June 3, 2020

Ms. Ingrid Williams  
Civilian Oversight Commission  
350 South Figueroa Street, Suite 288  
Los Angeles, California 90071  

Dear Ms. Williams:

RESPONSE TO THE CIVILIAN OVERSIGHT COMMISSION’S REQUEST FOR  
SPECIFIC CUSTODY RELATED POLICY AND PROCEDURES

This letter is in response to the Civilian Oversight Commission’s (COC) letter, dated May 26, 2020, which was a request for information on immigration policies and practices, SB-54, Covid-19, and Budget Reductions, as well as an appearance request of Assistant Sheriff Bruce Chase.

In its commitment to transparency, Assistant Sheriff Bruce Chase and Chief Brendan Corbett will voluntarily participate in the COC meeting on June 4, 2020, to discuss the above topics.

The Department recognizes the COC’s function as an advisory board and appreciates its role as well as its recommendations. It should be understood the Department is not obligated to adopt the COC’s recommendations. However, in its mission to ensure best practices and in the spirit of cooperation, the Department carefully reviewed the recommendations in consideration of implementation.

First, it is important to note the 12 recommendations were developed by the COC during the previous administration. The Sheriff’s Department’s policies and procedures regarding interaction with Immigration and Customs Enforcement (ICE) are quite different now than they were before. The previous administration sought to cooperate with ICE to the maximum extent allowed by law. Now, the Sheriff’s Department has a much more balanced and progressive approach.

The Board of Supervisors (BOS), the Office of Inspector General (OIG), the COC and the previous sheriff all accepted SCAAP Grant funding without public debate. The Chief Executive Office insