

This report examines the impact of the Values Act in the region. The inconsistent implementation of the law by Central Valley sheriffs and the various loopholes have fostered new, opaque versions of harmful entanglement with ICE. Central Valley sheriffs have worked closely with immigration agencies to develop formal and informal mechanisms to facilitate the deportation of community members. Using these mechanisms, local law enforcement agencies transfer people to ICE custody without, in their view, being required to report those transfers as required under the Values Act. One such practice includes the “warm handoff” of people by sheriffs to ICE in a non-public area of a jail on the brink of their release.

Without adequate prohibitions on collusion with local law enforcement agencies, immigration enforcement in the Central Valley will continue to destroy the lives of immigrant community members, spreading fear, separating families, and impairing the financial and emotional stability of Central Valley residents. A number of states have recently enacted laws, or have pending bills, that prohibit state and local law enforcement from assisting immigration enforcement authorities, establishing a bright-line rule that more adequately protects each of their immigrant communities.<sup>2</sup> To eliminate stubborn end-runs on California's commitment to protecting immigrant communities, this report calls for an end to all state and local entanglement with immigration enforcement agencies.

# Data Sources

The analysis conducted in this report pertaining to the entanglement between local law enforcement agencies and ICE is mainly informed by four sources of available data: (1) data kept by Syracuse University’s Transactional Records Access Clearinghouse (TRAC); (2) self-reported data from local law enforcement agencies to the California Attorney General’s Office; (3) data produced by local sheriffs at TRUTH Act forums; and (4) data from local law enforcement agencies obtained through California Public Records Act (PRA) requests.

- 1** The information used in this report from TRAC was obtained through Freedom of Information Act (FOIA) requests to the Department of Homeland Security (DHS). Over the last 15 years, TRAC has gathered, organized, and published massive amounts of immigration enforcement-focused data that it has received from DHS. For the purposes of this report, data on TRAC’s public site pertaining to the relevant counties in this report were reviewed and analyzed. Specific links and data breakdown of the different analyses conducted are included in the endnotes of this report.
- 2** As discussed below, the Values Act (enacted in 2017, effective date of January 1, 2018) requires California law enforcement agencies to report annually the number of times it transfers people into ICE custody, and the basis for those transfers, to the California Attorney General’s Office, using specified forms. The Attorney General’s Office publishes the data from these reports online each year.
- 3** To address issues of transparency, the TRUTH Act (enacted in 2016, effective date of January 1, 2017) requires local governing bodies to hold annual public forums any time their local law enforcement agencies provide ICE access to information or people in their custody. Through the attendance and monitoring of these annual forums, this report references statements and data reported during those public forums. Notably, there is no uniform requirement of what should be provided at these public forums.
- 4** Finally, from 2017 through 2021, the ACLU affiliates of California, along with local and state partners, has made PRA requests to local law enforcement agencies throughout California. This report focuses on records produced by Central Valley local law enforcement agencies in response to those requests. The analysis conducted in this report is primarily based on policies, regulations, memoranda, lists, and forms used by local law enforcement agencies to implement the various state laws; communications between local law enforcement agencies and immigration enforcement agencies; and communications among local law enforcement agencies. Not all local law enforcement agencies adequately responded to all aspects of our requests, and some have withheld information that should have been disclosed in response to our requests.





# The Central Valley is Home to a Diverse Immigrant Community

The Central Valley is a richly diverse region of California. It is home to nearly a million immigrants — lawful permanent residents, naturalized citizens, refugees, recipients of Deferred Action for Childhood Arrivals, and many others — comprising a quarter of the total population in the region.<sup>3</sup> Over half of the immigrants in the Central Valley are noncitizens, and 300,000 people are undocumented.<sup>4</sup> On average, 20% of children under the age of 18 live with at least one undocumented parent and half a million of all the residents in the region with status live with an undocumented family member.<sup>5</sup>

The undocumented community has deep roots in the Central Valley. Nearly three quarters of the undocumented community in the Valley have lived in the United States for over a decade, and about 80,000 of them are homeowners.<sup>6</sup>

The immigrant community consists of our friends, neighbors, and co-workers. Ethnic diversity enriches the entire community and provides people the opportunity to learn from other cultures and traditions. Forty-five percent of Central Valley residents live in a household where a language other than English is spoken.<sup>7</sup> Fresno County ranks as one of the top eight destinations for refugee arrivals in California,<sup>8</sup> a state that is home to the largest Southeast Asian American population.<sup>9</sup> As one illustration, the Hmong immigrant community is so well-established in Fresno that the Hmong New Year is celebrated each year in Fresno County to acknowledge the end of the harvest season. The celebration brings over a hundred thousand residents together and is the largest Hmong-American community event in the United States.<sup>10</sup>

Immigrants also contribute substantially to the Valley's economy and well-being. It is estimated that undocumented immigrants in California pay more than \$3 billion annually in state and

local taxes.<sup>11</sup> One study found that undocumented Mexican immigrants in California collectively held a spending power of over \$22 million.<sup>12</sup> It is estimated that close to 57,000 DACA recipients work in occupations across California at the forefront of the COVID-19 response and that 4,300 are educators that have had to adapt during the pandemic.<sup>13</sup> Over 7,400 DACA recipients reside in the Valley, many of whom actively contribute to the region's local economy.<sup>14</sup>

Yet, the Valley is also one of California's most impoverished regions. Across the state, the median hourly wage for noncitizens is lower than that for both naturalized immigrants and U.S.-born Californians.<sup>15</sup> Fresno County leads the country in agricultural production, followed by the counties of Kern and Tulare.<sup>16</sup> Across the region, noncitizen workers, and in particular undocumented workers, disproportionately occupy agricultural jobs as compared to other types of jobs, which typically pay less.<sup>17</sup> Among the undocumented population in the region, over fifty percent do not speak English "well" or "at all," making low-wage undocumented workers one of the most vulnerable groups to exploitation in the state due to their lack of immigration status and limited English-language proficiency.<sup>18</sup>



Nearly **75%** of the undocumented community in the Valley have lived in the U.S. for over a decade.

# Overview: Federal and Local Immigration Enforcement Trends

Immigration enforcement in the Central Valley has taken different forms over the last several decades. While in prior decades noncitizens were at risk of raids at workplaces and in public spaces, in recent years, federal immigration agencies have shifted to using the criminal legal system to find and arrest the majority of noncitizens who are placed in removal proceedings.<sup>19</sup>

Noncitizens who have criminal convictions — or even mere charges — are often moved into the detention and deportation system by state and local law enforcement agencies. The use of the criminal legal system in this way by federal immigration agencies is deeply problematic. For example, an analysis of the traffic stops conducted in 2016 by the Fresno Police Department show that Black drivers accounted for 15% of officer stops, consisting of twice the share of the total Black population, and were three times more likely to be pulled over than white drivers.<sup>20</sup> The study also found that as police interactions escalate, so do the differences in how people of color are treated, finding that officers searched Black drivers 2.5 times more often than white drivers.<sup>21</sup> This over-policing allows the entrenched and wholly unjust racial biases that pervade the criminal legal system<sup>22</sup> to infect the immigration system. For example, even though only 7% of noncitizens are Black, 20% of people in removal proceedings on criminal grounds are Black immigrants.<sup>23</sup>

Over-policing impacts the immigrant community of color in particular ways. For example, a recent study found that Latinx and Asian immigrants in the region face barriers to health care and experience worse health outcomes partially due to how they experience local law enforcement agencies' and federal immigration authorities' policies and practices when compared to their U.S.-born counterparts in California.<sup>24</sup>

This section reviews the historical and current mechanisms of immigration enforcement in the Central Valley, along with the impact of detention and removal proceedings upon Central Valley residents, many of whom lack access to counsel for immigration purposes.

## Immigration Enforcement Tactics in the Central Valley

Historically, immigration enforcement in the Central Valley under the legacy Immigration and Naturalization Services (INS)<sup>25</sup> took the form of mass raids at the workplace, near bus stops, and even nightclubs, instilling widespread fear in immigrant communities.<sup>26</sup> While these types of raids became less common in the 1990s and 2000s, ICE developed new tactics to find and arrest noncitizens. One

notorious practice is ICE's racial profiling of farmworkers. This tactic became so frequent, reaching new heights during the Trump administration, that it caused workers to stop showing up to work.<sup>27</sup> One way in which ICE agents execute this tactic is by using unmarked cars to follow farmworkers during their drive to work in the fields.

### ICE's racial profiling has led to **tragic results.**

On the morning of March 13, 2018, ICE agents followed a farmworker couple, Santos Hilario Garcia and Marcelina Garcia Profecto, in an unmarked vehicle as the couple dropped off their daughter at school. After the drop-off, the couple headed to work in the fields of Delano. The ICE agents attempted to pull them over, but the couple fled, apparently in fear of being deported and ripped away from their six children. The car chase turned deadly as the couple's car crashed into a pole and they died instantly. By ICE's own account, Mr. Hilario Garcia was not the person they sought, but he matched their target's description.<sup>28</sup> The Delano Police Department requested criminal charges be brought against the ICE agents due to the contradictory statements ICE provided them about the car chase, but the Kern County District Attorney's Office declined to bring charges.<sup>29</sup> ICE's racial profiling led to six children losing their parents and spread fear throughout the Valley. Like many other noncitizen community members, the couple had lived in the United States for over a decade and called this region their home. That same month, ICE arrested at least 26 other farmworkers in the Central Valley, many on their way to work.<sup>30</sup>

Another practice ICE deploys in the Central Valley is the use of “collateral arrests,” which involves the arrest of community members that were not ICE’s intended target. In these situations, ICE agents will find, stop, and arrest the person for whom they are looking. While doing so, ICE agents may question, and then arrest, people who are also together in the same car or in the same place as the person they were intending to arrest. See Appendix A. During ICE’s “Operation Keep Safe II,” the Trump administration sought to punish California for enacting the Values Act, leading ICE to arrest 233 Northern Californians.<sup>31</sup> Previously unpublished ICE data received from a federal lawmaker show that nearly 56% of the people arrested were “collateral arrests” and over 50% of the total people ICE arrested were residents of the Central Valley.

Another such tactic used by ICE is stalking courthouses in the Central Valley to conduct arrests.<sup>32</sup> This tactic consists of ICE arresting community members as they enter, attend, or depart court hearings, where their presence is often required by court orders. In the summer and fall of 2018, the frequent occurrence of ICE courthouse arrests in Fresno and neighboring counties<sup>33</sup> led to a community outcry against ICE and a plea to the California Attorney General’s Office to intervene.<sup>34</sup>

During a 2018 ICE operation, nearly 56% of the people arrested were **“collateral arrests”** and over 50% of the total people ICE arrested were residents of the Central Valley.

The practice of conducting civil arrests in courthouses became illegal in California in 2019 following the passage of Assembly Bill 668, yet ICE has continued to arrest non-citizens in courthouses throughout the Central Valley.<sup>35</sup> See Appendix B. Such a practice not only imposes a chilling effect on people’s ability to access the courts, but it also creates other major problems. Community members who are arrested by ICE before they can attend their criminal court hearing will often be issued a criminal warrant for missing their court hearing. If that person is fortunate to access counsel and be released from immigration detention, they can sometimes be arrested by local law enforcement agencies for the outstanding warrant that they would otherwise not have had if they had been allowed to attend their hearing.

## Javier's Story: Targeted in a Courthouse Arrest

Javier is an agricultural worker who has lived and worked in Fresno County for over a decade. In 2018, he was convicted of domestic violence. In compliance with the terms of his conviction, Javier attended probation appointments and court hearings. In January 2020, as he was about to enter one of his court hearings, two individuals in plain clothes arrested him, causing him to miss the hearing. Javier later learned that they were ICE agents.

He was detained at the Mesa Verde Detention Facility for five months. Because Javier is the primary breadwinner for his family, his loved ones were forced to cope with mounting bills during his detention, as they worked to get him free. A week after his release, the Fresno County Sheriff's Office arrested Javier for missing his court hearing due to the ICE arrest. Javier is now at home with his wife, his three children, and in compliance with his release requirements.

*“When I was detained, my wife would tell me my children could not concentrate in school because I was in ICE detention. They were stressing about me possibly being deported which affected their school studies. They also lost their appetite a lot. My wife struggled a lot to be there for them, and she had to worry about paying the bills. She had to work the night shift during that time. My wife did so much for me; she worked so hard to find community members to write letters for me. She somehow managed to get this done all while working a night shift job.*

*“I waited for two hours outside since my wife was driving from Mendota. It was pretty hot outside but I didn't care. Finally, my wife got there in the evening. My children were also in the car when they came. They were so, so happy to see me and I was so happy to see them. We hugged and we prayed and gave thanks to God for my release.”*

## ICE Entanglement with State and Local Law Enforcement Agencies in California

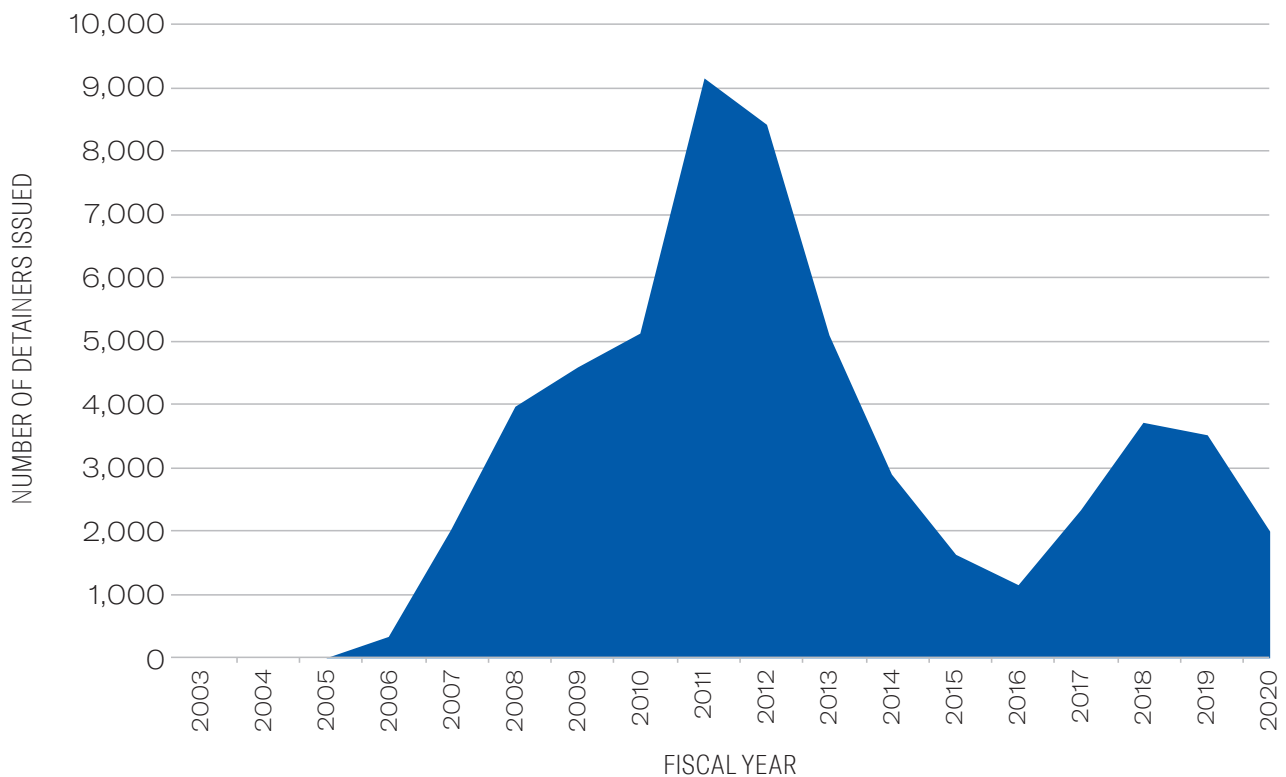
Over time, ICE has increasingly relied on state prisons and local jails to funnel people directly to them. ICE has used divisive, deeply misleading, and discriminatory language and practices to propagate the unjustified belief that people who interact with the criminal legal system are less deserving than those who do not.

### A Widespread Practice

Nationwide, about 75% of all ICE arrests are facilitated through the criminal legal system.<sup>36</sup> This can occur through various existing programs

like Secure Communities and the Criminal Alien Program (“CAP”) which connect the criminal legal system to the civil immigration system.<sup>37</sup> In fiscal year 2016, ICE issued 1,154 detainers to local law enforcement agencies in the region, the lowest number of detainers issued since 2006.<sup>38</sup> However, after the TRUTH Act went into effect and the Values Act was signed, detainers issued to local law enforcement agencies in the Central Valley began to climb dramatically, reaching 3,706 and 3,501 in fiscal years 2018 and 2019, respectively.<sup>39</sup> See Figure 1.

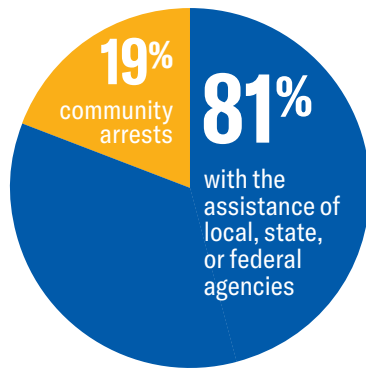
**FIGURE 1:** ICE Detainers Issued to Local Law Enforcement in the Central Valley from October 2002–June 2020



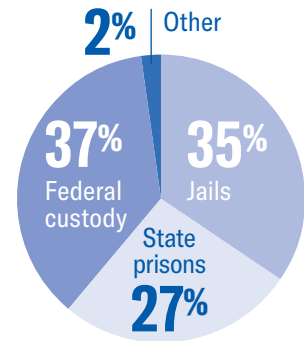
Source: Transactional Records Access Clearinghouse (TRAC)

**FIGURE 2.** ICE Apprehension in the Central Valley, FY 2015–2018

An overwhelming majority of all ICE arrests occurred with the assistance of another law enforcement body and only 19% of all arrests were conducted by ICE in the community.



Of the ICE arrests that involved the assistance of another law enforcement agency, over a third came from local jails.



Source: Transactional Records Access Clearinghouse (TRAC)

In the Central Valley, from October 2014 through May 2018, 81% of all arrests were facilitated by law enforcement, of which over a third came from local jails.<sup>40</sup> See Figure 2.

### Mechanisms of Entanglement: How Prisons and Jails Work with ICE

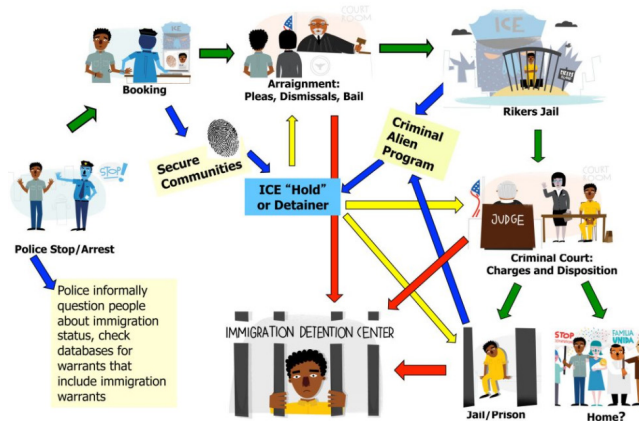
One of the most harmful practices through which sheriffs, in particular, continue to engage in immigration enforcement are ICE “transfers,” which enable ICE to arrest people from local jails. The process leading up to a transfer begins when a sheriff’s office takes a

person into their custody and fingerprints them. These fingerprints are checked against federal databases, which can result in a notice to ICE of the person’s presence in local law enforcement custody. ICE will often issue a detainer request,<sup>41</sup> sometimes also called an ICE hold, to the local law enforcement agency. That detainer (1) advises the local agency holding the community member that ICE seeks custody over that person, and (2) requests that local agency to hold that person after they’re eligible for release and/or to provide ICE advance notice of that person’s release time to allow ICE to assume custody. See Figure 3.

**FIGURE 3.** How ICE Interacts with the Criminal Legal System

This infographic illustrates the different methods through which ICE interacts with the criminal legal system.

Image courtesy of the Immigrant Defense Project





## Nestor's Story: Kern County Sheriff's Office Separates a Family for Over Two Years by Colluding with ICE



Nestor is a father to three daughters in Kern County, where he has lived for over 15 years. In 2018, Nestor was convicted of burglary, placed on probation, and released back to his community. He began working and complying with the terms of his probation, motivated by his ability to resume life with his daughters. However, in September 2018, after dutifully attending all of his probation appointments, the Kern County Sheriff's Office mistakenly arrested him, believing that he had missed an appointment.



*“My daughters jumped up and down because they were so happy to see me [when I was released from ICE detention]. My youngest daughter had a tough time, she thought I abandoned them. She thought I left them but I had to explain what happened and now she understands the reason.”*

Nestor was forced to sit in jail for two months awaiting a hearing, until the Kern County Probation Department realized its mistake and dismissed the probation violation charge. However, as the Sheriff's Office processed Nestor out of the jail to go home, he was asked to wait inside for over two hours. Jail staff finally released Nestor in the parking lot area. Moments later, ICE appeared, questioned Nestor, and arrested him.

ICE detained Nestor at the Mesa Verde Detention Facility for over two years. In August 2020, he contracted COVID-19 along with 14 other men in his dorm.

Because of his separation from his family during this period, two of Nestor's U.S. citizen daughters were placed in foster care. Since his release from ICE detention, Nestor has sought to pick up the pieces of his life. He has complied with his release conditions and is working to gain custody of his daughters.

## WHAT ARE ICE TRANSFERS?

ICE makes transfer or advance notice requests, sometimes through detainers, to local law enforcement agencies for an individual to be handed over to their custody. A transfer is defined under state law to include any time local law enforcement agencies “facilitate the transfer of an individual in its custody to ICE.”<sup>42</sup> According to the California Attorney General’s Office, this broad definition is met on any occasion when a local law enforcement agency has assisted ICE to take custody of an individual shortly after their release from local custody.<sup>43</sup>

## WHEN DO TRANSFERS HAPPEN?

Transfers often take place on the brink of — or shortly after — a person’s release from criminal custody. This includes instances when people have paid their bail, have already served their sentence, are being paroled, or when a judge has ordered the person to be released. Rather than releasing that person to their community, local law enforcement agencies facilitate handing that person directly to ICE. Even when permitted by state law, transfers are **voluntary**, and local law enforcement agencies have the legal authority to decline to hand people over to ICE.

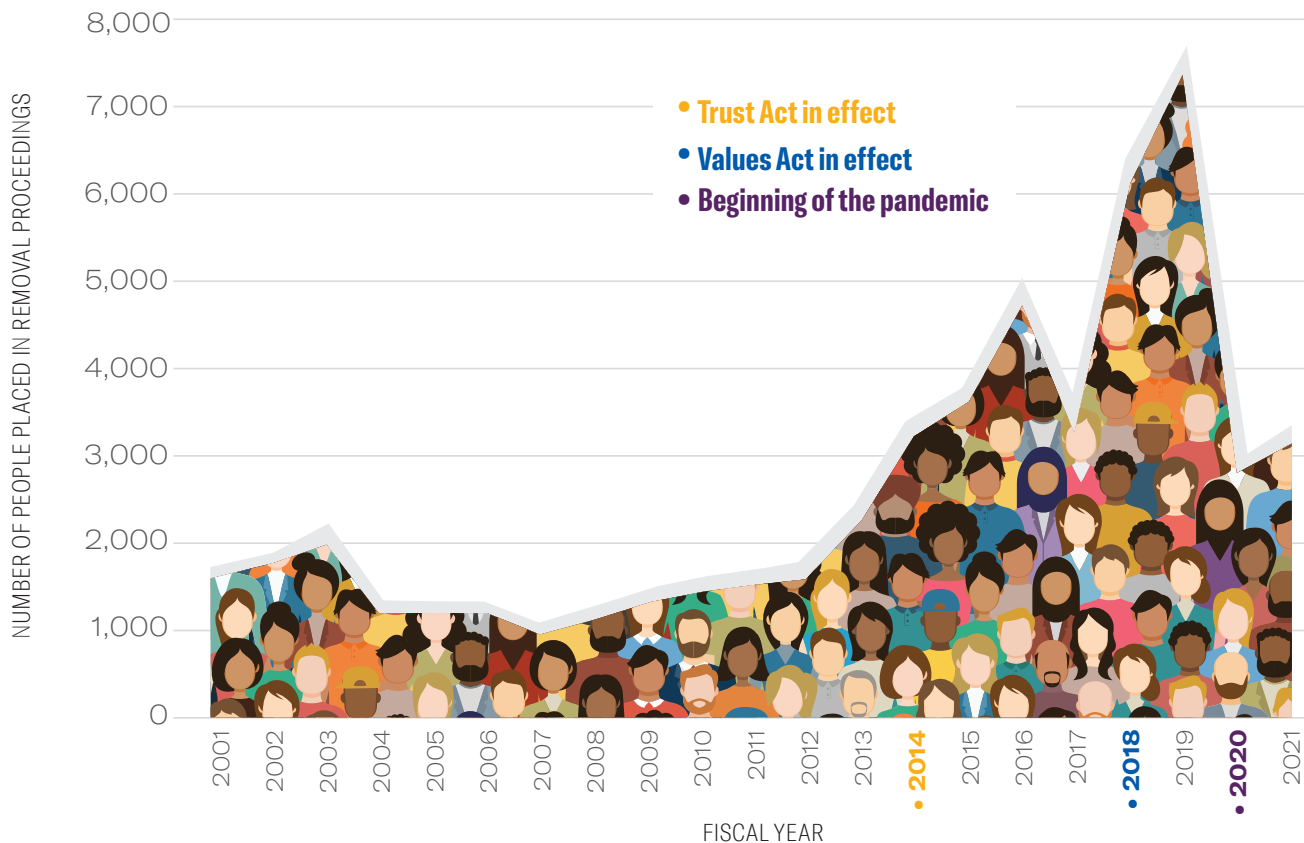
## Removal Proceedings

Removal proceedings are civil proceedings that are initiated by the federal government against a noncitizen it believes has violated federal immigration laws. These proceedings can take months or, more often than not, years. In the Central Valley, a total of 1,571 community members were placed in removal proceedings in fiscal year 2001; by 2014 that number doubled to 3,224, and in 2019 it peaked at 7,404.<sup>44</sup> See Figure 4.

## Immigration Detention

After ICE conducts an arrest, it decides whether the person it arrested will be confined in an immigration detention facility during the pendency of removal proceedings or whether that person can fight their proceedings without being detained. ICE has claimed the authority to confine people for years in immigration detention, many without the ability to seek a bond hearing. ICE contends that forcing people to sit in prison-like facilities is the best way to ensure their attendance in their removal proceedings. However, data has shown that

**FIGURE 4.** Total Number of People Placed in Removal Proceedings in the Central Valley from FY 2001-2021



Source: Transactional Records Access Clearinghouse (TRAC)

people are 99% likely to attend their removal proceedings when provided with an attorney.<sup>45</sup>

Immigration enforcement agents scarcely used immigration detention forty years ago. Nationwide, the average daily detained population in 1979 was just above 2,000; in 2019 that number climbed to over 49,000.<sup>46</sup> In the Central Valley, in fiscal year 2001 about 76% people who were placed in removal proceedings were never detained; in fiscal year 2012, that number dipped to 50% and reached 47%, an all-time low, in fiscal year 2018.<sup>47</sup>

Once immigrants are caught in the criminal legal system, and funneled into the immigration detention system, many will have little recourse to the resources necessary to fight deportation and remain in the United States because there are few adequate sources of legal services in the region. One study found that of the approximately 100 nonprofits providing immigration services in the state, only 27 were located in rural regions like the Central Valley, with only a small handful deemed qualified to provide representation to individuals who are fighting deportation

while in immigration detention.<sup>48</sup> The region's limited removal defense legal infrastructure often forces noncitizens either to use their entire life savings, or enter into debt, to hire for-profit legal representation in the hope of fighting their deportation, or to represent themselves in a system that is incredibly complex and structured against them. From 2001–2021, nearly 14,000 parents, spouses, children, and friends have been deported from the Central Valley.<sup>49</sup> About a third of these community members were removed in the last several years, after the Values Act was signed into law.<sup>50</sup>

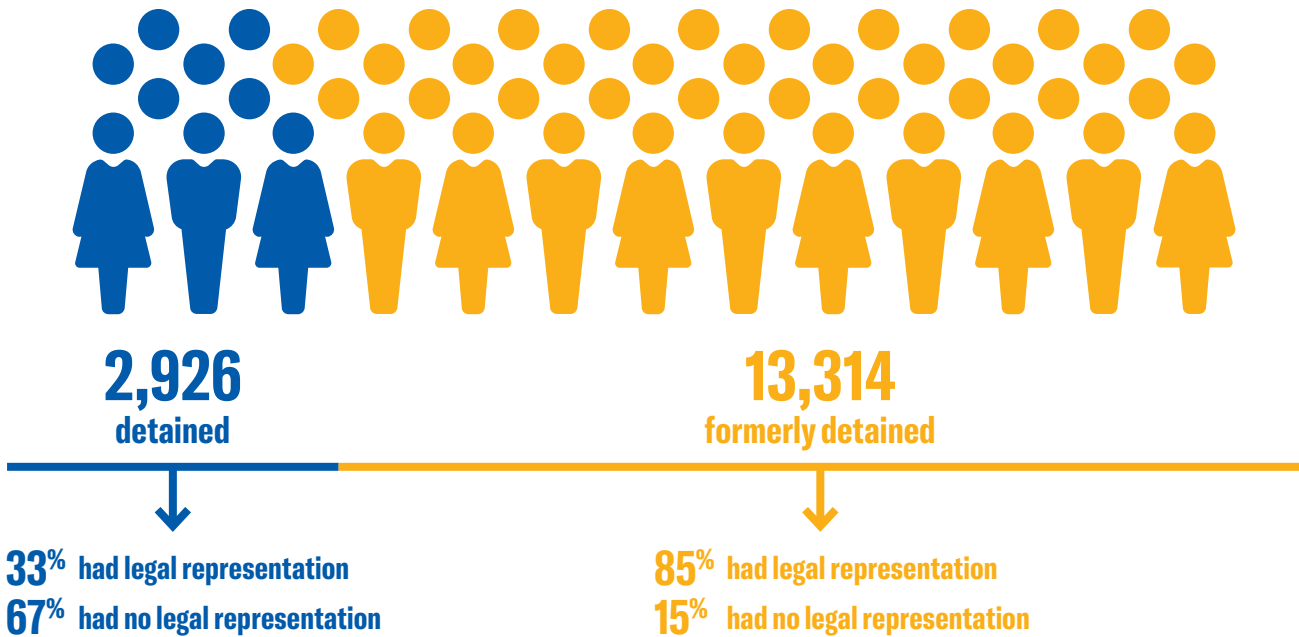
Unlike criminal proceedings where indigent people are provided government-appointed counsel, the federal government does not recognize the same right to appointed counsel for people in removal proceedings. As such, people in removal proceedings without counsel face extreme odds against winning their cases, especially when they must argue against federal prosecutors trained in the complex practice of immigration law. Studies have repeatedly shown that people confined in detention, fighting deportation without representation, have an extremely low likelihood of avoiding deportation.<sup>51</sup>

Similar statistics are reflected in the Central Valley. People in removal proceedings with counsel are four times more likely to achieve a positive outcome in their removal proceedings than those without representation.<sup>52</sup> Moreover, the chances of prevailing against one's removal proceedings are not just improved by one's ability to secure representation but is also impacted by whether one is detained or not. Over the past ten years, 66% of people in removal proceedings in the Central Valley who have never been detained have been able to secure representation, increasing their chances of prevailing in their removal proceedings.<sup>53</sup> Of the people who have never been detained and have concluded their proceedings, 59% prevailed in their removal proceedings and 41% were removed.<sup>54</sup> By contrast, only 33% of people in detention have been able to secure an attorney — of the total number of people in detention who have concluded their proceedings, only 9% prevailed in their case and 90% have been removed. See Figure 5.

A person in removal proceedings is **4x more likely** to achieve a victory in their case if they have an attorney than if they do not have one.

**FIGURE 5.** Access to Counsel and Probability of Winning Removal Proceedings

**53,373** people in the Central Valley faced removal from the U.S. between 2001–2021



The image above captures the total number of people who remained in detention throughout their removal proceedings (blue) and the total number of people who were once detained but secured their release (orange). Those who were no longer detained had a greater likelihood of obtaining representation than those who remained detained. Data also shows that those in detention have a 9% chance of achieving a victory in their case while their counterparts who secured release hold a 61% chance of obtaining a positive outcome in their case.

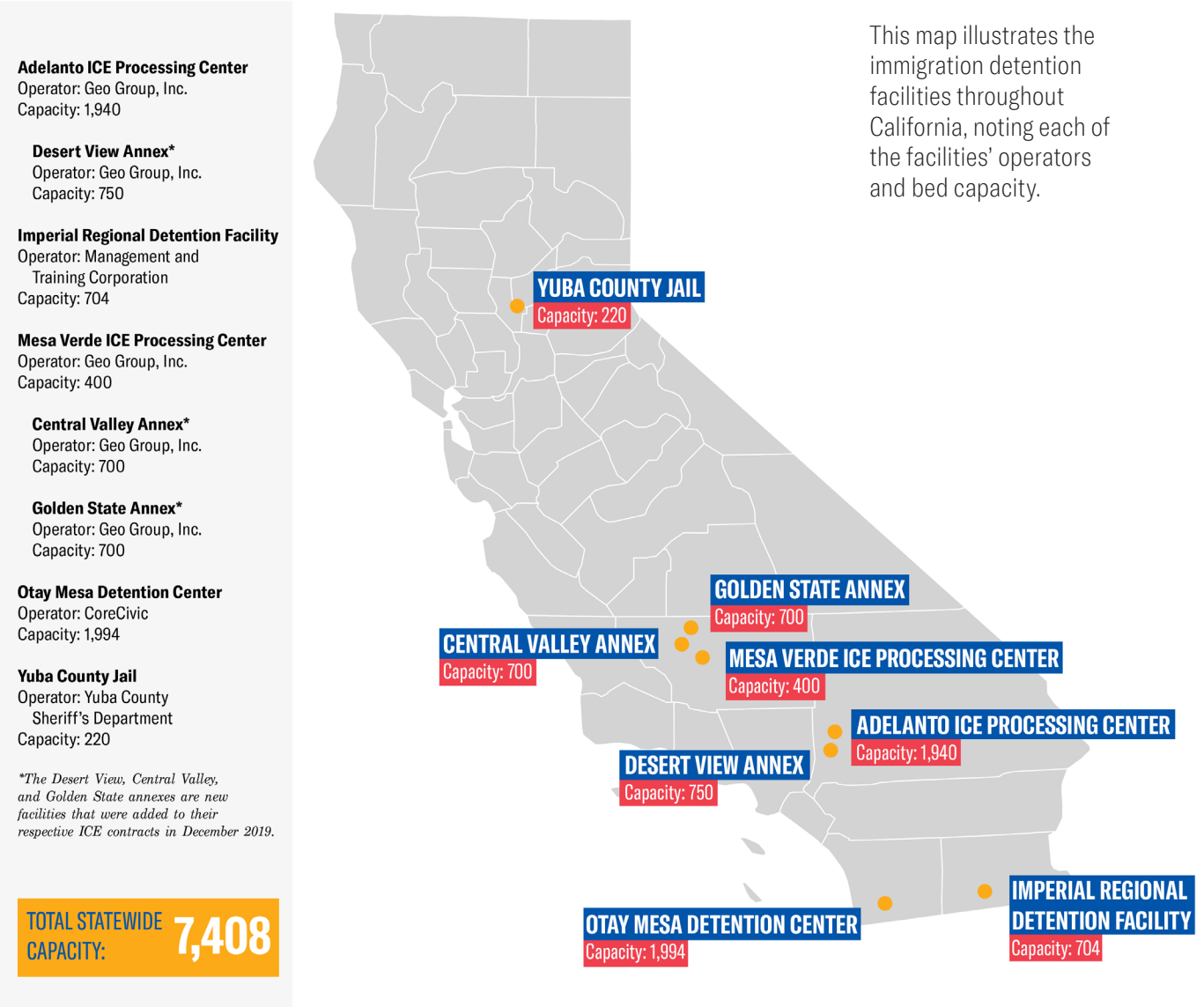
Source: Transactional Records Access Clearinghouse (TRAC)

Despite all of this, in 2020, California expanded its immigration detention capacity by 40%, adding three facilities to the existing five in the state. Three of the immigration detention facilities in California sit in the Central Valley: Mesa Verde ICE Processing Center, Golden State Annex, and Central Valley Annex, the latter two of which are new. The number of people held in Mesa Verde dwindled down to 23 people during the pandemic due to the ACLU’s class-action litigation, proving that immigration detention is not necessary. As

of the publication of this report, there are currently 47 people detained. In spite of a COVID-19 outbreak at Mesa Verde in the summer of 2020, ICE quickly began populating the Golden State Annex months later. As of July 2021, 15% of the California residents held at the Golden State Annex were from the Central Valley, highlighting that the existence of detention bed capacity translates into more immigration enforcement in the region, despite a pandemic.<sup>55</sup> See Figure 6.

**FIGURE 6.**

**ACTIVE** Detention Facilities in California



Source: Immigration and Customs Enforcement; California Attorney General's Office

# Pro-Immigrant Legislation and Backlash

## Summary of Pro-Immigrant Legislation in California

Over the past decade, California enacted a trio of critical laws meant to protect its immigrant population — the largest in the nation — from collusion between state and local law enforcement agencies and immigration enforcement agencies. The Transparency and Responsibility Using State Tools (TRUST) Act, a precursor to the Values Act, limited the instances in which local law enforcement agencies could hold people beyond their release time for immigration enforcement purposes — a practice that the Values Act now prohibits.<sup>56</sup> See Appendix C. A few years later, California enacted the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, which requires local law enforcement agencies to provide people in jail with vital know-your-rights information prior to an interview with ICE.<sup>57</sup> It also sought to increase transparency around local law enforcement agencies' coordination with ICE, requiring local governments to hold annual community forums on any such coordination that has occurred that

year, and ensuring that any record of collusion between ICE and local law enforcement agencies be available via public records act request.

Perhaps the most well-known law of the trio is the California Values Act, also known as Senate Bill 54 and as the State's "sanctuary" law.<sup>58</sup> Signed by Governor Jerry Brown in 2017 and effective in January 2018, the Values Act further limits state and law enforcement entanglement with immigration enforcement through various provisions. It prohibits law enforcement agencies from holding people past their release time for immigration enforcement purposes, disallows transfers from jail to federal immigration agencies (with certain problematic exceptions based on criminal history), and requires schools, courts, and public health facilities to adopt policies limiting assistance for the purposes of immigration enforcement. Notwithstanding these prohibitions, local law enforcement agencies have colluded with ICE to facilitate the transfer and deportation of noncitizens.

**“Anybody that [ICE] want[s], they can have.”**  
— former Stanislaus Sheriff Adam Christenson

## Anti-Sanctuary Rhetoric

Central Valley sheriffs have spoken out publicly against pro-immigrant laws and strategized together on how to challenge them, despite overall public sentiment in the state supporting its enactment. On the eve of the signing of the Values Act in 2017, the Kern County Sheriff, Donny Youngblood, lobbied the county's Board of Supervisors to make Kern an "anti-sanctuary" county.<sup>59</sup> After the Values Act went into effect on January 1, 2018, a handful of jurisdictions throughout the state passed symbolic anti-Values Act resolutions, stating their disapproval of the new law. In Tulare County, Sheriff Mike Boudreaux proposed such a resolution to the County Board of Supervisors, which adopted it despite public protest.<sup>60</sup> Shortly thereafter, Tulare County signed onto an amicus brief filed in support of a lawsuit challenging the validity of the Values Act. The law was ultimately upheld in its entirety.<sup>61</sup>

In the midst of the 2018 resolutions fight, representatives from the Federation of America for Immigration Reform (FAIR) — a group that the Southern Poverty Law Center has labeled a hate group with ties to white supremacists — organized meetings with sheriffs and elected officials across the state to discuss measures to undercut the Values Act. Such a meeting took place in the Central Valley.<sup>62</sup> Emails reveal Fresno County Sheriff Margaret Mims' active role in inviting other local sheriffs to this meeting and apprising them of last-minute location changes. See Appendix D.

Local law enforcement agencies in the Central Valley have stated that they will work with immigration enforcement authorities to help

deport community members. For example, former Stanislaus Sheriff Adam Christenson stated during the county's 2018 TRUTH Act forum, "Anybody that [ICE] want[s], they can have."<sup>63</sup> Similarly, in a 2018 memo, the Madera Chief Probation Officer directed his staff to flag for him any individual "who they feel is a danger to the community, and that the community would be better off without this person in it" so that he could then contact immigration enforcement authorities for "their review" over the individual should he deem it proper. See Appendix E.

On February 9, 2018, a Fresno County sheriff staff member updated Sheriff Mims and other staff about an ICE courthouse arrest that had occurred that morning. In that particular instance, ICE had followed a community member into the courtroom and waited until the end of that person's hearing to follow them out to arrest them. Sheriff Mims approved and signaled her full support for these types of future enforcement actions. See Figure 7.

These practices — such as flagging someone for ICE based solely on a "feeling" that that person is a danger to the community — and rhetoric invite violations of the law. Sheriffs encourage local law enforcement agencies to exceed the boundaries of the law to help ICE detain community members who have paid their bail, been ordered released by a court, or otherwise gained the right to return to their communities. They send the wrong message to vulnerable community members who fear any interaction with the criminal legal system, as they believe that a sheriff will facilitate their deportation.



**FIGURE 7.** Email Exchange Between Sheriff Margaret Mims and Her Staff about ICE Courthouse Arrests.

**From:** Wilhoite, Richard  
**Sent:** Friday, February 9, 2018 10:55 AM  
**To:** McComas, Stephen <[Stephen.McComas@fresnosheriff.org](mailto:Stephen.McComas@fresnosheriff.org)>  
**Subject:** ICE in Dept 96

On Friday, February 9, 2018 at about 0900 ICE agents entered the North Annex and into Dept 96. They identified themselves to the deputies at screening and in the courtroom and sat down. The case of Salvador [REDACTED] DOB [REDACTED] was called and adjudicated. As [REDACTED] left the courtroom the two ICE agents stood up, followed him out of the building and took him into custody on the sidewalk without incident.

**From:** Mims, Margaret  
**Sent:** Friday, February 9, 2018 3:55 PM  
**To:** Gattie, Tom <[Tom.Gattie@fresnosheriff.org](mailto:Tom.Gattie@fresnosheriff.org)>  
**Cc:** McComas, Stephen <[Stephen.McComas@fresnosheriff.org](mailto:Stephen.McComas@fresnosheriff.org)>; Wilkins, Steve <[Steve.Wilkins@fresnosheriff.org](mailto:Steve.Wilkins@fresnosheriff.org)>  
**Subject:** Re: ICE in Dept 96

**We will support this.** If anyone is contacted by the courts to have us restrict ICE let me know.

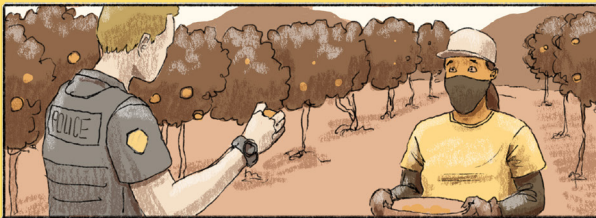
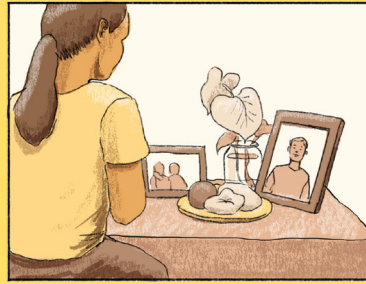
On Feb 9, 2018, at 5:45 PM, Gattie, Tom <[Tom.Gattie@fresnosheriff.org](mailto:Tom.Gattie@fresnosheriff.org)> wrote:

**Good for ICE**

Tg

Tom Gattie  
Assistant Sheriff  
Jail & Court Administration

Source: Fresno County Sheriff's Office, as provided to the ACLU of Northern California



## Erika's Story: Kern County Sheriff's Deputies Transfer Falsely Accused Farmworker to ICE

Erika has been the primary provider for her three children since kidnappers killed her husband in Mexico.

In 2019, while working in the citrus and almond fields in Kern County, Erika was accused of stealing a bag of fruit. The farm owner called the police and Erika was arrested, despite her insistence that she had not stolen anything. Erika was released from the Kern County Sheriff's custody after paying her bail. However, instead of returning to her family, Erika was arrested by two ICE agents inside the jail. She was terrified.

Erika spent six months in immigration detention. During the first couple days of her detention, her children did not know where she was and thought she had been killed by the same men that killed their father. In June 2019, Erika was released. Three days later, she went to the Kern County Superior Court to pay a court fee but was arrested for failing to appear at her court date. Despite explaining that her ICE arrest had prevented her attendance, the Kern County Sheriff's Office jailed her again, for 55 days.

Today, Erika is scared to go out in public and becomes anxious at the sight of a police officer.

# Flouting the Law: Central Valley Law Enforcement Agencies' Collusion with ICE

Despite the passage of the Values Act, the number of community members placed in removal proceedings in the region was at an all-time high in fiscal year 2018 and 2019, resulting in over a quarter of all removal proceedings initiated since 2001 in those two years alone.<sup>64</sup> Notably, that number declined in 2020, in part due to the pandemic. The high rate of ICE enforcement in the Central Valley is in part facilitated by the willingness of local law enforcement agencies to remain a thought partner in implementing mechanisms to enable ICE's work.

This section will explore how on the one hand pieces of California's pro-immigrant legislation have contributed to the very gradual slowdown of ICE arrests and yet how the inconsistent implementation of laws like the Values Act in politically conservative regions like the Central Valley has fostered new, opaque versions of harmful entanglement with ICE.

## **Gradual Decline of ICE Enforcement In or Near Local Jails**

The TRUTH Act had a major impact in the decline of ICE interviews in jails. Prior to this law, counties like Fresno maintained a close relationship with ICE, readily providing

agents with access to its jails. The San Joaquin Sheriff's Office even provided ICE with exclusive office space and their own keyset to its jail. These close partnerships created an opportunity for ICE to interview people in jail who unknowingly submitted to the interview, often unaware of who was interviewing them or for what purpose. This changed after the passage of the TRUTH Act. Data from Sheriff Mims confirms that from July 2017 through 2020, only eight ICE interviews took place inside the county jail, whereas in the years prior to the law's enactment Sheriff Mims facilitated at least 500 ICE transfers through her jail interview partnership with ICE.<sup>65</sup> A similar trend is true throughout the Central Valley with sheriffs reporting few to zero ICE interviews in their jails since the TRUTH Act took effect. Part of

In 2017 and 2018, on average ICE arrested at least **one person at the Kern County jail every day.**

the success in implementing this aspect of the TRUTH Act is because the law clearly prohibits the practice of ICE interviews in the jail unless the person ICE seeks to interview provides a written consent to be interviewed.

The enactment of the Values Act did not curb ICE's interest in conducting enforcement actions in the region, but it did gradually slow down the frequency — and the more public nature — in which ICE transfers took place. Prior to the passage of the Values Act, local law enforcement agencies readily turned people over to ICE.<sup>66</sup> Based on limited data provided by ICE, from October 2014 through May 2018, over a quarter of all ICE arrests in the region took place in or near jails.<sup>67</sup> See Figure 1, page 13. In 2017, ICE made at least 549 requests to be notified of release dates, which led Sheriff Mims to transfer 223 people into ICE's custody, including four who identified as being United States citizens.<sup>68</sup> In Kern County, ICE made at least 622 notification requests in 2017 and 638 in 2018, leading to 486 and 374 ICE jail arrests each year, respectively.<sup>69</sup> That means, on average, ICE arrested at least one person at the Kern County jail each day for two years.

The reporting of ICE transfers by sheriffs to the community and Attorney General indicate a gradual slow down. For example, the Fresno and Kern County sheriffs reported transferring 47 and 25 people, respectively, to ICE in 2020.<sup>70</sup> While these numbers seem to illustrate a decline in ICE transfers, they neglect to tell the whole story of the opaque ways in which sheriffs have continued to facilitate transfers.

## Policies Allowing Unlawful Holds

One of the Values Act's most meaningful prohibitions is the ban on holding a person for extra time for immigration enforcement purposes. Despite this clear prohibition, local law enforcement agencies have continued the practice — at times including the practice in their policy.

The Stanislaus County Sheriff's Department revised their policy on April 1, 2018, updating their procedures to better align with the Values Act.<sup>71</sup> Yet, even their updated policy failed to comply with the law. One section of the policy allowed its staff to hold people for ICE for up to 48 hours.<sup>72</sup> When the Department began to review its noncompliant policy in April 2019, more than a year after the law went into effect, it checked with ICE to confirm that its policy matched ICE's interpretation of state law. In an email, the jail's Adult Detention Manager asks ICE to review the Department's policy and provide feedback. In the same email chain, the local officer attempts to clarify whether the Department was allowed to hold people for ICE and alludes to the Department's continued practice of holding people for ICE — a practice that was clearly prohibited under the Values

Act. See Appendix F. That year the Department reported holding at least 3 people past their release time.

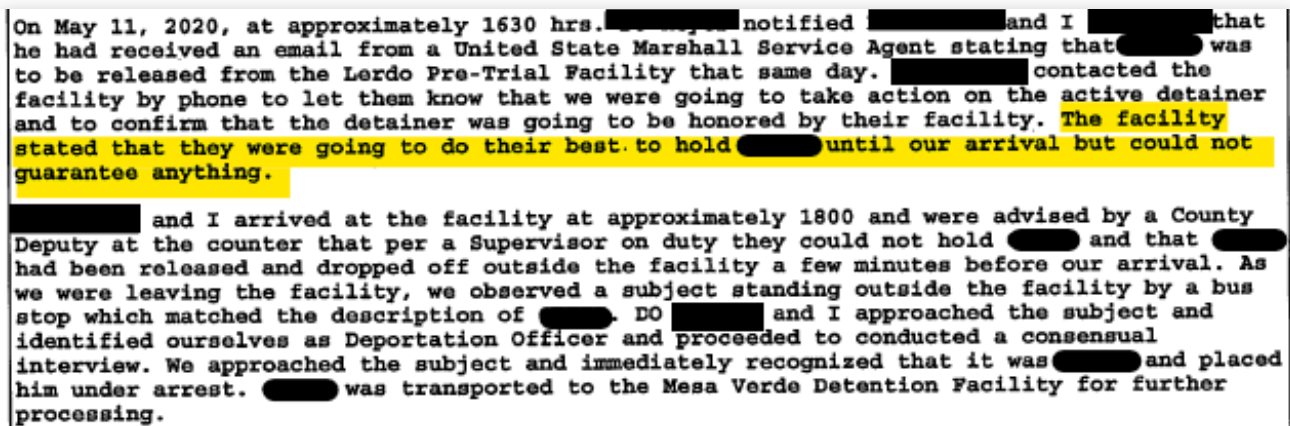
Similarly, the Kern County Sheriff's Office has repeatedly reported that no ICE holds take place in the County. Yet, well into 2021, the Office's Detention Bureau Policy allowed for ICE holds in cases where a person had an old removal order.<sup>73</sup> The Values Act contains no such exception for individuals with prior removal orders. Even more, as recently as 2020, ICE describes an instance in which a staff member from the Lerdo Pre-Trial Facility in Kern County, which is operated by the Kern County Sheriff's Office, attempted to hold a person in its custody who was about to be released. While in that case a jail supervisor was able to intervene

to prevent the hold, it is unclear whether there is proper training and understanding of the law's requirements. See Figure 8.

## Unlawful and Opaque Transfer Practices

As discussed above, transfers to ICE are major vectors for populating detention centers. While some data illustrates a gradual decline in ICE transfers statewide<sup>74</sup> due to the passage of pro-immigrant state laws, local law enforcement agencies' eagerness to work closely with ICE to develop streamlined systems that facilitate custody exchanges have led to unlawful and unreported transfers and the abuse of advance notification to facilitate such transfers.

**FIGURE 8.** The Lerdo Facility's Attempt to Unlawfully Hold and Transfer a Community Member to ICE



On May 11, 2020, at approximately 1630 hrs. [REDACTED] notified [REDACTED] and I [REDACTED] that he had received an email from a United State Marshall Service Agent stating that [REDACTED] was to be released from the Lerdo Pre-Trial Facility that same day. [REDACTED] contacted the facility by phone to let them know that we were going to take action on the active detainee and to confirm that the detainee was going to be honored by their facility. The facility stated that they were going to do their best to hold [REDACTED] until our arrival but could not guarantee anything.

[REDACTED] and I arrived at the facility at approximately 1800 and were advised by a County Deputy at the counter that per a Supervisor on duty they could not hold [REDACTED] and that [REDACTED] had been released and dropped off outside the facility a few minutes before our arrival. As we were leaving the facility, we observed a subject standing outside the facility by a bus stop which matched the description of [REDACTED]. DO [REDACTED] and I approached the subject and identified ourselves as Deportation Officer and proceeded to conduct a consensual interview. We approached the subject and immediately recognized that it was [REDACTED] and placed him under arrest. [REDACTED] was transported to the Mesa Verde Detention Facility for further processing.

When ICE agents conduct an arrest, they complete an I-213 form, equivalent to a "charging document," that captures ICE's narrative surrounding the person's arrest and lists information supporting its assertion that the person should be deported. In the narrative from a Form I-213 dated May 11, 2020, a Kern County Sheriff's staff confirmed ICE agents that the facility would "do their best" to hold the person the agents sought until the agents' arrival at the jail.

Source: Immigration and Customs Enforcement

## Nelson's Story: Personal Tragedy Leads to Arrest by Kings County Sheriff's Deputies and Handover to ICE

Nelson is an agricultural worker who has lived in Kings County for over a decade with his wife and four children. For years, Nelson struggled with substance abuse. In 2019, he relapsed after learning of his brother's death and was arrested on charges of disorderly conduct and misdemeanor possession of a controlled substance. He was jailed for five months. The charges were dismissed, but he was convicted of violating his probation and a judge ordered him to attend an in-patient substance abuse program. On the morning of his release, Nelson waited for three hours for a probation officer to take him to the rehabilitation center. Instead, ICE officers arrived, arrested him, and transported him to the Mesa Verde Detention Center.



While in ICE detention, Nelson worried about his family's well-being after hearing how his wife and children were struggling at home. He felt helpless knowing his children couldn't fully concentrate at school and his wife was having to navigate the family's financial situation on her own.

After spending six months in ICE detention, Nelson was released. He spent two weeks with his family, and then checked himself into a substance abuse program, in compliance with the terms of his probation. He has since completed the program.

*"[If I could speak with lawmakers] I think I would tell them to think of our families. I know I made mistakes and I got myself back into jail but I was also suffering from substance abuse. It's a disease and I want them to know that some of us make bad decisions because of that. They should think of our families and the community. They should help people who have immigration-related issues and help them get help to remain with their families. They should help parents stay with their children. Children are the ones most affected by these types of situations."*

## Unlawful Transfers of People Not Authorized to be Transferred

In overzealously working with ICE, some local law enforcement officers have unlawfully transferred community members into ICE's custody. For example, during a response to a car accident last year, an officer for the California City Police Department proceeded to investigate the immigration status of one of the victims, which ultimately resulted in a call to ICE. Investigating someone's immigration status stemming from a car accident is not permitted under the Values Act. See Figure 9.

Another unlawful practice is the transfer of people who have "straight misdemeanor" convictions (i.e., the conviction cannot be charged as a felony nor as an infraction), even though a straight misdemeanor conviction cannot be the basis for a transfer.<sup>75</sup> The California Attorney General's office has clarified that straight misdemeanor convictions are not sufficient reason to respond to an ICE transfer request; only certain misdemeanor convictions for an offense that also can be charged as a

felony permit a transfer.<sup>76</sup> Yet, based on self-reported data, to date there have been at least 12 people in the Central Valley who local law enforcement agencies transferred to ICE due to straight misdemeanor convictions.<sup>77</sup>

## Rise of Unofficial Transfers in Non-Public Areas of Jails

Perhaps the most concerning development since the enactment of the Values Act is local law enforcement agencies' willingness to work with ICE to deliver people into ICE custody without — they believe — being required to categorize and report these events as official transfers under the Values Act.

As a way to increase transparency and accountability, the Values Act requires local law enforcement agencies to submit annual reports to the California Attorney General that include the number of ICE transfers made each year and the basis for each transfer.<sup>78</sup> Many local law enforcement agencies fail to adequately report this data to the Attorney General, or

**FIGURE 9.** California City Police Department Arrest

On April 27, 2020, at approximately 0630 hours, Immigration & Customs Enforcement (ICE), Enforcement & Removal Operations (ERO), Bakersfield (BKI) Sub-Office, received a phone call from the Law Enforcement Support Center (LESC), regarding Subject, [REDACTED]. Subject had been involved in a vehicle accident and was subsequently encountered by California City Police Department (CCPD) officers. CCPD officers conducted record checks and discovered Subject had an outstanding administrative warrant for removal from the United States. CCPD officers contacted the LESG to confirm the outstanding warrant. The LESG conducted record checks by Name, DOB, and FBI number which yielded previous immigration history. ICE officers advised CCPD officers they would be responding to take custody of Subject.

The excerpt from an I-213 illustrates an instance in which an officer's response to a car accident led to a community member's arrest by ICE.

Source: Immigration and Customs Enforcement

altogether neglect to report any data, without repercussions. At best, incomplete information-sharing with the public keeps community members uninformed about how local law enforcement agencies continue to work with ICE and, at worst, hides local law enforcement agencies' actual role in immigration enforcement.

Since the enactment of the Values Act in 2018, through to the end of 2020, local law enforcement agencies in the Central Valley reported to the Attorney General that a total of 357 community members had been transferred into ICE custody.<sup>79</sup> See Appendix L.

However, the actual number of ICE transfers is much higher due to the massive underreporting and improper tracking of these types of transfers. For example, the Kern County Sheriff's Office reported zero transfers to the Attorney General's Office in 2018 but during a TRUTH Act Forum it reported that ICE arrested 374 people that year from county jail.<sup>80</sup> The Stanislaus County Sheriff's Department reported zero transfers in 2018 but years later stated it had actually transferred 38 people that year.<sup>81</sup> The Fresno

County Sheriff's Office reported to the Attorney General's Office that it had transferred a total of 5 people in both 2018 and 2019.<sup>82</sup> However, ICE reported that it had arrested 102 community members in 2018 in the county jail, a huge discrepancy from what Sheriff Mims has both officially reported to the Attorney General's Office and shared with the public.<sup>83</sup>

According to data that the ACLU of Northern California gathered through Public Records Act requests, since the enactment of the Values Act in 2018 there have been at least 1,001 community members in the Central Valley whose transfer to ICE custody was facilitated by sheriffs in the Central Valley — nearly three times higher than the official reports to the Attorney General. This number may indeed be even higher because of some sheriffs' improperly narrow interpretation of what constitutes as an ICE transfer. See Figure 10. See Appendix L.

Law enforcement agencies in the region have affirmatively looked for ways to circumvent the law to continue their entanglement with immigration enforcement. For example, on the

The ACLU estimates that the transfer numbers that Central Valley sheriffs reported to the Attorney General from 2018 through 2020 **should have been nearly 3x greater.**



## The Fresno County Sheriff’s Office proposed that ICE arrest people in a separate, secure, non-public area of the jail: **the vestibule.**

Before the Values Act’s enactment, the Fresno County Sheriff’s Office organized a meeting with ICE agents, including Erik Bonnar, now the Acting Field Office Director for the San Francisco ICE ERO Field Office, to discuss the impact of the new law on their working relationship and propose solutions to ICE’s concerns about transfers and notifications. In an attempt to sidestep the Values Act’s prohibition on transferring people without certain criminal history to ICE, the Fresno County Sheriff’s Office proposed that rather than arresting people inside the main detention area, ICE arrest people in a separate, secure, non-public area of the jail: the vestibule. In this way, according to the Fresno County Sheriff’s Office, the jail would be able to officially report that the person ICE sought to arrest had been formally released from their custody, and as such, a transfer of custody could not occur. See Appendix G. However, once in the vestibule, a person continues to be in the custody of the sheriff because they are unable to leave the jail and are instead forced to wait for ICE to arrest them.<sup>84</sup> Moreover, vestibules, and other non-public areas of the jail, are by definition inaccessible to the public and are purposely set up by local law enforcement agencies for ICE to allow it to arrest people with minimal interference, even though the person placed in these areas of the jail should be free to walk out of the jail.

Months later, unsatisfied by their setup, Erik Bonnar urged a meeting with Sheriff Mims to discuss allowing ICE to arrest people inside the sally port or booking area of the jail, a practice he stated already existed in the neighboring counties of Tulare, Madera, Merced, and Kings. Bonnar argued that this change “would increase morale for our officers.” The sheriff agreed to discuss the matter over dinner. See Figure 11.

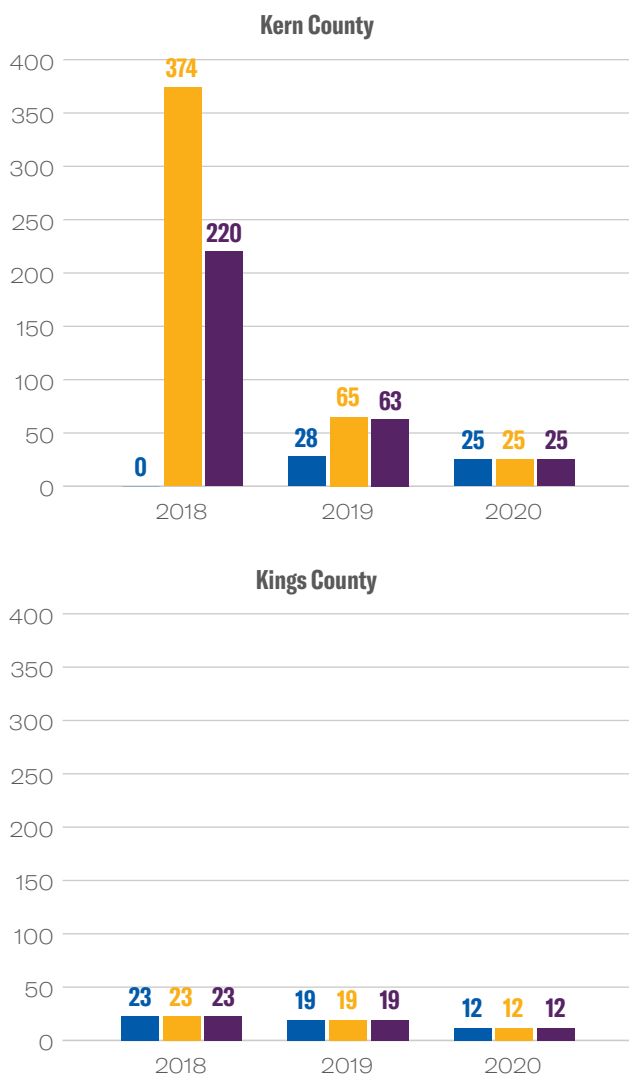
Sheriffs use this tactic of “releasing” community members into secure areas of the jail to actively continue to work with ICE without, in their view, having to comply with the Values Act’s prohibition on transferring people unless they have certain criminal history. By avoiding calling this a “transfer,” sheriffs do not have to show that the person fell within a criminal history carve-out to the Values Act. Local law enforcement agencies’ underreporting of transfer data to the public and their intentional over-communication with ICE underscore their willingness to subvert the law in order to facilitate the deportation of community members who have been granted bail, have been ordered released by a court, or who have otherwise earned the right to return home. While the Values Act prohibits local law enforcement agencies from providing resources for immigration enforcement purposes, sheriffs created an “unofficial transfers” practice that occurs in non-public areas of the jail or otherwise goes unreported.

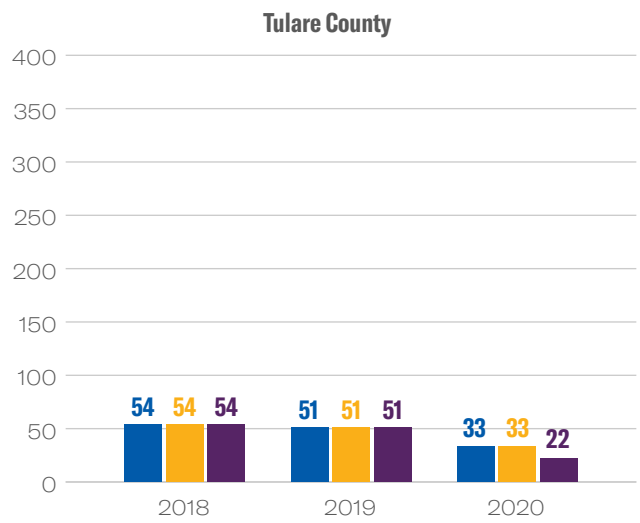
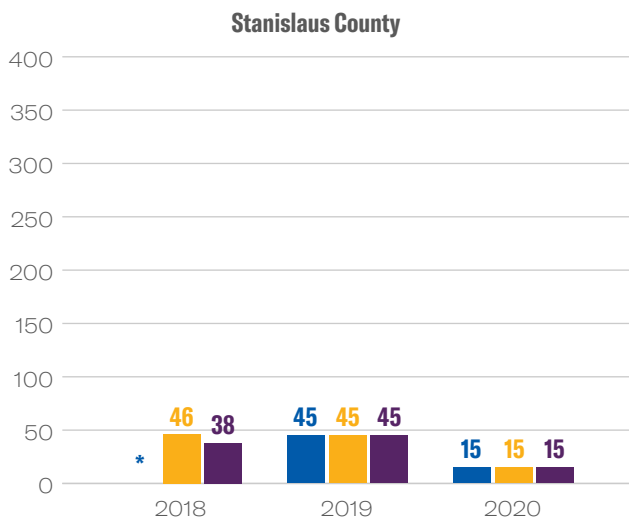
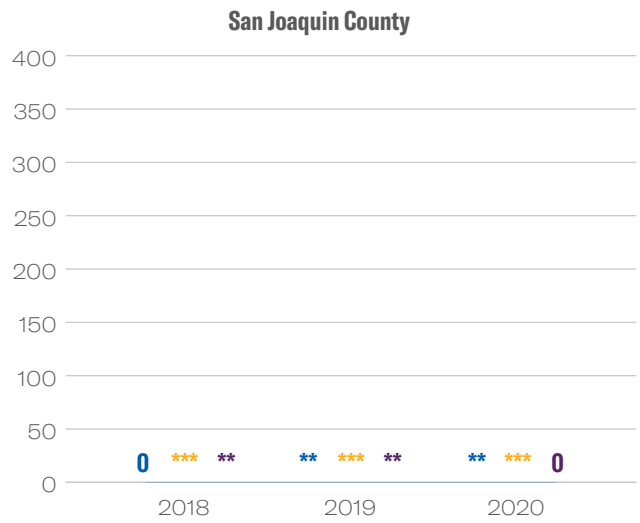
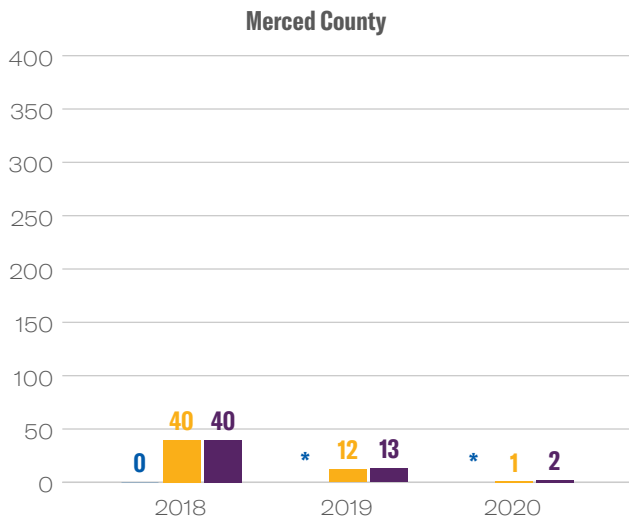
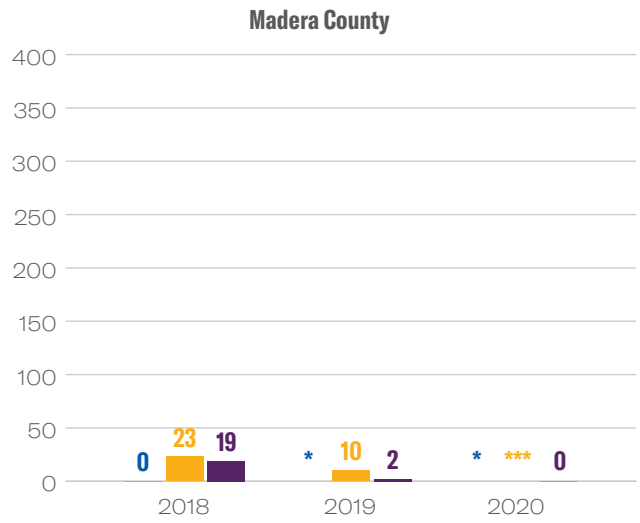
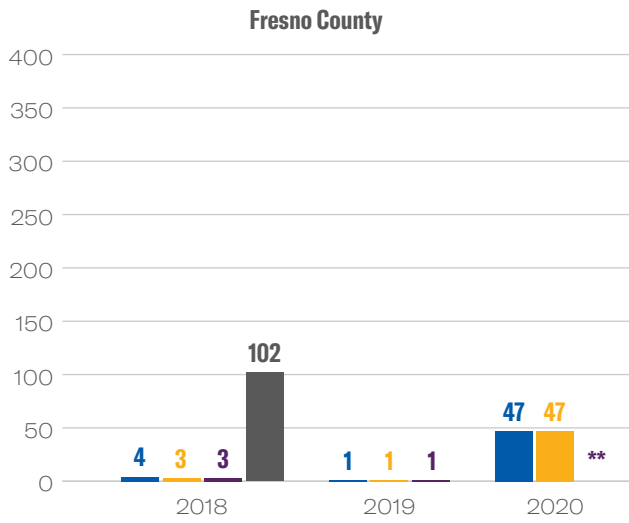
**FIGURE 10.** Discrepancy in Transfer Data Reporting by Sheriffs

Cumulatively, sheriffs in the Central Valley reported at TRUTH Act Forums that ICE arrested 889 people in their jails from 2018-2020. Through a FOIA, ICE reported to have arrested 102 people at the Fresno County Jail in 2018 alone. In total, that would mean at least 1,001 people have been released to ICE in local jails over the past several years. Yet, the sheriffs in the region reported to the California Attorney General that only 357 people were subject to an ICE transfer from 2018-2020, **a discrepancy that is almost three times less than the actual number of people arrested by ICE in local jails.**

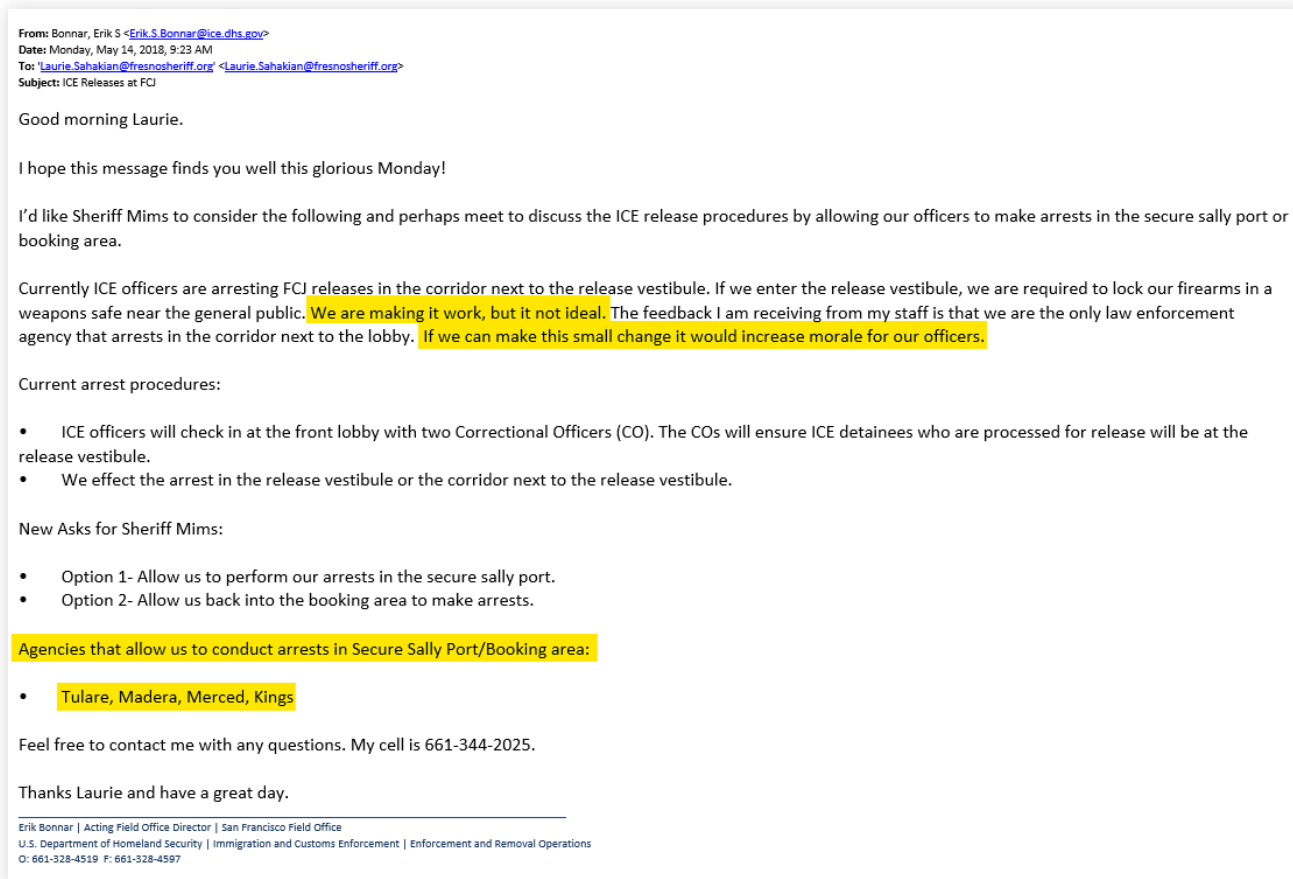
One might conclude that the number of transfers to ICE and, as such, the level of collusion with ICE is declining. However, records produced by the sheriffs in the region indicate a high rate of notifications to ICE of the release time of individuals in their custody. Under the Values Act, local law enforcement agencies are permitted to provide ICE with release time information if that information is publicly available. This practice by sheriffs suggests more transfers to ICE are happening that go unreported, that sheriffs have taken advantage of the “publicly available” exception to provide ICE with release time information, and that collaboration with ICE continues, highlighting the need to pass a law like the VISION Act.

- California Attorney General
  - TRUTH Act Forum
  - PRA
  - Other
- \* No report submitted to the AG  
 \*\* Unclear data or no data available  
 \*\*\* No forum held





**FIGURE 11.** ICE Agent’s Email to Sheriff Mims to Modify Transfer Practice



ICE Agent Bonnar asks to modify the practice of arresting community members in the vestibule of the Fresno County Jail in order to “increase [the] morale” of ICE agents.

Source: Fresno County Sheriff’s Office, as provided to the ACLU of Northern California

## Advance Notification as a Gateway to Collusion

Another practice sheriffs use to coordinate arrests with ICE is by notifying ICE of an individual’s release time from local custody. The Values Act permits local law enforcement agencies to provide ICE advance notice of a person’s release time if that information is otherwise public, or if that person has certain charges and/or convictions.<sup>85</sup> Often through a detainer, but increasingly through a new

practice described below, ICE agents will request local law enforcement agencies to supply them with a person’s release time as a way to facilitate their arrest. However, local law enforcement agencies will regularly take this request further and engage in over-communication with ICE to ensure that custody releases will align with federal officers’ schedules, including by actively choosing

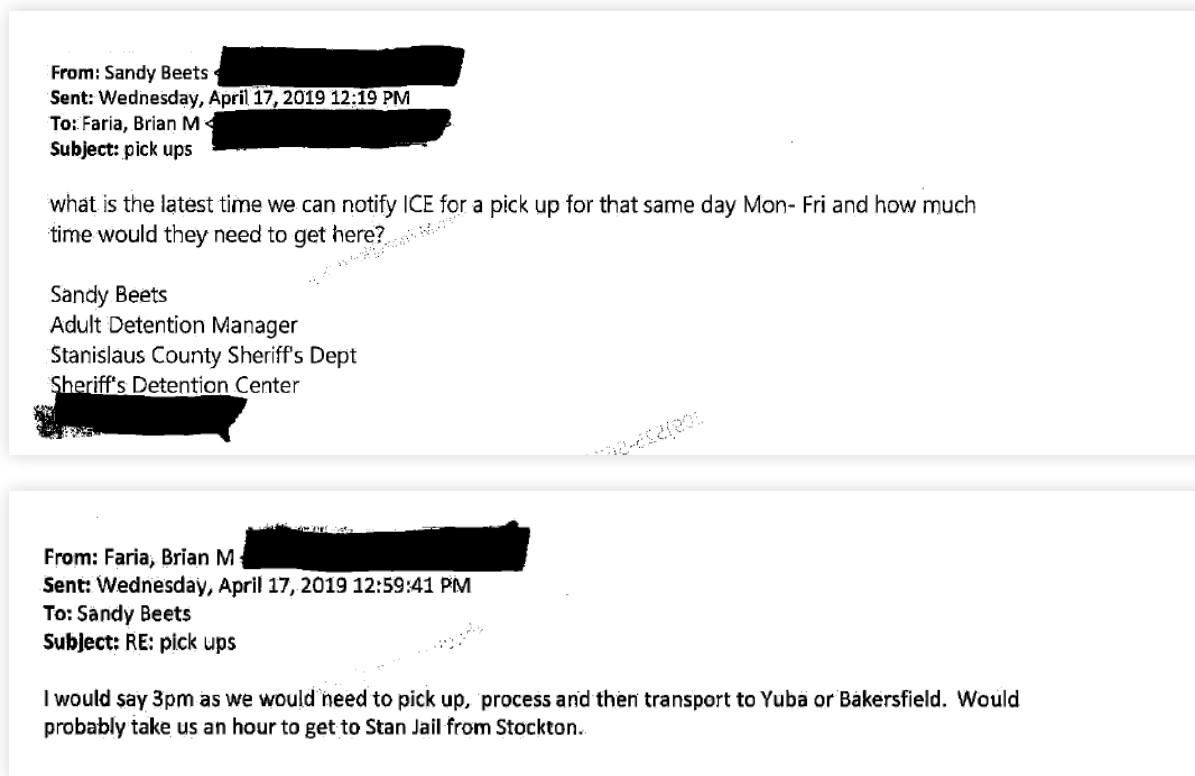
to provide ICE advance notice of a person's release time. By doing so, the law enforcement agencies provide ICE with the opportunity for an unofficial transfer of custody. This category of close coordination is routine and common, but often unreported because it occurs through nontransparent mechanisms.

For example, in a May 2020 email, an ICE agent requested a Kings County Sheriff's Office sergeant to provide "conviction documents or anything" about a particular community member. The sergeant not only provided the ICE agent the documents they sought but went further by assuring the agent that she would contact the ICE agent once the community member's court proceedings were finalized. Throughout 2020 and as recently as January 2021, ICE agents emailed the same sergeant on multiple occasions to request different sets of documents and even probation release times for people they sought to arrest and deport. The sergeant swiftly responded to these requests, often furnishing ICE the documents requested. Similar requests for information have been made by ICE agents to the Merced County Sheriff's Office. See Appendix H.

Indeed, sheriffs in the Central Valley have catered to the needs and preferences of ICE. For example, local law enforcement agencies have coordinated with ICE when considering the optimal time for an unofficial transfer to ICE by ensuring that local officers release a person at a time that is most opportune for ICE to come by the jail. In several 2019 exchanges between ICE and the Stanislaus County Sheriff's Department, the sheriff's staff worked carefully to identify the ideal window of time to release people in order to facilitate an ICE arrest. In one instance, the Stanislaus adult detention manager emailed ICE, asking, "what is the latest time we can notify ICE for a pick up for that same day" and asking how much time ICE would need to arrive at the jail. In a separate email exchange a few days later, the same officer reached out to ICE and asked, "[H]ow much time can we give you to pick up?" The ICE agent notes that people who are released by court order or after paying their bond are harder to arrest because their releases are spontaneous. As such, the agent requests that the local officer notify ICE of release times "as soon as possible," noting, "hopefully the out processing [from jail] will take some time." See Figure 12 and Appendix I. In fact, in 2021, the

...the sheriff's staff worked carefully to identify the ideal window of time to release people **in order to facilitate** an ICE arrest.

**FIGURE 12.** Email Correspondence Between Stanislaus County Sheriff’s Department Staff and ICE



Source: Stanislaus County Sheriff’s Department, as provided to the ACLU of Northern California

Stanislaus County Sheriff’s Department faxed responses to ICE regarding their notification requests, not only to inform ICE agents of when a person would be ready for “immediate pickup” but to also request that ICE “please advise eta of your transportation unit.” See Appendix J.

To take a prime example of a local law enforcement agency attempting to hide notification practices that are tailored for ICE, in 2018 and 2019, Sheriff Mims in Fresno reportedly received a total of 1,073 detainees from ICE.<sup>86</sup> At TRUTH Act forums, she announced that she had not responded to any of these ICE detainees and notification requests. However, the Fresno County Sheriff’s Office had put in place a robust system that

provided ICE with custody information via fax for most all individuals with an ICE detainer. Sheriff Mims has attempted to reason that this practice did not constitute providing ICE with notification because the fax was sent to ICE when a community member was in the process of being released or had already been released. Yet, that practice is the definition of providing ICE with the notification it seeks and, as such, is a direct response to ICE’s detainer. Recently, the Fresno County Sheriff’s Office ended its practice of faxing ICE these updates.<sup>87</sup>

Similarly, other counties publicly reported transferring zero or very few people to ICE each year. Yet many refined their notification practices to result in the arrest of community

# Martin's Story: Kern County Sheriff's Deputies Escort Father Into the Hands of ICE Agents

Martin\* is a long-time resident of Kern County. In January 2020, Martin was released from the Lerdo Jail in Kern County after completing his sentence for a DUI. At the time of his release, sheriff's deputies asked him to sign some paperwork and then directed him to a separate holding cell.

Martin waited there for 30 minutes, but he was never given any paperwork. Instead, four sheriff's deputies escorted him into the hands of ICE agents who were waiting in the jail parking lot.

Martin was detained at the Mesa Verde Detention Facility for almost five months. During this time, his U.S. citizen children worried that he would get sick, suffered from depression, and struggled in school. Since his release, Martin's children have slowly recovered from the trauma. He serves as an active member of his church and is in compliance with court orders relating to his release.

*“I come from our culture where my family showed me to love our children and to fulfil their needs. [...] It's so beautiful when I'm walking or taking them out, they hug me and kiss me and they're happy. The bible says one should cultivate love with their children, and I'm so happy I can do that with them because it's so important to me.”*

\*Name has been changed to protect confidentiality.

members at or near the county jails. For example, in 2018 the Madera County Sheriff's Office reported zero transfers yet provided release information directly to ICE that resulted in the “pick up” of at least 19 by ICE, a number the Office tracks in their system. In November 2019, Sheriff Vern Warnke presented before Merced County's Board of Supervisors, claiming, “We have never, ever assisted ICE in any immigration enforcement, that's not our job.”<sup>88</sup> Yet, in 2018 the Merced County Sheriff's Office reported having had “communication with ICE” at least 136 times

and in 2019 had provided ICE with information over the phone for at least 49 community members in local custody.

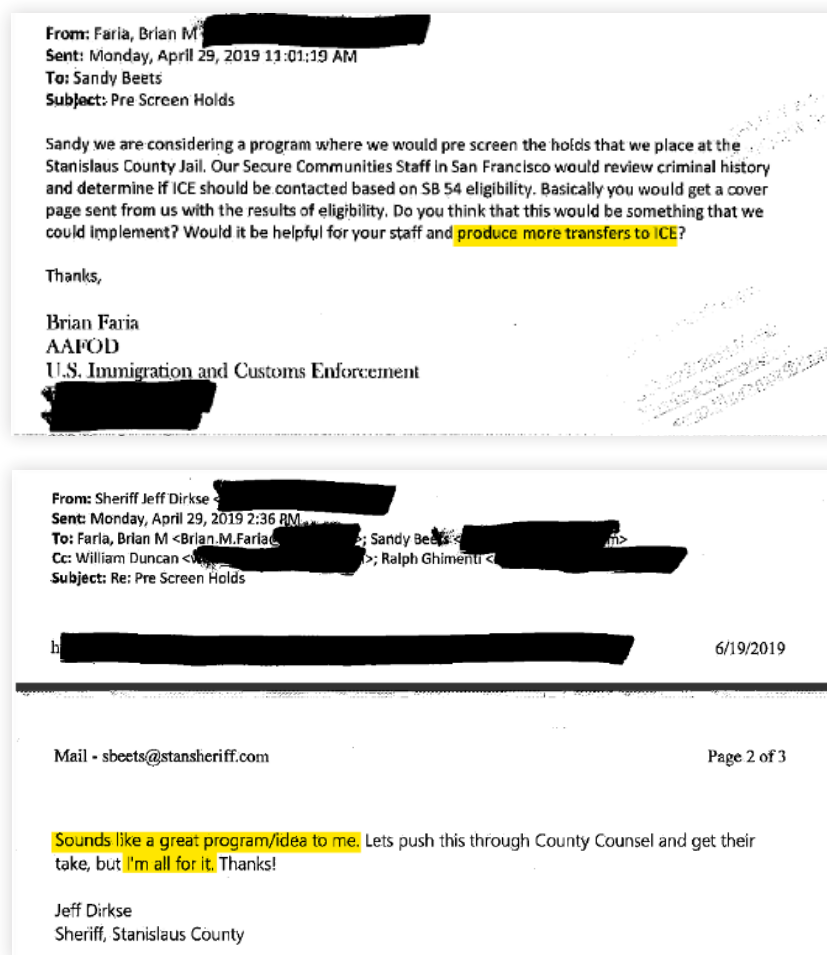
The practice of supplying ICE advance notice, tailored to their needs, of community members' release times is a voluntary practice which local sheriffs choose to adopt in order to significantly facilitate unofficial transfers. This widespread practice is often under-scrutinized yet contributes to the separation of families and carries devastating consequences.

## An Emerging Entanglement Tactic

Due to the eagerness among local law enforcement agencies in the Central Valley to collude with federal immigration enforcement, ICE tests new tactics in the region with the goal of facilitating an even greater number of community member arrests in the region. In the spring of 2019, ICE began to explore the idea of

the federal agency itself — rather than California officials — analyzing state law to pre-screen people awaiting release from local law enforcement custody as a way to “produce more transfers to ICE.” ICE proposed the practice to the Stanislaus County Sheriff’s Department and was met with enthusiasm. At the time, the practice was put on hold by ICE’s counsel. See Figure 13.

**FIGURE 13.** ICE Email to the Stanislaus County Sheriff’s Department Introducing a New Tactic



In the spring of 2019, ICE proposed for it—rather than California officials—to analyze state law to pre-screen people awaiting release from the Stanislaus County Sheriff’s Department’s custody as a way to “produce more transfers to ICE.”

Source: Stanislaus County Sheriff’s Department, as provided to the ACLU of Northern California



A few months later, the program went live in Merced County. In September 2019, an ICE agent emailed the Merced County Sheriff's Office stating, "I think there is [sic] ways to improve our communication and improve the current systems we have in place [...]." A month later, the ICE agent proposed that they use a program similar to the one that had been proposed to the Stanislaus County Sheriff in order to provide the local law enforcement agency "the opportunity to transfer the detainee into [ICE] custody prior to [release]."

See Appendix K. The Merced Sheriff agreed to meet that same month to discuss the proposal. After that email, ICE agents began to regularly send these types of requests via email, listing the offense that they believed provided a qualifying conviction for arrest. In addition to Merced, this practice has taken root in at least Fresno and Stanislaus counties. Concerningly, it is unclear whether local law enforcement agencies have any safeguards in place to prevent officers from taking ICE agents at their word on whether someone is authorized by state law to be transferred.

# Conclusion

The racial bias infecting the criminal legal system causes a double punishment with permanent consequences for noncitizen community members in removal proceedings when local law enforcement agencies are allowed to actively coordinate with ICE. Without adequate prohibitions to collusion with local entities, immigration enforcement in the Central Valley will continue to cause instability in the lives of immigrant community members through the mechanisms and structural imbalances that it currently exploits: the opening of two additional ICE detention facilities, each of which has the capacity to hold 700 community members; sheriffs that eagerly and covertly work with federal immigration enforcement; and a vulnerable immigrant community with little access to removal defense. The covert mechanisms through which both systems continue to work together ultimately impact vulnerable families, often causing a ripple effect of terror and a cycle of poverty throughout local communities. While this report has provided an analysis of some of the ways sheriffs continue to collude with ICE, it may only scratch the surface of the depths of this partnership.

# Recommendations

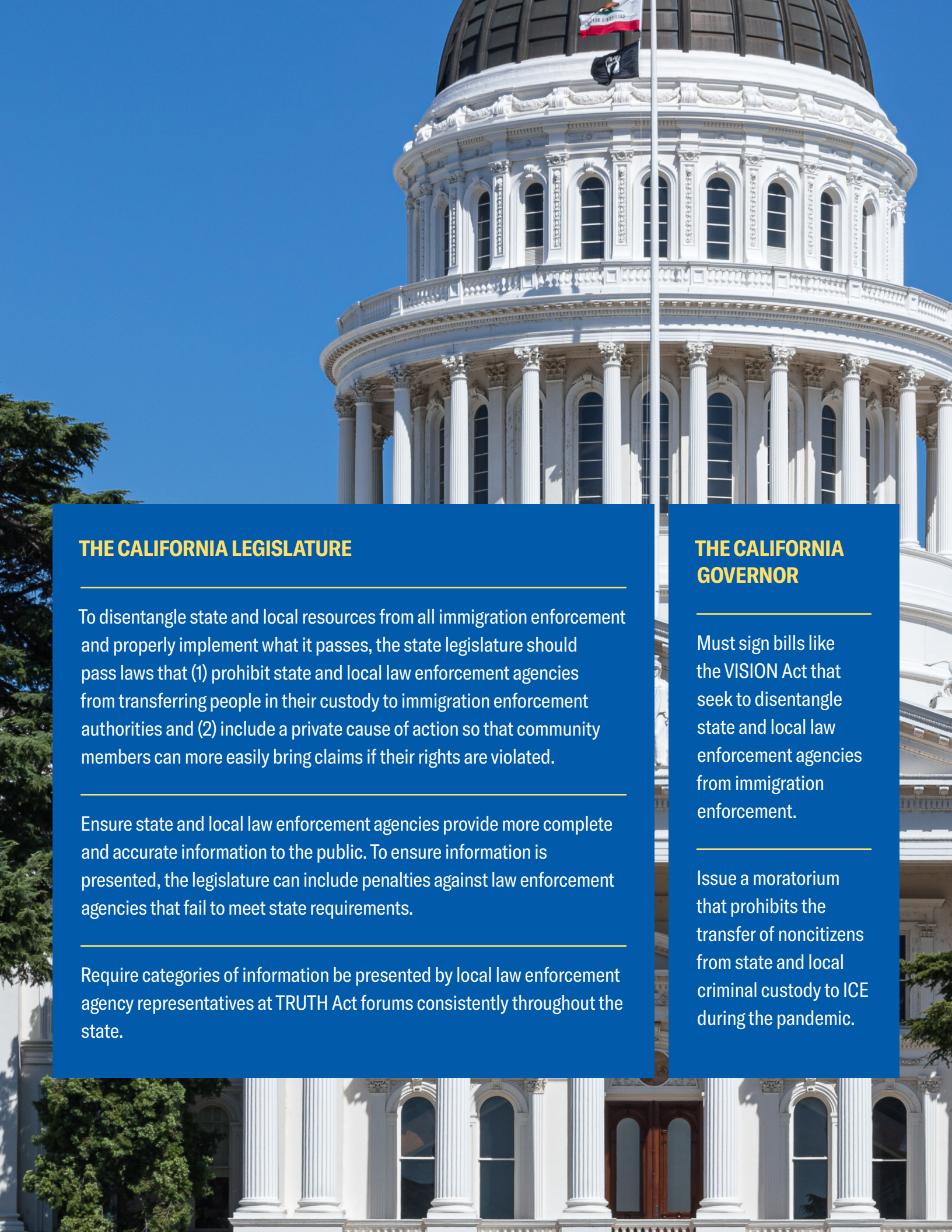
California has the power to enact stronger laws that could protect our immigrant community. California has consistently been a leader in protecting immigrant communities from federal immigration enforcement through the passage of laws like the TRUST, TRUTH, and Values Acts.

The TRUTH Act has compelled some sheriffs to publicly share information and data each year regarding the total number of ICE detainees received and the number of ICE interviews conducted in the jails. However, the data shared at these forums only scratches the surface of the available data and information local law enforcement agencies can and should be sharing with the public. For example, sheriffs should share how their notification and transfer processes work and through what modes and how often they communicate with ICE.

While these laws have provided community members with access to some information on how local law enforcement agencies work with ICE, it has only been through annual public records requests and consistent follow-up with those agencies that we have learned the scope of those agencies' continued cooperation with immigration enforcement. Often, by the time a community member comes forward about a potential Values Act violation, it is too late for them to vindicate their rights. The best way to cut back on local law enforcement agencies'

continued legal violations and circumvention tactics — including the practice of holding people past their release time, developing mechanisms that readily facilitate the custody transfer of community members to ICE, and over-communicating with ICE — is to adopt bright-line rules, as other states have already done, that prohibit all entanglement between local law enforcement agencies and agencies engaged in immigration enforcement.

Regions like the Central Valley would benefit from bright-line rules that clearly prohibit entanglement, like transfers and information sharing, rather than rules with various exceptions that inhibit effective and equitable implementation in a region that already suffers from a lack of robust removal defense representation. California must have the courage to propel a vision of inclusivity so that all its residents can thrive in safety. To move in a direction that protects all Californians, below are some steps which various state decision-makers can take in order to stand with all immigrants.



## THE CALIFORNIA LEGISLATURE

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To disentangle state and local resources from all immigration enforcement and properly implement what it passes, the state legislature should pass laws that (1) prohibit state and local law enforcement agencies from transferring people in their custody to immigration enforcement authorities and (2) include a private cause of action so that community members can more easily bring claims if their rights are violated.

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Ensure state and local law enforcement agencies provide more complete and accurate information to the public. To ensure information is presented, the legislature can include penalties against law enforcement agencies that fail to meet state requirements.

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Require categories of information be presented by local law enforcement agency representatives at TRUTH Act forums consistently throughout the state.

## THE CALIFORNIA GOVERNOR

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Must sign bills like the VISION Act that seek to disentangle state and local law enforcement agencies from immigration enforcement.

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Issue a moratorium that prohibits the transfer of noncitizens from state and local criminal custody to ICE during the pandemic.

# Appendices

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## Appendix A – ICE’s Practice of Racial Profiling and Collateral Arrests

The narrative below, which is taken from an I-213 form prepared by ICE agents, provides an example of ICE’s racial profiling and collateral arrest practices. The enforcement action resulted in the arrest of a young person with DACA whom ICE was not targeting but who was simply racially profiled and caught in the crossfires of an ICE enforcement operation. Personal identifying information has been redacted.

On February 12, 2020, the Bakersfield Fugitive Operations Team (FOT) was conducting a targeted enforcement action at [REDACTED] in search of M [REDACTED] R [REDACTED]. At approximately 0550 a vehicle with 2 male occupants was seen leaving the residence of the targeted subject. At approximately 0555, I, Deportation Officer (DO) [REDACTED] and DO [REDACTED] conducted a vehicle stop. I and DO [REDACTED] both wearing ICE identifying patches, approached the vehicle. I engaged the driver. Simultaneously, DO [REDACTED] engaged the passenger in a consensual conversation. During DO [REDACTED] conversation with the passenger, DO [REDACTED] asked the passenger if he would consent to have his fingerprints taken, passenger replied "yes". I then contacted the passenger and again asked if he would consent to have his fingerprints taken, the passenger replied "yes". I then took the passenger's

Source: Immigration and Customs Enforcement

## Appendix B – ICE Courthouse Arrest After the Passage of AB 668

California Assembly Bill 668 made it illegal to conduct civil arrests in courthouses. The law went into effect in January 2020. The narratives below are from three separate I-213s forms ranging from January through March 2020 that were completed by ICE agents. Each incident described in the forms resulted in the arrest of a community member who was attending their court hearing in a Central Valley courthouse. Personal identifying information has been redacted.

On February 21, 2020, Deportation Officer (DO) [REDACTED] and (DO) [REDACTED], were attempting to locate and arrest [REDACTED] at the California Superior Court, County of Tulare in Porterville, California. [REDACTED] was scheduled for his arraignment hearing setting in Department 22 of the Porterville Courthouse, for violation of Health and Safety Code section 11550(E) Shoot at inhabited dwelling/ vehicle/ etc. (Case # [REDACTED]).

At approximately 0850 hours, I observed a Hispanic male subject, who matched [REDACTED]'s description using photographs from record checks, waiting outside courtroom 22. DO [REDACTED] and I approached [REDACTED] and identified ourselves as officers with the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO). [REDACTED] stated that his full name was [REDACTED], who was born in Mexico, and that he had no lawful authorization or documentation to be lawfully present in the United States (U.S.). DO [REDACTED] stated to [REDACTED] that he had an administrative warrant for his arrest. [REDACTED] was arrested and taken into custody without incident. [REDACTED] was transported to the Fresno ICE ERO office for further processing.

On March 17, 2020, Deportation Officer (DO) [REDACTED], DO [REDACTED], and Customs and Border Protection Officer Enforcement (CBPO-E) [REDACTED], were attempting to locate and arrest

Signature [REDACTED]	Title Deportation Officer
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2 of 4 Pages

Form I-831 Continuation Page (Rev. 08/01/07)

U.S. Department of Homeland Security Continuation Page for Form I-213

Alien's Name [REDACTED]	File Number [REDACTED]	Date 03/17/2020
Event No: [REDACTED]		

JACINTO at the Fresno County Superior Courthouse in Fresno, California. [REDACTED] was scheduled to appear in Department 2 for hearing related to his recent arrest.

At approximately 0850 hours, DO [REDACTED] observed a male Hispanic subject, who he immediately recognized as [REDACTED] from prior photographs. [REDACTED] entered the courtroom and completed his hearing before a judge. As [REDACTED] exited the courtroom, DO [REDACTED] and DO [REDACTED] approached [REDACTED] with their "ICE" Law Enforcement badges plainly visible on their outermost garments. DO [REDACTED] identified himself in the Spanish language as an officer with Immigration and Customs' Enforcement and asked [REDACTED] to state his full name. [REDACTED] stated that his full name is [REDACTED]. DO [REDACTED] explained to [REDACTED] that he had an administrative warrant for his arrest. [REDACTED] complied with commands from the ICE officers and was placed in handcuffs and transported to the ICE/ERO Sub-Office in Fresno, California without incident.

On January 14, 2020, Deportation Officer (DO) [REDACTED], Deportation Officer [REDACTED] and Supervisory Detention and Deportation Officer (SDDO) [REDACTED], were attempting to locate and arrest [REDACTED] at the Fresno County Courthouse in Fresno, California. [REDACTED] was scheduled to appear in Department 1 for a Criminal Probation hearing related to Domestic Violence and Battery charges.

At approximately 0830 hours, DO [REDACTED] observed a male Hispanic subject, who she immediately recognized as [REDACTED] from prior photographs, approaching Department 1. Prior to entering the courtroom, DO [REDACTED] and DO [REDACTED] approached [REDACTED] with their "ICE" badges plainly visible on their outermost garments. DO [REDACTED] verbally identified himself in the Spanish language as an Officer with Immigration and Customs Enforcement and asked [REDACTED] his full name and citizenship. [REDACTED] stated that his full name is [REDACTED] and that he is a citizen of El Salvador. [REDACTED] freely admitted that he does not have any legal authorization or documentation to enter or remain in the United States. DO [REDACTED] informed [REDACTED] that he had an administrative warrant for his arrest, and [REDACTED] complied with commands from the ICE officers and he was placed in handcuffs and escorted through the exit of the courthouse without incident. [REDACTED] was then transported to the ICE/ERO Sub-Office in Fresno, California by DO [REDACTED] and DO [REDACTED].

Source: Immigration and Customs Enforcement

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## Appendix C

Below is a summary of the various pro-immigrant legislation enacted in California.

State Law	Year Effective	Summary
<b>TRUST Act</b>	2014	Introduced limits, based on criminal history, on when local law enforcement agencies could hold a person in their custody past their release time in order to facilitate a transfer to ICE.
<b>TRUTH Act</b>	2017	<p>Requires a written consent form to be provided to an individual to read and sign before an ICE interview with that individual can take place in a local jail.</p> <p>Requires local law enforcement agencies to provide a copy of the ICE detainer to the person in their custody whom the detainer concerns and to inform that person whether they intend to respond to the detainer.</p> <p>Requires local governing bodies of municipalities in which local law enforcement agencies provided ICE access to a community member the prior year to hold a community forum about the local law enforcement agency's entanglement with ICE.</p>
<b>Values Act</b>	2018	<p>Prohibits state and local law enforcement agencies (excluding the California Department of Corrections and Rehabilitation) from using agency resources for immigration enforcement purposes.</p> <p>Prohibits local law enforcement agencies from holding people past their release time, asking about immigration status, making arrests on civil immigration warrants, and sharing personal information with ICE unless that information is already public.</p> <p>Prohibits local law enforcement agencies from transferring people in their custody to ICE, with certain problematic exceptions based on criminal history, and from providing ICE advance notice of a person's release information, with exceptions based on criminal history.</p> <p>Requires local law enforcement agencies to report annually to the California Attorney General: (1) the number of transfers made to immigration authorities and the offense that triggered the transfer and (2) the purpose of each joint task force it is a part of, and related information, including the number of people arrested for immigration enforcement purposes.</p>

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## Appendix D – Fresno County Sheriff Mims’ Email Invitation to FAIR Meeting

As a small group of counties across the state refused to accept the Values Act as state law, the Federation for American Immigration Reform (FAIR), a group that the Southern Poverty Law Center has labeled a hate group with ties to white supremacists, worked to organize local jurisdictions in their efforts against the law. Fresno County Sheriff Mims shared the invitation to a local FAIR meeting with other Central Valley sheriffs, keeping them apprised even of last-minute location changes to the meeting.

**Sahakian, Laurie**

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**From:** Mims, Margaret <Margaret.Mims@fresnosheriff.org>  
**Sent:** Wednesday, May 02, 2018 11:06 AM  
**To:** David Robinson; Jay Varney; Mike Boudreaux; Verne Warnke (vwamke@co.merced.ca.us); Donny Youngblood  
**Subject:** 7504739F-097F-46F5-9B24-7F011C13AA2A.docx  
**Attachments:** 7504739F-097F-46F5-9B24-7F011C13AA2A.docx; ATT00001.bt

FYI - you are invited.



Dear Elected Official,

The number of California cities and counties which are opposing sanctuary state law is increasing every week. I believe this is a key issue for the 2018 elections, and it is very important that we provide legal assistance to jurisdictions within our counties. Just yesterday, San Diego Board of Supervisors joined other jurisdictions in Southern California and voted to officially oppose the Sanctuary State Law.

**An informational meeting is being held in Fresno on Monday, May 7, to address this issue. Would you consider attending?**

Speakers for this Fresno meeting will be **Shawn Steel**, attorney, RNC National Committeeman and former California Republican Party State Chairman, and **Susan Tully**, National Field Director for FAIR (Federation for American Immigration Reform). Both of these individuals can offer advice and legal assistance to all jurisdictions for any of the actions listed below or others which may arise.

Currently, the three options for cities/counties to oppose California's sanctuary law:

1. Pass a local ordinance to not comply with SB54 (Los Alamitos)
2. File an Amicus Brief for current or future litigation (Orange County)
3. File a suit against the state (Huntington Beach)

This is such a critical time in California, and together we can make a substantial difference in the direction of our state. Would you please let me know if, you and any other elected officials in your county, can attend on May 7?

**Date/Time: Monday, May 7, 5:30 p.m.**

**Location: DerManouel Insurance, 548 W. Cromwell, Fresno 93711  
(West of Ingram, between Herndon and Nees)**

Thank you for your consideration,

Fred Vanderhoof, Chairman  
Fresno County Republican Party  
[vanderhoof7@comcast.net](mailto:vanderhoof7@comcast.net) / (559) 908-5543

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**Sahakian, Laurie**

**From:** Mims, Margaret  
**Sent:** Monday, May 07, 2018 10:58 AM  
**To:** David Robinson; Jay Varney; Mike Boudreaux; Verne Warnke (vwarnke@co.merced.ca.us); Donny Youngblood  
**Subject:** RE: 7504739F-097F-46F5-9B24-7F011C13AA2A.docx

The location of the meeting has changed to:

2992 E. Clinton, Fresno  
Masonic Lodge near VA Hospital

Source: Fresno  
County Sheriff's  
Office, as provided  
to the ACLU of  
Northern California

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## Appendix E – Madera County Probation Department Policy

In a 2018 memo, the Madera Chief Probation Officer directed his staff to flag for him any individual “who they feel is a danger to the community, and that the community would be better off without this person in it” so that he may then contact immigration enforcement authorities for “their review” over the individual if deemed properly. Such a practice is in violation of state law.



### MADERA COUNTY PROBATION DEPARTMENT Administration



**STEPHANIE STOECKEL**  
Deputy Chief Probation Officer

**RICK DUPREE, Chief Probation Officer**

209 W. Yosemite Ave  
Madera, CA 93637  
Phone (559) 675-7739  
Fax (559) 673-0521

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TO: All Probation Staff  
FROM: Rick Dupree  
DATE: March 9, 2018  
RE: Illegal Immigration/I.C.E

This policy supersedes the policy sent out on June 19, 2017

#### STATEMENT OF PROBLEM

Illegal immigration has been and continues to be at the forefront of the news this past year, and has unfortunately become politicalized. In review of all the attention that ICE/Homeland Security is receiving, I thought it be prudent that I clarify our department’s role and responsibility when it comes to addressing illegal immigrants within the probation populace. This policy does not greatly differentiate philosophically with how a lot of our local law enforcement agencies or fellow probation departments in California are dealing with illegal immigrants. But, it can be difficult when balancing the needs of a fellow LE agency with the requirements of SB 54 as well as our own goals and objectives in providing a wide-range of services for probationers, regardless of their legal status.

#### POLICY & PROCEDURE

Staff shall not notify, coordinate, or instruct ICE on the whereabouts, actions, or details of a defendant’s activities. However, if ICE makes contact with staff in regards to a felony defendant on probation, staff shall only provide them the following information as they would any other law enforcement agency, as long as the requesting agency has the RIGHT to know and the NEED to know.

- Defendant’s home address
- Defendant’s work address
- Criminal history/probation status
- Defendant’s picture

If ICE requests the above information on a misdemeanor probationer or a person no longer on probation, please contact a Supervisor or Deputy Chief for guidance on whether the person meets the criteria set forth in Section 7282.5 of the Government Code for release of

*“The mission of the Madera County Probation Department is to encourage positive change in the lives of offenders through collaborative partnerships, evidence based practices, and corrective services.”*

that information. If we are authorized to release that information per the above Section, staff shall provide that information to ICE, or any other LE agency requesting such. If ICE decides to arrest/deport the individual, they shall not do so on Madera County Probation property, nor shall we coordinate those activities with ICE. Relationships and trust with probationers, their families, and the community is paramount to our success. If that relationship or trust is severed, we cannot effectively do our job.

Madera County Probation supports all public safety and is committed to making the community safe. The Department is also supportive of deportation of those offenders who pose a danger to the community and its citizens. Therefore, when an officer has a defendant on their caseload who is an illegal immigrant, who they feel is a danger to the community, and that the community would be better off without this person in it, the case shall be referred to me for final review and decision. When in doubt, error on the side of caution and refer the matter to me. I don't want anyone but me to be responsible for the decision in case something negative should happen with the defendant. I will document the decision in CE and refer the matter either to ICE for their review or back to the supervising officer for continued services.

At no time shall we provide information to ICE regarding juveniles. The Juvenile Services Division shall work with the Mexican consulate in Fresno to reunify the minor with his or her family or will provide services to the minor, as they would with any minor under their care, if he or she is to remain in the community.

Source: Merced County Probation Department, as provided to the ACLU of Northern California

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## Appendix F – Emails to ICE from the Stanislaus County Sheriff’s Department

The Stanislaus County Sheriff’s Department’s Adult Detention Manager emailed ICE in April 2019 as the Department was preparing to update their policy regarding the Values Act, which was, at that time, not compliant with the requirements of the Act. In those emails, the officer seeks ICE’s guidance and interpretation of state law. In those emails, the officer makes clear that up to that point the county had been in violation of state law.

**From:** Sandy Beets  
**Sent:** Thursday, April 18, 2019 12:59 PM  
**To:** Faria, Brian M  
**Subject:** ICE

I'm so sorry to bother you but we are really confused on this crap.

can you review what our current policy states and let me know if it's correct or not.

1. when someone is ready for release we are not allowed to contact ICE and give them 48 hours to pick up for any inmate no matter what correct?
2. If someone has a no bail hold due to qualifying charges for the ICE detainer and they bail out on the local charges we would let the bondsman know they are going to ICE. Can we do that, so if they post bail can we no longer notify you and give you 48 hours to pick up?

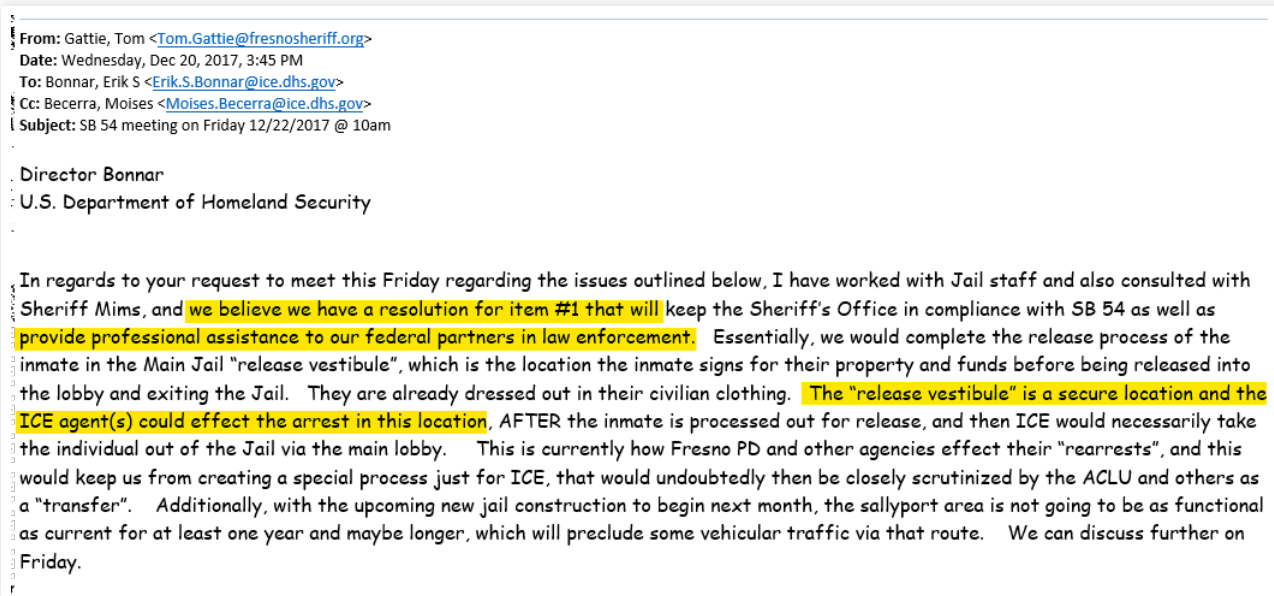
**From:** Sandy Beets  
**Sent:** Monday, April 22, 2019 8:11:45 AM  
**To:** Faria, Brian M  
**Subject:** Re: ICE

okay so the 48 hours is still in place as long as they have qualifying convictions or current qualifying charges? Just like we have been doing. In our phone conversation I thought when I asked about the 48 hours you said we could not hold them, but I must have misunderstood.

Source: Stanislaus County Sheriff’s Department, as provided to the ACLU of Northern California

## Appendix G – Email from the Fresno County Sheriff’s Office to ICE Agent Bonnar Regarding Jail Vestibule Practice

Tom Gattie, the former Fresno County Assistant Sheriff, emailed ICE agents Erik Bonnar and Moises Becerra on December 20, 2017, days before the enactment of the Values Act. In the email, Mr. Gattie asks for a meeting to discuss new ways to continue transferring immigrants to ICE custody.



Source: Fresno County Sheriff's Office, as provided to the ACLU of Northern California

## Appendix H – Email from ICE to Sheriff Staff in the Counties of Kings and Merced for Information

Below is an example of the emails ICE agents sent to the Kings County and Merced County Sheriff's Offices seeking information regarding people in the sheriff's custody.

**From:** Montes, Fernando L  
**Sent:** Thursday, May 14, 2020 9:11 AM  
**To:** Rodriguez, Veronica <Veronica.Rodriguez@co.kings.ca.us>  
**Subject:** conviction documents

Good morning,

Can you help with conviction documents or anything you have on subject below? Anything would be appreciated.

████████████████████  
AKA: ████████████████████  
DOB: ██████████

**Rodriguez, Veronica**

**From:** Rodriguez, Veronica  
**Sent:** Thursday, May 14, 2020 9:44 AM  
**To:** 'Montes, Fernando L'  
**Subject:** RE: conviction documents  
**Attachments:** ██████████ COURT CONVICTION DOCS ██████████.pdf; ██████████ COURT DOCS ██████████.pdf

I have attached conviction documents for ██████████ case # ██████████. I also attached court documents for case ██████████. He is currently going through criminal proceeding for case ██████████. I received his ICE detainee this morning. When he is done with court proceedings I will advise once he is ready for pickup.

Thank you,  
Sgt. V. rodriguez

Source: Kings County Sheriff's Office, as provided to the ACLU of Northern California

**From:** Bayardo, Joanna <Joanna.Bayardo@ice.dhs.gov>  
**Sent:** Friday, January 24, 2020 9:29 AM  
**To:** SALACUP, MANUEL  
**Subject:** RE: sb54

I have a question regarding supervise release, can you give me a call when you are available?

**From:** SALACUP, MANUEL <Manuel.Salacup@countyofmerced.com>  
**Sent:** Monday, December 30, 2019 2:38 PM  
**To:** Bayardo, Joanna <Joanna.Bayardo@ice.dhs.gov>  
**Subject:** Re: sb54

Good afternoon Joanne, I'm out of the office until January 7th. I will contact you then.

Sent from my iPhone

On Dec 30, 2019, at 2:08 PM, Bayardo, Joanna <Joanna.Bayardo@ice.dhs.gov> wrote:

Good afternoon

Reaching out to see if we could get the spreadsheet we talked about on our last meeting.

Thank you

Joanna Bayardo

Source: Merced County Sheriff's Office, as provided to the ACLU of Northern California

## Appendix I – Email Exchange Between Stanislaus County and ICE Regarding Timing of ICE Arrest

Below are two separate email chains between the Adult Detention Manager at the Stanislaus County Sheriff's Department and ICE around the topic of ICE arrest timing. The detention manager asks questions regarding ICE's pick up arrangements and the length of time it would take to arrive at the jail. If the jail had prolonged individuals' releases from the jail in order to ensure ICE's ability to arrest those individuals, that would be a violation of the Values Act. Similarly, if the jail had given advance notification of people's release times to ICE, even if the person did not have criminal history permitting notification to ICE, that would violate the law.

**From:** Sandy Beets [REDACTED]  
**Sent:** Wednesday, April 17, 2019 12:19 PM  
**To:** Faria, Brian M [REDACTED]  
**Subject:** pick ups

what is the latest time we can notify ICE for a pick up for that same day Mon- Fri and how much time would they need to get here?

Sandy Beets  
Adult Detention Manager  
Stanislaus County Sheriff's Dept  
Sheriff's Detention Center  
[REDACTED]

**From:** Faria, Brian M [REDACTED]  
**Sent:** Wednesday, April 17, 2019 12:59:41 PM  
**To:** Sandy Beets  
**Subject:** RE: pick ups

I would say 3pm as we would need to pick up, process and then transport to Yuba or Bakersfield. Would probably take us an hour to get to Stan Jail from Stockton.

**From:** Sandy Beets [REDACTED]  
**Sent:** Monday, April 22, 2019 8:13 AM  
**To:** Faria, Brian M [REDACTED]  
**Subject:** Re: ICE

If we can't use the 48 hours how much time can we give you to pick up?


Faria, Brian M [REDACTED]  
Mon 4/22/2019 8:28 AM  
Deleted Items  
To: Sandy Beets [REDACTED]

48 hours is what we request. And it is just that, a request. If the inmate has an actual scheduled release date it should not be an issue. The bond outs and court releases can be an issue because you cant hold them. We should be notified as soon as possible on those and hopefully the out processing will take some time. We don't have 24 hour shifts so weekends and nights can be an issue. During the day, M-F, we can usually be there within a few hours.

Source: Stanislaus County Sheriff's Department, as provided to the ACLU of Northern California

## Appendix J – Stanislaus County Sheriff's Department Fax to ICE Regarding Timing of ICE Arrest

Below is one example of many faxes in which the Stanislaus County Sheriff's Department faxes ICE information about an individual's release while asking for information about ICE's estimated time of arrival.



**Stanislaus County Sheriff's Department**  
**Jeff Dirkse, Sheriff-Coroner**

**Fax Cover Sheet**

To:	ICE TRANSPORTATION	Date:	February 10, 2021
Fax Number:	209-547-3761	Total Pages:	2
From:	Lisa Honberger	Division:	Custody
E-mail Address:		Telephone:	
		Fax:	
Reference:			
Comments - Additional Information:	COMMENTS: THE ABOVE SUBJECT IS IN CUSTODY AT THE PSC MINIMUM HOUSING AND IS READY FOR IMMEDIATE PICKUP. <b>PLEASE ADVISE ETA OF YOUR TRANSPORTATION UNIT.</b>		

**Confidentiality Notice:** This fax is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure. If the reader of this email is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the listed email address.  
Thank You.

Source: Stanislaus County Sheriff's Department, as provided to the ACLU of Northern California



## Appendix K – ICE Email to Merced County Sheriff’s Office Regarding New Entanglement Tactic

In an email to the Merced County Sheriff’s Office in September 2019, ICE introduces an idea that it states will help improve the collaboration between the two agencies. A month later, ICE implements the new practice.

### SALACUP, MANUEL

**From:** Bayardo, Joanna <Joanna.Bayardo@ice.dhs.gov>  
**Sent:** Tuesday, September 10, 2019 11:08 AM  
**To:** SALACUP, MANUEL  
**Subject:** meeting

Good morning

Following up on our request to sit and meet.

Below are some unofficial number that we will like to discuss during this meeting. I think there is ways to improve our communication and improve the current system we have in place to ensure we are arresting those who qualify under SB54.

**From:** Bayardo, Joanna <Joanna.Bayardo@ice.dhs.gov>  
**Sent:** Tuesday, October 08, 2019 1:01 PM  
**To:** SALACUP, MANUEL  
**Subject:** SB 54

Good afternoon

Wanted to see if Merced would be open to the idea of receiving the below notifications for individuals with qualifying convictions under SB54. This hopefully would provide us the opportunity to transfer the detainee into our custody prior to his release.

Let me know what you think and if you have any questions

Please see the example below:

██████████ is currently detained at the John Latoracca Correctional Center. Records checks reveal that ██████████ has a qualifying conviction to be transferred to US Immigration and Customs Enforcement under SB54 guidelines.

#### Detainee Information

Jail Name: ██████████  
ICE Name: ██████████  
ICE A# ██████████  
DOB: ██████████  
Subject # 168201

#### Qualifying Conviction(s):

2019: Felony DUI w/priors 23152(B) 16 Months

Thank you,

Joanna Bayardo  
SDDO  
██████████

Source: Merced County Sheriff’s Office, as provided to the ACLU of Northern California

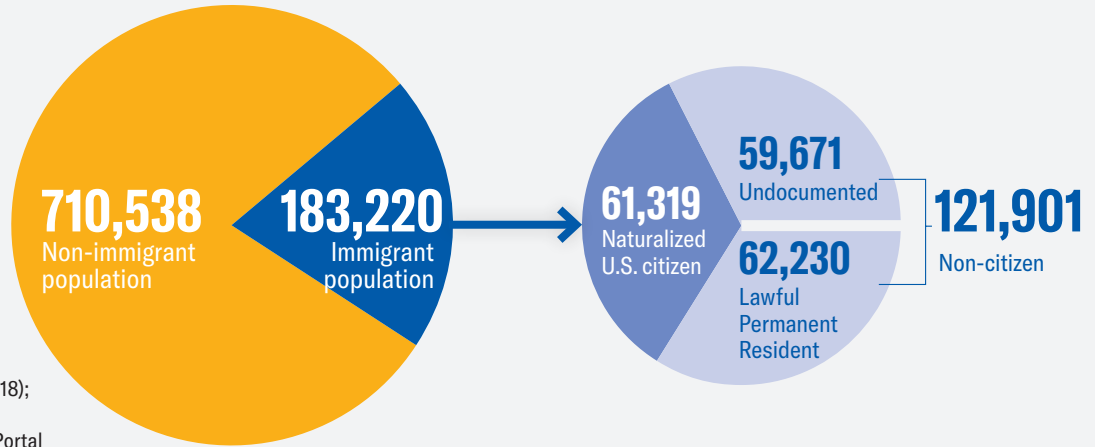
---

## **Appendix L – Central Valley County Profiles**

The information below is a compilation of publicly available data broken down by county that provides the immigrant makeup, number of people placed in removal proceedings each year, and the ICE transfers for each county. The top section of each county’s profile was sourced from the California Immigrant Data Portal and the United States Census Bureau from 2018 and provides the total number of immigrants that reside in that county. The second section are graphs that illustrate the total number of county residents that were placed in removal proceedings from 2001 through 2019, available through the California Immigrant Data Portal. The last section captures the data from reporting that county sheriffs made to the California Attorney General’s Office and at TRUTH Act Forums relating to ICE transfers. “No report provided” denotes that we could not confirm whether the sheriff’s office reported zero transfers or whether it failed to report data that year.

# KERN COUNTY

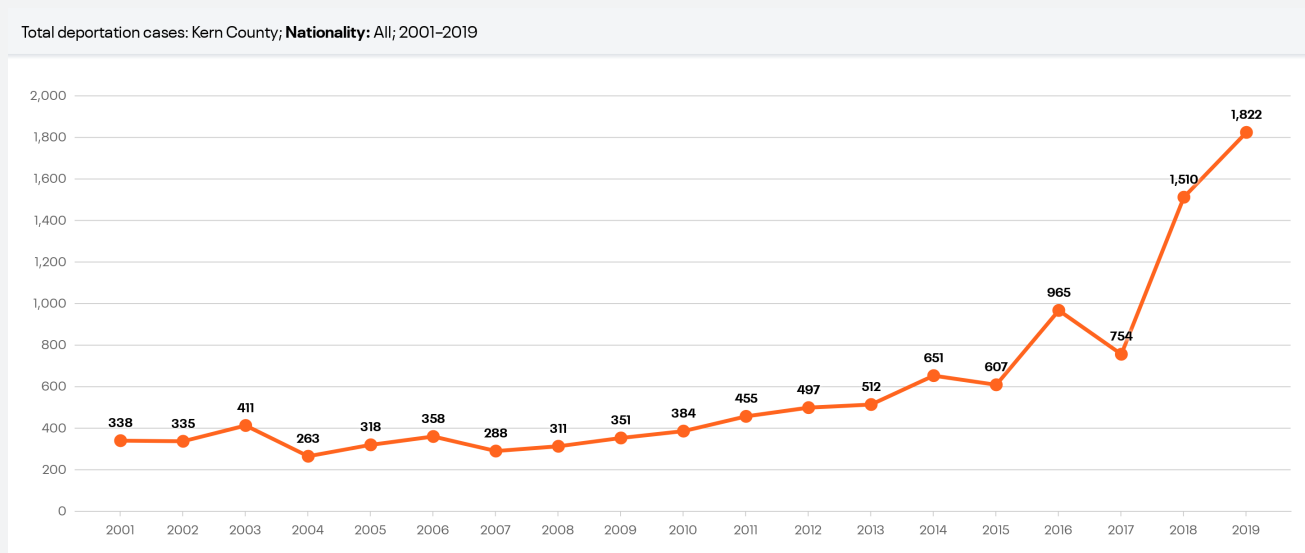
## IMMIGRANT POPULATION (2018)



Source: Census Bureau (2018); Data Commons (2018); California Immigrant Data Portal

## REMOVAL PROCEEDINGS (2001-2019)

Total number of county residents placed in removal proceedings per year



Source: California Immigrant Data Portal; Transactional Records Access Clearinghouse

## ICE TRANSFERS

Transfer data reported by the county sheriff to the California Attorney General

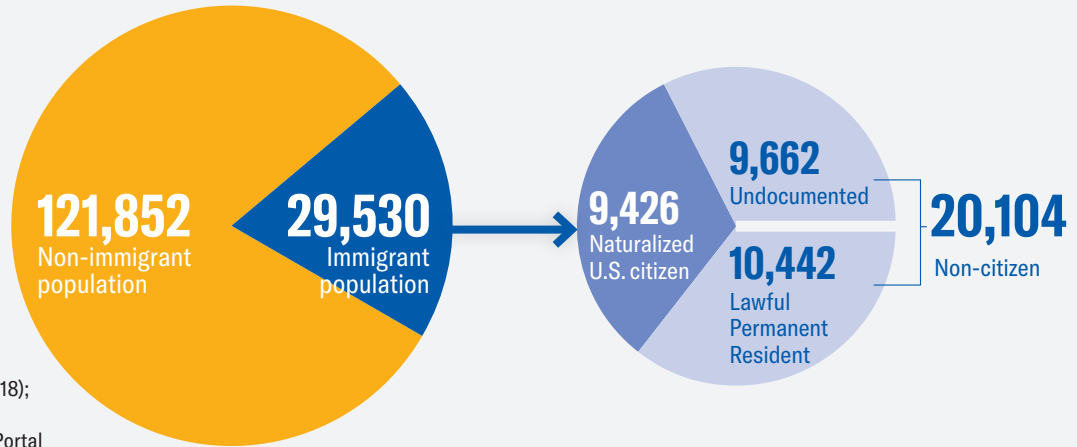
Reporting Year	Total Reported Number
2018	0
2019	28
2020	25

Data presented by the county sheriff at TRUTH Act Forums

Reporting Year	TRUTH Act Forum Date	Total Reported Number
2018	May 13-14, 2019	374
2019	July 27, 2020	65
2020	June 28, 2021	25

# KINGS COUNTY

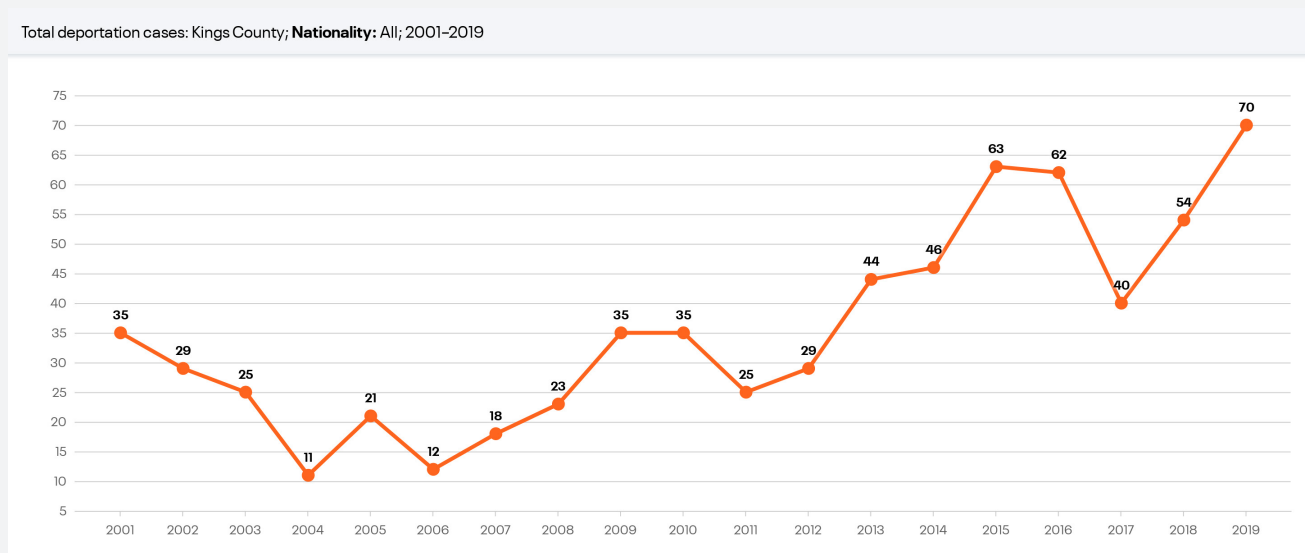
## IMMIGRANT POPULATION (2018)



Source: Census Bureau (2018);  
Data Commons (2018);  
California Immigrant Data Portal

## REMOVAL PROCEEDINGS (2001-2019)

Total number of county residents placed in removal proceedings per year



Source: California Immigrant Data Portal; Transactional Records Access Clearinghouse

## ICE TRANSFERS

Transfer data reported by the county sheriff to the California Attorney General

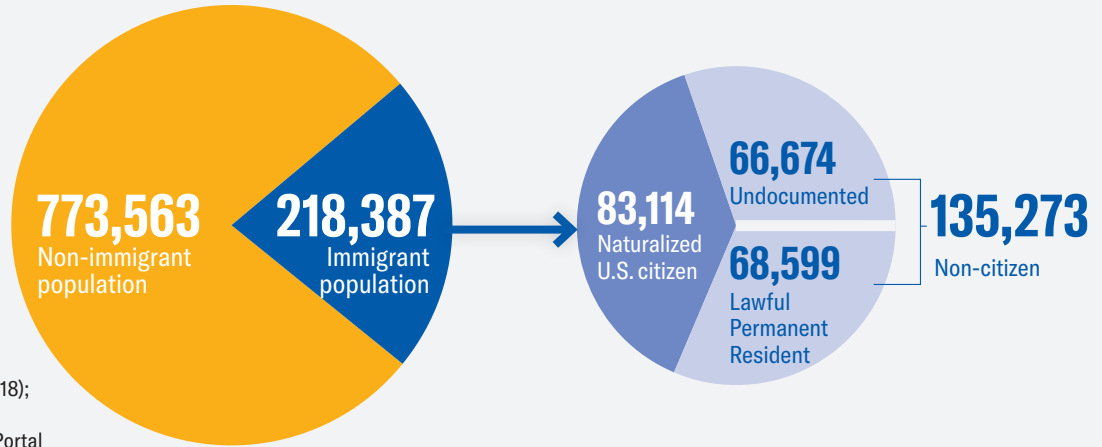
Reporting Year	Total Reported Number
2018	23
2019	19
2020	12

Data presented by the county sheriff at TRUTH Act Forums

Reporting Year	TRUTH Act Forum Date	Total Reported Number
2018	March 12, 2019	23
2019	February 25, 2020	19
2020	February 23, 2021	12

# FRESNO COUNTY

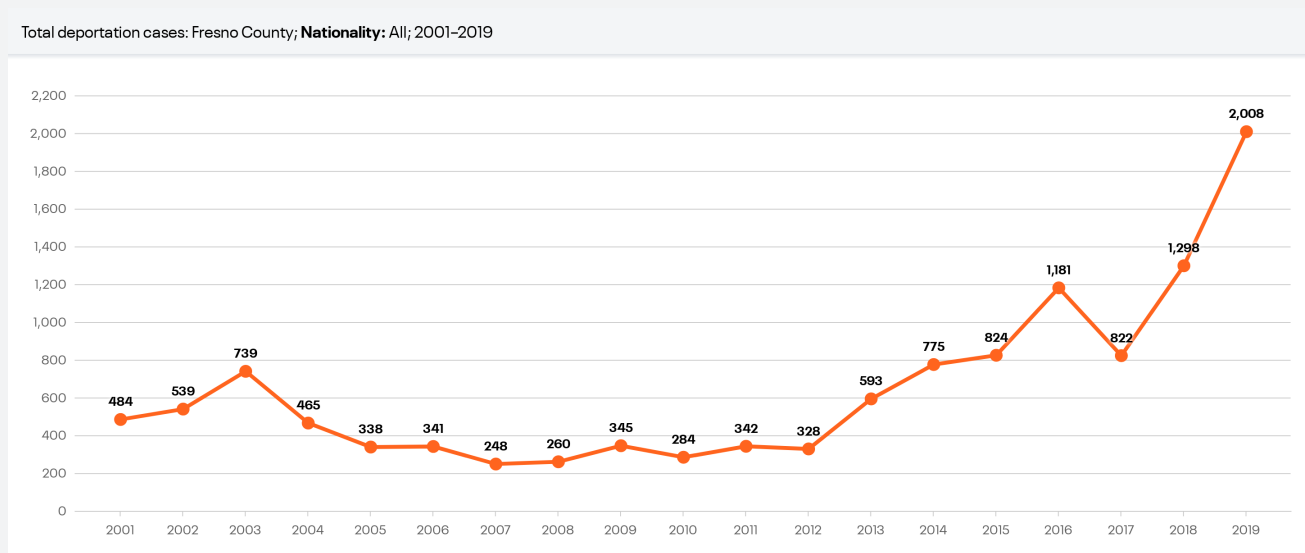
## IMMIGRANT POPULATION (2018)



Source: Census Bureau (2018);  
Data Commons (2018);  
California Immigrant Data Portal

## REMOVAL PROCEEDINGS (2001-2019)

Total number of county residents placed in removal proceedings per year



Source: California Immigrant Data Portal; Transactional Records Access Clearinghouse

## ICE TRANSFERS

Transfer data reported by the county sheriff to the California Attorney General

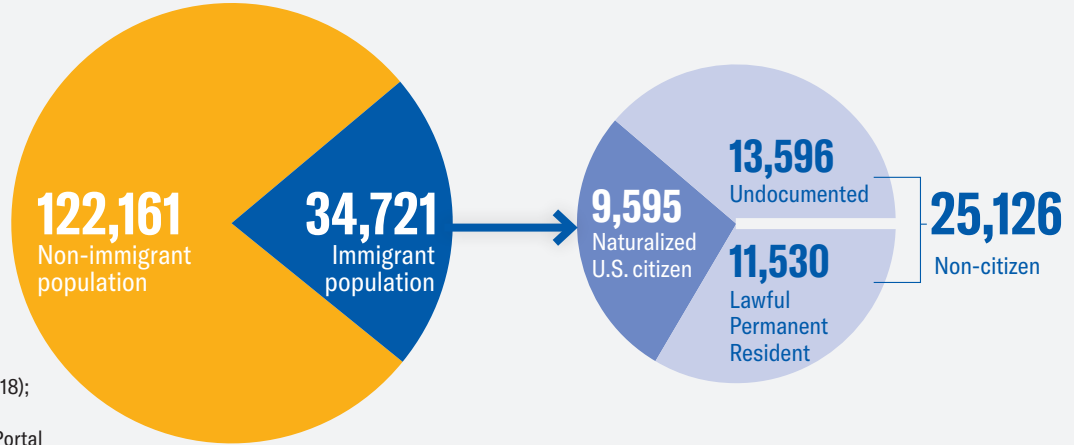
Reporting Year	Total Reported Number
2018	4
2019	1
2020	47

Data presented by the county sheriff at TRUTH Act Forums

Reporting Year	TRUTH Act Forum Date	Total Reported Number
2018	September 10, 2019	3
2019	September 22, 2020	1
2020	April 13, 2021	47

# MADERA COUNTY

## IMMIGRANT POPULATION (2018)

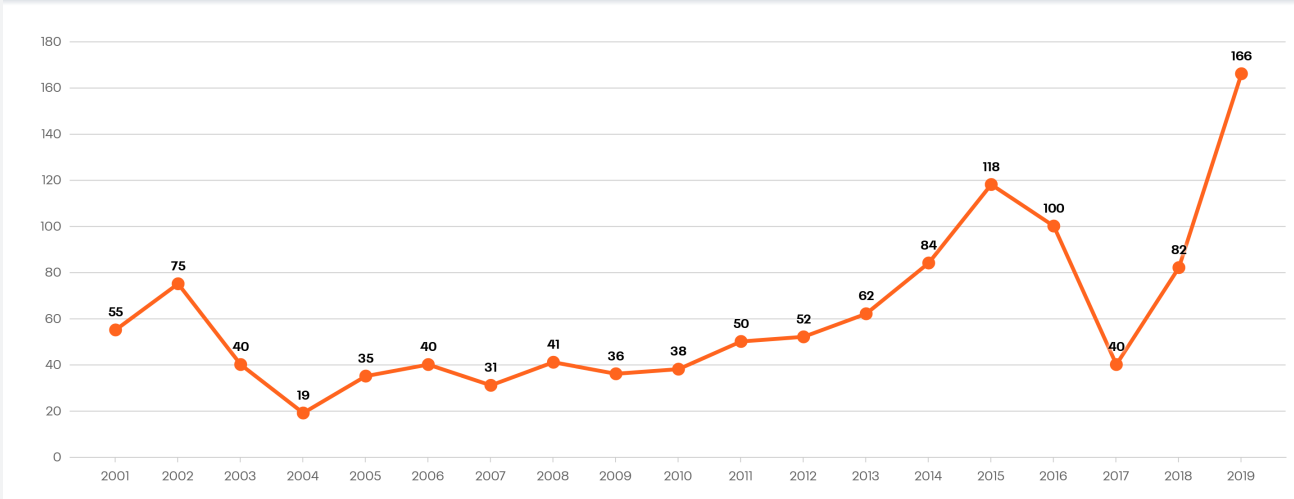


Source: Census Bureau (2018);  
Data Commons (2018);  
California Immigrant Data Portal

## REMOVAL PROCEEDINGS (2001–2019)

Total number of county residents placed in removal proceedings per year

Total deportation cases: Madera County; Nationality: All; 2001–2019



Source: California Immigrant Data Portal; Transactional Records Access Clearinghouse

## ICE TRANSFERS

Transfer data reported by the county sheriff to the California Attorney General

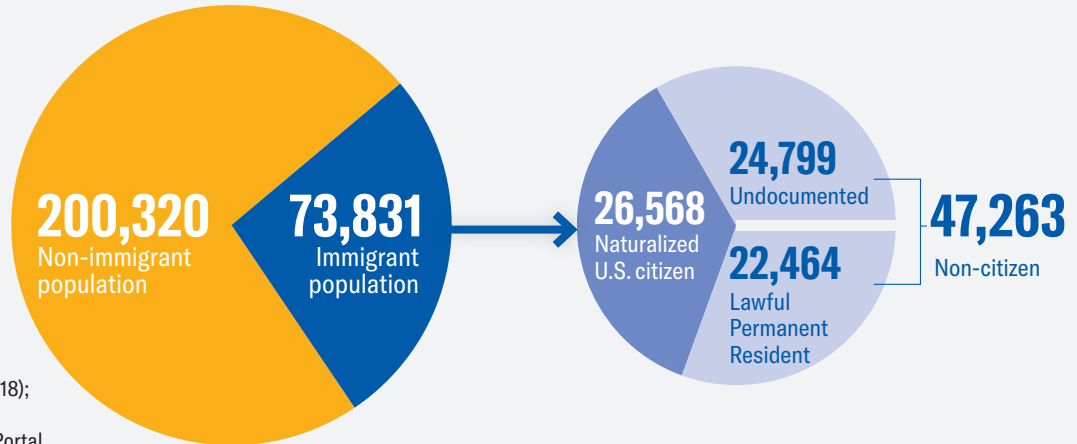
Reporting Year	Total Reported Number
2018	0
2019	No report submitted
2020	No report submitted

Data presented by the county sheriff at TRUTH Act Forums

Reporting Year	TRUTH Act Forum Date	Total Reported Number
2018	December 10, 2019	374
2019	None held	— (during the 2018 forum the sheriff reported 10 people were released to ICE in 2018)
2020	None held	—

# MERCED COUNTY

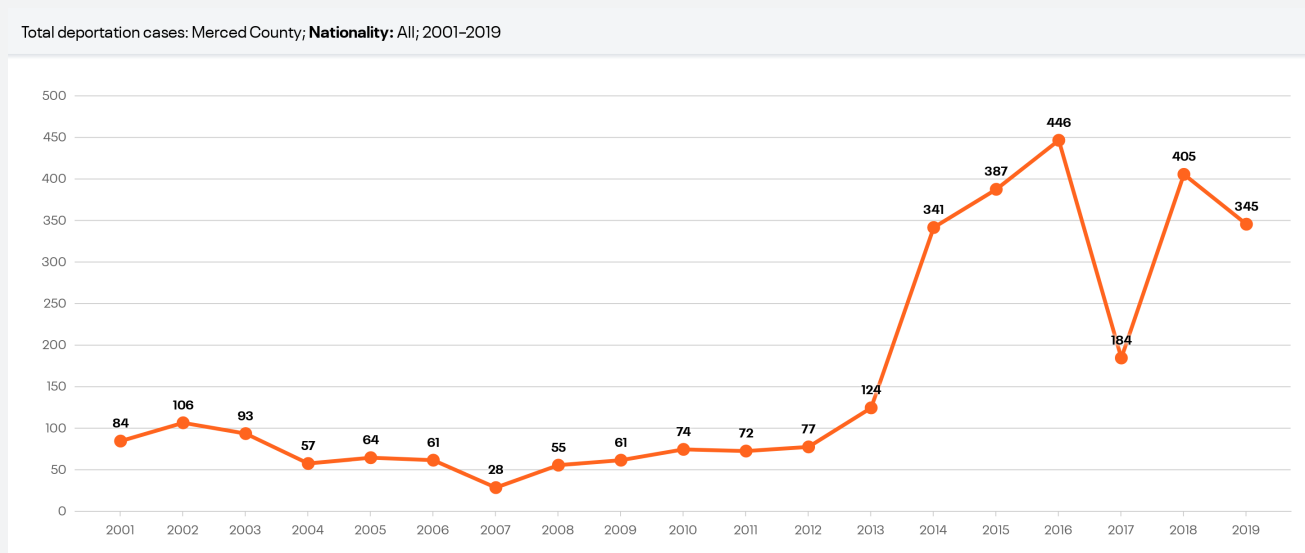
## IMMIGRANT POPULATION (2018)



Source: Census Bureau (2018); Data Commons (2018); California Immigrant Data Portal

## REMOVAL PROCEEDINGS (2001-2019)

Total number of county residents placed in removal proceedings per year



Source: California Immigrant Data Portal; Transactional Records Access Clearinghouse

## ICE TRANSFERS

Transfer data reported by the county sheriff to the California Attorney General

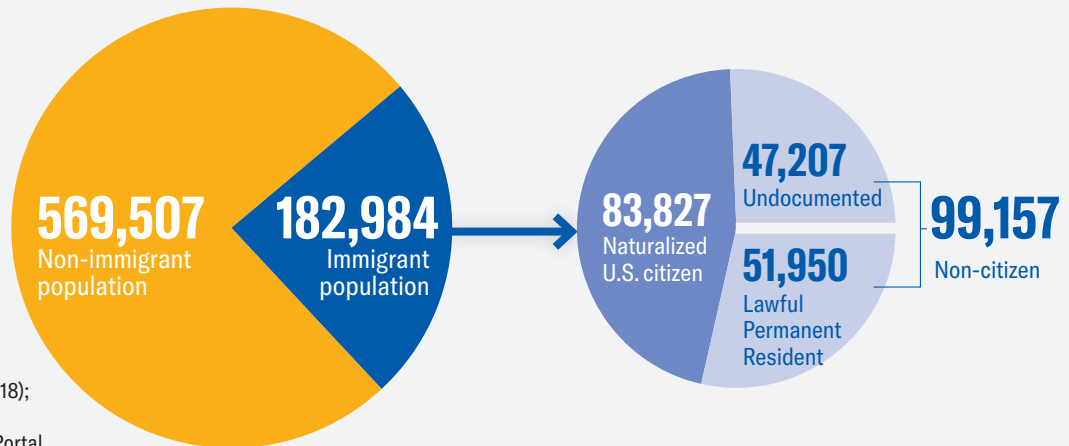
Reporting Year	Total Reported Number
2018	0
2019	No report submitted
2020	No report submitted

Data presented by the county sheriff at TRUTH Act Forums

Reporting Year	TRUTH Act Forum Date	Total Reported Number
2018	November 19, 2019	40
2019	November 17, 2020	12
2020	August 24, 2021	1

# SAN JOAQUIN COUNTY

## IMMIGRANT POPULATION (2018)

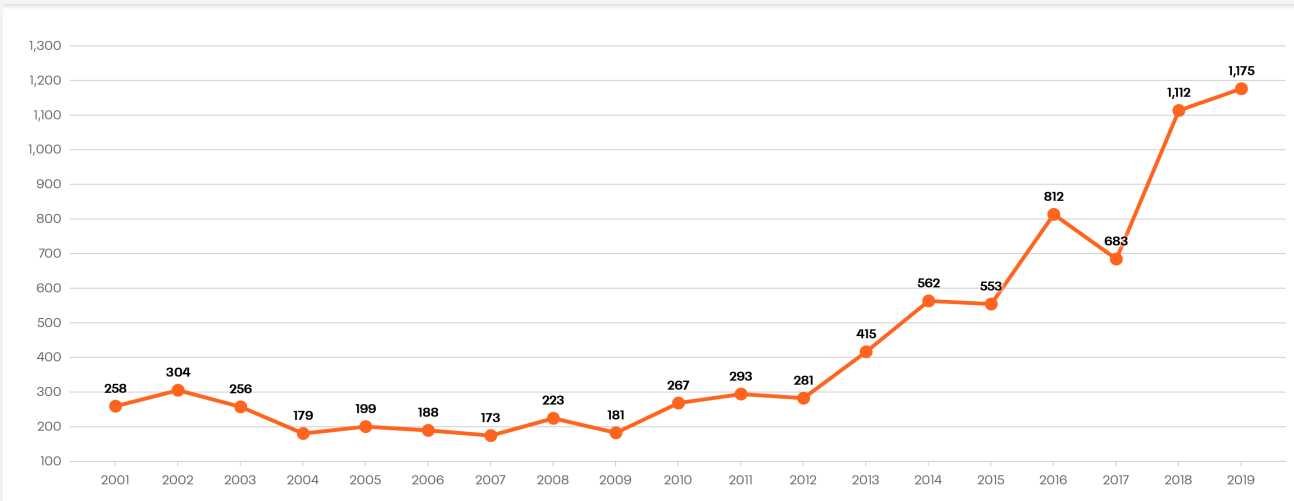


Source: Census Bureau (2018);  
Data Commons (2018);  
California Immigrant Data Portal

## REMOVAL PROCEEDINGS (2001-2019)

Total number of county residents placed in removal proceedings per year

Total deportation cases: San Joaquin County; Nationality: All; 2001-2019



Source: California Immigrant Data Portal; Transactional Records Access Clearinghouse

## ICE TRANSFERS

Transfer data reported by the county sheriff to the California Attorney General

Data presented by the county sheriff at TRUTH Act Forums

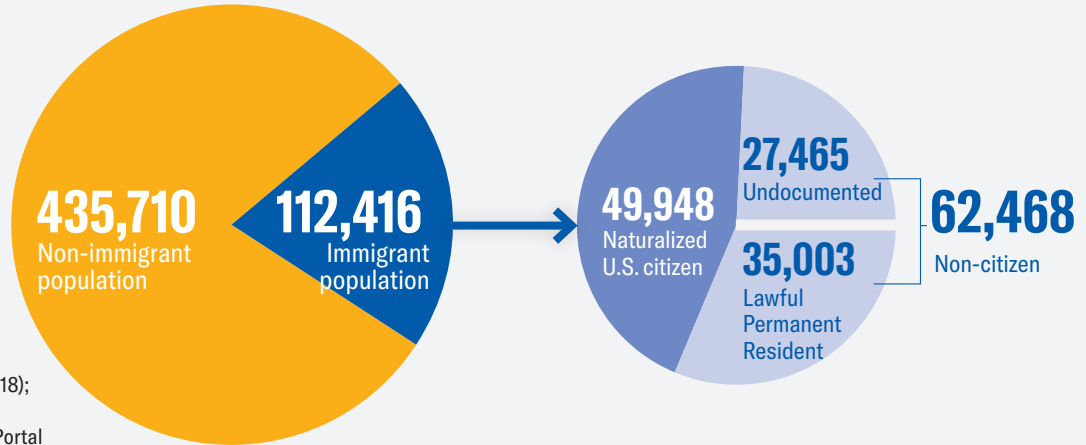
Reporting Year	Total Reported Number
2018	0
2019	No report submitted
2020	No report submitted

**From a review of the County's board meetings, no TRUTH Act Forums were held**



# STANILAUS COUNTY

## IMMIGRANT POPULATION (2018)

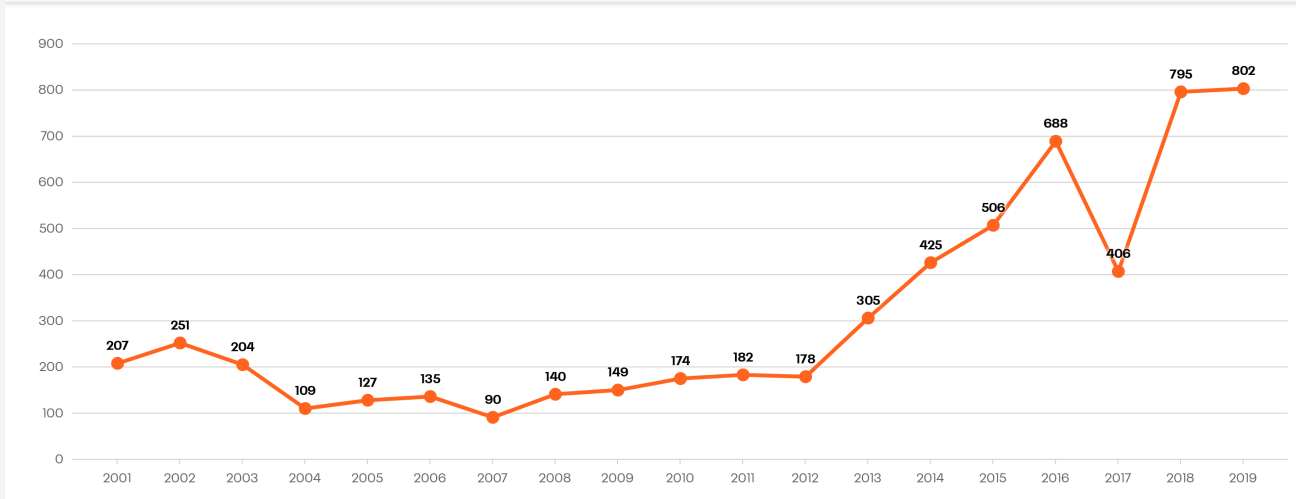


Source: Census Bureau (2018);  
Data Commons (2018);  
California Immigrant Data Portal

## REMOVAL PROCEEDINGS (2001–2019)

Total number of county residents placed in removal proceedings per year

Total deportation cases: Stanislaus County; **Nationality:** All; 2001–2019



Source: California Immigrant Data Portal; Transactional Records Access Clearinghouse

## ICE TRANSFERS

Transfer data reported by the county sheriff to the California Attorney General

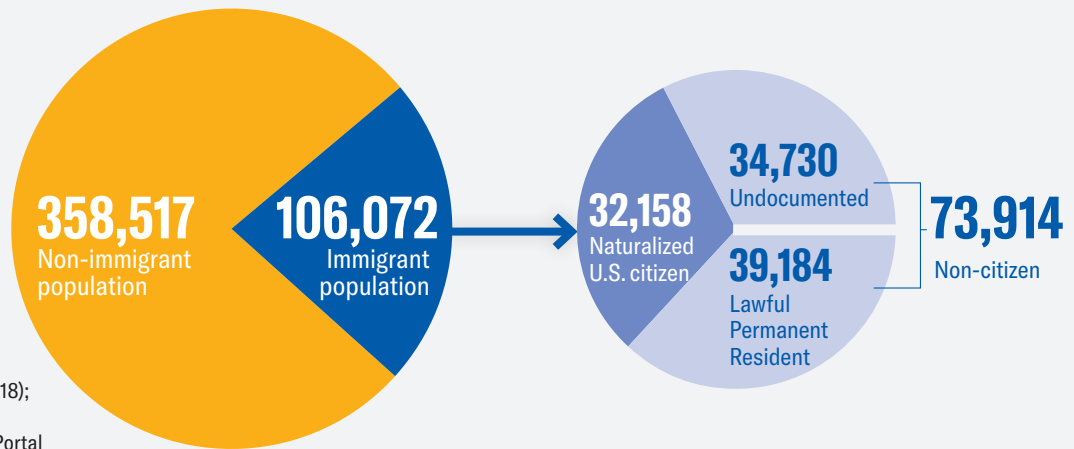
Reporting Year	Total Reported Number
2018	No report submitted
2019	45
2020	15

Data presented by the county sheriff at TRUTH Act Forums

Reporting Year	TRUTH Act Forum Date	Total Reported Number
2018	November 19, 2019	46
2019	February 27, 2020	45
2020	November 16, 2021	15

# TULARE COUNTY

## IMMIGRANT POPULATION (2018)

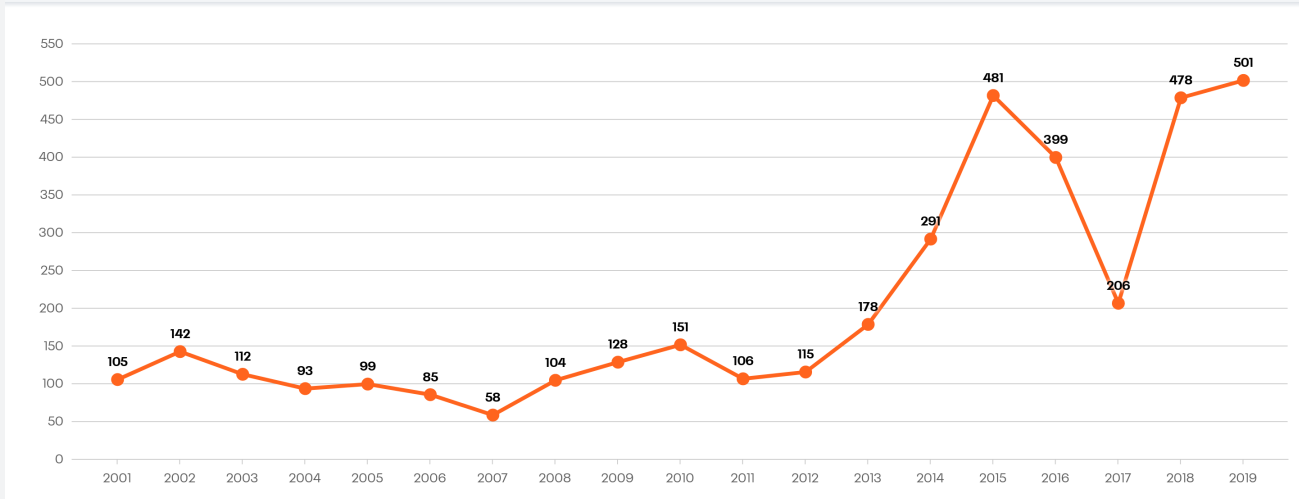


Source: Census Bureau (2018); Data Commons (2018); California Immigrant Data Portal

## REMOVAL PROCEEDINGS (2001-2019)

Total number of county residents placed in removal proceedings per year

Total deportation cases: Tulare County; Nationality: All; 2001-2019



Source: California Immigrant Data Portal; Transactional Records Access Clearinghouse

## ICE TRANSFERS

Transfer data reported by the county sheriff to the California Attorney General

Reporting Year	Total Reported Number
2018	54
2019	51
2020	33

Data presented by the county sheriff at TRUTH Act Forums

Reporting Year	TRUTH Act Forum Date	Total Reported Number
2018	August 20, 2019	54
2019	September 29, 2020	51
2020	September 21, 2021	33

# ENDNOTES

- 1 CA Legis. A.B. 937, 2021–2022 Reg. Sess. Voiding Inequalities and Seeking Inclusion for Our Immigrant Neighbors Act, (Cal. 2021) <https://perma.cc/C7HX-PJMP>.
- 2 See Oregon Sanctuary Promise Act, Or. Rev. Stat. Ch. 550 §§ 2-3 (2022); Illinois New Way Forward Act, 5 Ill. Comp. Stat. 805/15 (2022); see also New Jersey Values Act, A6222, 2022 Leg., 219th Sess. (N.J. 2022); New York for All Act, S3076A, 2021–2022 Leg., Reg. Sess. (N.Y. 2022).
- 3 *Immigration Status Indicator*, CALIFORNIA IMMIGRANT DATA PORTAL, <https://immigrantdataca.org/indicators/immigration-status#/?geo=04000000000006019> (choose from each of the eight counties referenced in the report from the “choose your geography” drop-down menu) (last visited Aug. 31, 2021) (showing population data that is broken down by immigration status and includes the total number of naturalized U.S. citizens, legal permanent residents, and undocumented people). The Portal averages data from 2014–2018, with the original data retrieved from the Integrated Public Use Microdata Series.
- 4 See *supra* note 3.
- 5 *Mixed-Status Families Indicator*, CALIFORNIA IMMIGRANT DATA PORTAL, <https://immigrantdataca.org/indicators/mixed-status-families#/?geo=04000000000006029> (choose from each of the eight counties referenced in the report from the “choose your geography” drop-down menu) (last visited Aug. 31, 2021) (showing data of the number of U.S. citizens living with undocumented family members and legal permanent residents living with undocumented family members).
- 6 *Recency of Arrival Indicator*, CALIFORNIA IMMIGRANT DATA PORTAL, <https://immigrantdataca.org/indicators/recency-of-arrival#?breakdown=2&geo=04000000000006019> (choose from each of the eight counties referenced in the report from the “choose your geography” drop-down menu) (last visited Aug. 31, 2021) (showing recency of arrival broken down by status); see also *Unauthorized Immigrant Population Profiles, Migration Policy Institute*, <https://perma.cc/RG67-2TGS> (choose from each of the eight counties referenced in the report from the “County Profiles” drop-down menu; scroll down to view “home ownership”) (last visited Aug. 31, 2021).
- 7 *QuickFacts: Foreign Born Persons, percent, 2015–2019*, UNITED STATES CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/US/PST045219> (enter any of the eight counties referenced in the report in the search bar; select “language other than English spoke at home, percent of persons age 5 years+” in the “select a fact” drop-down menu) (last visited Sept. 1, 2021) (averaging the data for all eight counties as it relates to “language other than English spoke at home, percent of persons age 5 years+”).
- 8 *Refugee Arrivals, Fresno County*, CALIFORNIA IMMIGRANT DATA PORTAL, <https://immigrantdataca.org/indicators/refugee-arrivals#?breakdown=3&geo=04000000000006019> (select “Fresno County” from the “choose your geography” drop-down menu; select “ranking” from the “select breakdown” drop-down menu) (last visited Aug. 31, 2021).
- 9 *Southeast Asian American Journeys*, ASIAN AMERICANS ADVANCING JUSTICE, 31 (February 2020), <https://perma.cc/VQ8K-SJZT>.
- 10 *About Us*, HMONG CULTURAL NEW YEAR CELEBRATION INC., <https://perma.cc/9G2U-JWKQ> (last visited Aug. 31, 2021).
- 11 Kayla Kitson, *California’s Undocumented Immigrants Make Significant Contributions to State and Local Revenues*, CALIFORNIA BUDGET & POLICY CENTER (Apr. 2019), <https://perma.cc/Q-4UZ-8H38>.
- 12 *Examining the Economic Contributions of Undocumented Immigrants by Country of Origin*, NEW AMERICAN ECONOMY RESEARCH FUND (Mar. 8, 2021), <https://perma.cc/Q8W9-DKYM>.
- 13 Nicole Prchal Svajlenka, *A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response*, CENTER FOR AMERICAN PROGRESS (Apr. 6, 2020), <https://perma.cc/UGM3-89AF>.
- 14 Yesenia Amaro, *“The right side of history.” Fresno-area Dreamers celebrate Supreme Court’s ruling*, THE FRESNO BEE (June 18, 2020), <https://perma.cc/3F29-K6F2>.
- 15 *Median Hourly Wage: Insights and Analyses*, CALIFORNIA IMMIGRANT DATA PORTAL, <https://immigrantdataca.org/indicators/median-hourly-wage#/?geo=04000000000006019> (choose from Fresno, Kern, Merced, San Joaquin, Stanislaus, and Tulare in the “choose your geography” drop-down menu) (last visited Aug. 31, 2021) (showing that on average undocumented workers in Fresno, Kern, Merced, San Joaquin, Stanislaus, and Tulare, counties made \$12/hour and lawful permanent residents made \$14/hour; statewide the median hourly wage for undocumented workers is \$13 and for lawful permanent residents \$18).
- 16 Bryant-Jon Anteola, *Fresno County is rated No. 1 in the nation in agricultural production*, THE FRESNO BEE (Oct. 8, 2019), <https://perma.cc/88AF-PC8K>.
- 17 *Industries and Occupations Indicator*, CALIFORNIA IMMIGRANT DATA PORTAL, <https://immigrantdataca.org/indicators/industries-and-occupations#/?geo=04000000000006019> (choose from each of the eight counties referenced in the report from the “choose your geography” drop-down menu) (last visited Aug. 31, 2021) (showing data relating the type of industry an employed person is in broken down by immigration status).
- 18 *Unauthorized Immigrant Population Profiles*, MIGRATION POLICY INSTITUTE, <https://www.migrationpolicy.org/programs/us-immigration-policy-program-data-hub/authorized-immigrant-population-profiles> (choose from each of the eight counties referenced in the report from the “county profiles” drop-down menu) (last visited Aug. 31, 2021).
- 19 This report will use the term “removal proceedings” to indicate the administrative proceedings used to determine whether an individual may remain in the United States. Colloquially, removal proceedings are sometimes referred to as “deportation proceedings.”

- 20 Reis Thebault & Alexandria Fuller, *The Bias in Fresno's Justice System: An investigation of policing in Fresno shows a lasting legacy of discrimination, and its consequences*, THE ATLANTIC (Aug. 24, 2018), <https://perma.cc/33CA-7CKQ>.
- 21 *Id.*
- 22 *Report to the United Nations on Racial Disparities in the U.S. Criminal Justice System*, THE SENTENCING PROJECT, (Apr. 19, 2018), <https://perma.cc/98EW-3WG8> (finding that Black and Latino people made up 57% of the U.S. prison population despite only making up 29% of the total U.S. population); see also Richard Winton, *Black and Latino drivers are searched based on less evidence and are more likely to be arrested, Stanford researches find*, LOS ANGELES TIMES (June 19, 2017), <https://perma.cc/W2AN-36PV> (highlighting findings from research at Stanford University, including that Black drivers are stopped at a higher rate than white drivers, Black and Latino drivers are ticketed, searched, and arrested more often than white drivers, and that Black and Latino drivers are searched on the basis of far less evidence than white drivers).
- 23 Jeremy Raff, *The 'Double Punishment' for Black Undocumented Immigrants*, THE ATLANTIC (Dec. 30, 2017), <https://perma.cc/CJP2-VNRJ>.
- 24 Maria-Elena De Trinidad Young and Sharon Tafolla, *Health Policy Fact Sheet: Latinx and Asian Immigrants Across California Regions Have Different Experiences With Law and Immigration Enforcement*, UCLA CENTER FOR HEALTH POLICY RESEARCH, Nov. 2021, <https://healthpolicy.ucla.edu/publications/Documents/PDF/2021/LatinxAsianImmigrants-DifferentExperiences-factsheet-nov2021.pdf>; see also *Latinx and Asian Immigrants in California: Experiences with Law and Immigration Enforcement*, UCLA CENTER FOR HEALTH POLICY RESEARCH, <https://healthpolicy.ucla.edu/publications/Documents/PDF/2021/LatinxAsianImmigrants-DifferentExperiences-infographic-nov2021.pdf>.
- 25 The INS was dissolved in 2003 and replaced by a number of agencies, one of which was ICE.
- 26 Ruben Vives, *"I left my tacos on the table and took off running." Immigrants remember the workplace raids of the 1980s*, L.A. TIMES (Jan. 14, 2017), <https://perma.cc/3E9Y-Y33P> (documenting memories of immigrants of immigration enforcement raids in the 1970s and 80s).
- 27 Sierra Garcia, *A 'Climate of Fear' Accelerates Existing Labor Shortages on California's Farms*, ELEMENTAL (Sept. 15, 2019), <https://perma.cc/UH5W-2UKZ>.
- 28 Brittny Mejia, *2 dead in Kern County after vehicle overturns while fleeing ICE agents*, L.A. TIMES (Mar. 14, 2018), <https://perma.cc/6D94-8LNF>.
- 29 Alexandra Hall, *Surveillance Video Contradicts ICE Agents' Statement on Fatal Delano Car Crash*, KQED (June 18, 2018), <https://perma.cc/NQQ9-N92D>.
- 30 Andrea Castillo, *ICE arrests farmworkers, sparking fears in the Central Valley over immigrants and the economy*, L.A. TIMES (Mar. 31, 2018), <https://perma.cc/Q2WX-2H7B>.
- 31 David Noriega, *ICE arrested over 100 undocumented immigrants without criminal convictions in that big Oakland raid*, VICE (Oct. 11, 2018), <https://perma.cc/M74K-RYAH> (noting that nearly half of all people arrested during this operation did not have criminal convictions and that about half of those "level 1" criminal convictions were a decade old); see also Hamed Aleaziz, *ICE said California arrests were "targeted," but observer alleges dragnet*, SAN FRANCISCO CHRONICLE (Mar. 2, 2018), <https://perma.cc/5ZMF-3ACW>.
- 32 Marcus Benigno, *Arrested for Following the Law*, ACLU OF SOUTHERN CALIFORNIA (Oct. 17 2013), <https://perma.cc/9E3E-ZAE8> (detailing stories of people who were arrested by ICE when accessing courthouses in Kern County courthouses for court hearings, to pay fines, or to get married).
- 33 Yesenia Amaro & Pablo Lopez, *ICE making arrests at Fresno courthouse, and attorneys concerned over due process*, THE FRESNO BEE (July 24, 2018), <https://perma.cc/ZX4V-3W7F>; Fresno Bee Editorial Board, *Fresno's courthouse should not be an arresting field for ICE agents*, THE FRESNO BEE (July 27, 2018), <https://perma.cc/Y3RX-5W77>; Yesenia Amaro, *Courts should be sensitive locations. ICE agents at Tulare courthouse stirs concerns*, THE FRESNO BEE (Aug. 16, 2018), <https://perma.cc/3EWH-WEDH>; Yesenia Amaro, *ICE agents make another arrest at Fresno courthouse*, THE FRESNO BEE (Aug. 17, 2018), <https://perma.cc/452G-6S9N>.
- 34 Letter from ACT for Women and Girls et al., to Xavier Becerra, California Att'y Gen. (Sept. 14, 2018) (on file with author) (outlining a pattern of courthouse arrests in the region, listing specific examples of arrests, and urging the California Attorney General's Office to publish a model policy that aimed to vastly limit ICE courthouse arrests).
- 35 Yesenia Amaro, *ICE still making courthouse arrests in California as sanctuary law goes unenforced*, THE FRESNO BEE (Apr. 4, 2019), <https://perma.cc/9EGA-TYCH>; see also *ICE confirms immigration agents made 2 arrests in Lamont, Delano*, KGET (July 26, 2019), <https://perma.cc/B2FP-Z5WV>.
- 36 *Tracking Over 2 Million ICE Arrests: A First Look*, TRAC (Sept. 25, 2018), <https://perma.cc/56TG-UMEW>.
- 37 *Id.*; see *Secure Communities: A Fact Sheet*, AMERICAN IMMIGRATION COUNCIL (Nov. 29, 2011), <https://perma.cc/5JHR-CR4Y>; see also William A. Kandel, *Interior Immigration Enforcement: Criminal Alien Programs*, CONGRESSIONAL RESEARCH SERVICE (Sept. 8, 2016), <https://perma.cc/VTW4-9GCP>.
- 38 *Latest Data: Immigration and Customs Enforcement Detainers, ICE Data through June 2020*, TRAC, <https://trac.syr.edu/phptools/immigration/detain/> (select "county-facility detainer sent" in column heading 1 and select each of the county jails and police departments that are in the eight counties discussed in this report; select "fiscal year" in column heading 2; graph time scale by fiscal year) (last visited Nov. 8, 2021) (showing data by fiscal year of the ICE detainers issued to local jails and police departments in the eight counties discussed in this report).
- 39 *Id.*

- 40 *Immigration and Customs Enforcement Arrests*, TRAC, <https://trac.syr.edu/phptools/immigration/arrest/> (select “county/surrounding” in column heading 1 for each of the eight counties discussed in this report; select “fiscal year” in column heading 2; select “apprehension method/agency” in column heading 3) (last visited Nov. 8, 2021) (showing ICE data from October 2014 through May 2018. A total of 12,823 ICE apprehensions occurred in the Central Valley during this time. Of that total, 3,648 ICE arrests occurred through local jails and 3,798 through state prisons.).
- 41 *Immigration Detainers*, ACLU, <https://perma.cc/V7ZX-HSS9> (last visited Aug. 31, 2021); see also Krsna Avila & Lena Graber, *Practice Advisory: ICE Detainers are Illegal — So What Does That Really Mean?*, IMMIGRANT LEGAL RESOURCE CENTER (Apr. 2020), <https://perma.cc/PF7U-NQZF>.
- 42 Cal. Gov’t Code § 7283(g).
- 43 United States Court of Appeals for the Ninth Circuit, 18-16496, *U.S. v. State of California*, at 43:08, YOUTUBE (Mar. 13, 2019), <https://perma.cc/ZQP9-ZZK9> (California Attorney General’s Office argues that transfers include hand-offs that occur inside non-public areas of the jail).
- 44 *State and County Details on Deportation Proceedings in Immigration Court by Hearing Location and Attendance, Representation, Nationality, Custody, Month and Year of NTA, Outcome, and Current Status*, TRAC, <https://trac.syr.edu/phptools/immigration/nta/> (select “immigrant county” in column heading 1 for each of the eight counties discussed in this report; select “fiscal year case began” in column heading 2) (last visited Nov. 6, 2021) (showing data by county and fiscal year removal proceedings were initiated for each of the eight counties from fiscal year 2001 through September 2021).
- 45 *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (“[T]he Intensive Supervision Appearance Program — which relies on various alternative release conditions — resulted in a 99% attendance rate at all EOIR hearings. . .”).
- 46 Emily Kassie, *Detained*, THE GUARDIAN (Sept. 24, 2019), <https://www.theguardian.com/us-news/2019/sep/24/detained-us-largest-immigrant-detention-trump>.
- 47 See *supra* note 44, <https://trac.syr.edu/phptools/immigration/nta/> (select “immigrant county” in column heading 1 for each of the eight counties discussed in this report; select “custody” in column heading 2 and select “never detained”; select “fiscal year case began” in column heading 3; list measure by “initial filing”) (last visited Nov. 6, 2021) (showing data by county, fiscal year removal proceedings were initiated, and custody type, all measured by initial filing status. Reviewed the total number of people placed in removal proceedings by fiscal year for each county from FY 2001 through September 2021 and those who were “never detained.” In FY 2001, 1,571 people were placed in removal proceedings, of which 1,198 were never placed in detention. In FY 2012, 1,575 were placed in removal proceedings, of which 792 were never placed in detention. In 2018, 6,116 people were placed in removal proceedings, of which 2,875 were never placed in detention.).
- 48 *Rural Justice Initiative*, ONE JUSTICE, <https://perma.cc/H3CL-59EG> (last visited Aug. 31, 2021).
- 49 *State and County Details on Deportation Proceedings in Immigration Court by Hearing Location and Attendance, Representation, Nationality, Custody, Month and Year of NTA, Outcome, and Current Status*, TRAC, <https://trac.syr.edu/phptools/immigration/nta/> (select “immigrant county” in column heading 1 for each of the eight counties discussed in this report; select “outcome” in column heading 2 and select “removal order”; select “fiscal year case began” in column heading 3 to review data for each fiscal year; list measure by “current status”) (last visited Nov. 6, 2021) (showing information by county, fiscal year and removal proceeding outcome for each of the eight counties from 2001 through September 2021. A total of 13,981 people were ordered removed or took voluntary departure in the region.).
- 50 *Id.* (showing that from fiscal year 2001 through September 2021 a total of 11,951 people were removed and 2,030 took a voluntary departure in the region. From FY 2018 through September 2021, 3,937 people were ordered removed, comprising of about 33% of the total number of people removed since fiscal year 2001.).
- 51 Ingrid Eagly, Esq. & Steven Shafer, Esq., *Access to Counsel in Immigration Court*, AMERICAN IMMIGRATION COUNCIL (Sept. 28, 2016), <https://perma.cc/S2TK-9LFQ> (finding that only 14% of detained immigrants acquired legal counsel compared to two-thirds of their non-detained counterparts and that immigrants in detention were four times more likely to be released from detention than those without); Karen Berberich, Annie Chen, Corey Lazar, & Emily Tucker, *The Case for Universal Representation: Module 1*, VERA INSTITUTE OF JUSTICE, (Dec. 2018) <https://perma.cc/K6V9-CKEL>; see also *California’s Due Process Crisis: Access to Legal Counsel for Detained Immigrants*, THE CALIFORNIA COALITION FOR UNIVERSAL REPRESENTATION (June 2016), <https://perma.cc/KUB3-SW7F> (revealing that people in detention with counsel were five times more likely to succeed in their case than their unrepresented counterparts).
- 52 *State and County Details on Deportation Proceedings in Immigration Court by Hearing Location and Attendance, Representation, Nationality, Custody, Month and Year of NTA, Outcome, and Current Status*, TRAC, <https://trac.syr.edu/phptools/immigration/nta/> (select “immigrant county” in column heading 1 for each of the eight counties discussed in this report; select “represented” in column heading 2; select “outcome” in column heading 3; list measure by “current status”) (last visited Nov. 6, 2021) (noting that a positive outcome is defined as obtaining relief, termination of removal proceedings, or some other case closure; removal is defined as being ordered removed or obtaining voluntary departure. In the Central Valley, out of the 53,373 people in removal proceedings from fiscal year 2001 through September 2021, 36,732 have secured representation at some point in their case, with 14,016 obtaining a positive outcome and 5,750 being removed. During that same time period, 16,642 have not secured representation, of which 2,337 have obtained a positive outcome and 8,231 have been removed.).

- 53 *Id.* (select “immigrant county” in column heading 1 for each of the eight counties discussed in this report; select “custody” in column heading 2; select “outcome” in column heading 3; list measure by “current status”) (illustrating that as of November 8, 2021, the total number of people detained in the Central Valley stands at 2,926, of which 978 are represented and 1,948 are not. The total number of people who have never been detained in the region is 37,132, of which 24,408 have representation and 12,722 do not.).
- 54 *Id.* (showing that of the 2,926 total number of people in detention in the Central Valley, 274 have achieved some victory in their case, 2,558 have been removed, and 94 have pending cases. In contrast, of the 37,132 total number of people who have never been detained, 13,037 have achieved a victory in their case, 9,009 have been removed, and 15,086 have pending cases.).
- 55 *Golden State Annex: Impacted Communities and Immigration Enforcement Trends*, CENTRO LEGAL DE LA RAZA AND CALIFORNIA COLLABORATIVE FOR IMMIGRANT JUSTICE, 7 (May 18, 2021), <https://perma.cc/7Q2T-4T89> (citing that at the time of the publication of the report, there were 120 people detained in Golden State Annex, of which 95 were California residents and 15 were from the Central Valley).
- 56 Cal. Gov’t Code §§ 7282 et seq.
- 57 Cal. Gov’t Code §§ 7283 et seq.
- 58 Cal. Gov’t Code §§ 7284 et seq. The law applies to “California law enforcement agencies” which include state and local law enforcement agencies, excluding the California Department of Corrections and Rehabilitation.
- 59 *Sheriff Youngblood voices opinion on Kern as sanctuary county, Senate Bill 54*, 23 ABC NEWS BAKERSFIELD (May 3, 2017), <https://perma.cc/KL2H-SFJC>.
- 60 Luis Hernandez, *Supervisors oppose sanctuary status, residents scorn them*, VISALIA TIMES-DELTA (May 23, 2018) <https://perma.cc/LBS4-K9HA>.
- 61 *United States v. California*, 921 F.3d 865 (9th Cir. 2019), cert. denied, No. 19-532, 2020 WL 3146844 (U.S. June 15, 2020).
- 62 Yesenia Amaro, *Fresno County sheriff attended meeting to oppose sanctuary law. So did alleged hate group*, THE FRESNO BEE (Jan. 13, 2019), <https://perma.cc/5HRB-WP5D>.
- 63 *Stanislaus Board of Supervisors Meeting: Presentation of the Sheriff Department’s 2017 Report on Immigration*, at 1:12, STANISLAUS COUNTY (Dec. 4, 2018), <https://perma.cc/2SLL-BLFA>.
- 64 *State and County Details on Deportation Proceedings in Immigration Court by Hearing Location and Attendance, Representation, Nationality, Custody, Month and Year of NTA, Outcome, and Current Status*, TRAC, <https://trac.syr.edu/phptools/immigration/nta/> (select “immigrant county” in column heading 1 for each of the eight counties discussed in this report; select “fiscal year case began” in column heading 2) (last visited Nov. 6, 2021) (capturing number of removal proceedings initiated by fiscal year from fiscal year 2001 through September 2021 for people residing in each of the eight counties. In the Central Valley, a total of 53,373 people were placed in removal proceedings during this time frame. In fiscal year 2018 and 2019, a total of 6,116 and 7,404 were placed in removal proceedings, respectively. The rate of deportations followed a similar pattern.); *see also* <https://trac.syr.edu/phptools/immigration/nta/> (select “immigrant county” in column heading 1 for each of the eight counties discussed in this report; select “outcome” in column heading 2 and select “removal order” and “voluntary departure”; select “fiscal year case began” in column heading 3; list measure by “current status”) (last visited Nov. 6, 2021) (showing the rate of deportation followed a similar pattern to that of removal proceedings initiated by fiscal year. Reviewed the total number of removal orders and voluntary departures by fiscal year for each of the eight counties from 2001 through September 2021. About 11,951 people in the region were ordered removed and 2,030 accepted voluntary departure.).
- 65 *Fresno County Board of Supervisor’s Meeting; Agenda Item 14 — Truth Act Public Forum, Additional Information*, FRESNO COUNTY (Aug. 7 2018), <https://perma.cc/A6K6-HQPS>; Mackenzie Mays, *500 inmates taken by ICE under Fresno County Sheriff’s partnership*, THE FRESNO BEE (Mar. 23, 2018), <https://perma.cc/NV6S-3YW2>.
- 66 *Id.* Mays.
- 67 *See supra* note 40.
- 68 *See* Fresno County Board of Supervisor’s Meeting, *supra* note 65.
- 69 *Kern County Board of Supervisors Meeting: Special Meeting*, at 11:21, KERN COUNTY (May 13, 2019), <https://perma.cc/YWB4-U4SX>.
- 70 *Fresno County Board of Supervisor’s Meeting; Agenda Item 12 — Truth Act Public Forum, Exhibit A*, FRESNO COUNTY (Apr. 13, 2021), <https://perma.cc/B7UA-ZLQ8>; *Kern County Board of Supervisors Meeting: Special Meeting*, at 10:28, KERN COUNTY (June 28, 2021), <https://perma.cc/K2Y7-YSF3>.
- 71 Stanislaus County Sheriff’s Department, *Adult Detention Facility Procedure Manual, Chapter 2: Booking, Classification, Property, & Release, Compliance with the California Values Act (SB 54) and Related I.C.E. Laws/Regulations*, 2-05.12, Revision Date: April 1, 2018, (on file with author).
- 72 *Id.* at 5.
- 73 Kern County Sheriff’s Office, *Detentions Bureau Policies and Procedures, TRUSTH/TRUTH Act Compliance*, at 1, Policy C-2300, Effective Date: February 1, 2019.
- 74 Peter Mancina & Angela Chan, *Turning the Golden State into a Sanctuary State*, ASIAN AMERICANS ADVANCING JUSTICE (Mar. 2019), <https://perma.cc/9L3B-75Q4>.

- 75 State law specifies that the only exceptions for honoring ICE transfer requests on a misdemeanor conviction is for conviction within the past five years “that is punishable as either a misdemeanor or a felony.” Cal. Gov’t Code § 7282.5(a)(3); *see also Practice Advisory: SB 54 and the California Values Act: A guide for Criminal Defenders*, IMMIGRANT LEGAL RESOURCES CENTER (Feb. 2018), <https://perma.cc/8GPZ-R68G> (showing appendix III of ILRC’s practice advisory for a chart of enumerated straight misdemeanor offenses).
- 76 *California Department of Justice, Information Bulletin: Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California TRUTH Act*, No. DLE-2018-01, California Department of Justice — Division of Law Enforcement, March 29, 2018 (“A conviction for a straight misdemeanor, i.e., a crime that is presently punishable only as a misdemeanor, is not listed in section 7285, subdivision (a), and therefore is not a valid justification for honoring a transfer or notification request.”).
- 77 Office of the Attorney General, California Department of Justice, *Values Act Transfer Data*, OPEN JUSTICE DATA PORTAL, <https://perma.cc/Q2F7-E5D3> (last visited Aug. 3, 2021).
- 78 Cal. Gov’t Code § 7284.6(c)(2); *see also* California Department of Justice: California Justice Information Services Division, *California Values Act’s Statistical Reporting Requirements*, No. 18-02-CJIS, March 28, 2018, <https://perma.cc/ZR5J-M5QE>.
- 79 *See supra* note 77.
- 80 *See* Kern County Board of Supervisor’s Meeting, *supra* note 70, at 11.
- 81 *See* California Department of Justice, *supra* note 77; Public Records Act Request response from Thomas E. Boze, County Counsel, to ACLU (June 20, 2019) (on file with author).
- 82 *See* California Department of Justice, *supra* note 77.
- 83 Yesenia Amaro, *Fresno County Sheriff ‘lied’ about ICE cooperation, attorneys say. Here’s her response*, THE FRESNO BEE (Aug. 4, 2020), <https://perma.cc/4TS9-KHV8>.
- 84 Yesenia Amaro, *Fresno County sheriff says she follows state’s sanctuary law. Critics say she helps ICE*, THE FRESNO BEE (Sept. 28, 2018), <https://perma.cc/BD9V-KH5Q>.
- 85 Cal. Gov’t Code § 7284.6(a)(1)(C).
- 86 *Fresno County Board of Supervisor’s Meeting; Agenda Item 12 — Truth Act Public Forum*, at 2:03:21, FRESNO COUNTY (Sept. 10, 2019), <https://perma.cc/ACD7-7WDM> (reporting that the Fresno County Sheriff’s Office received 661 detainees in 2018); *County Board of Supervisor’s Meeting; Agenda Item 7 — Truth Act Public Forum, Exhibit A*, FRESNO COUNTY (Sept. 22, 2020), <https://perma.cc/9ZYL-82T2> (reporting that the Fresno County Sheriff’s Office received 412 detainees in 2019).
- 87 Memorandum from Fresno Cnty. Sheriff’s Captain Ron Vega to Fresno Cnty. Sheriff’s Off. Booking/Records and Lobby Staff (July 17, 2019) (on file with author) (“Records will also discontinue sending the ICE Communications Form to ICE when an inmate’s detainer is removed and the inmate no longer has any local charges.”).
- 88 Merced County, *Merced Board of Supervisors Meeting: Public Forum — ICE Access*, at 11:57, VIMEO (Nov. 19, 2019), <https://perma.cc/H5JX-5KTH>.

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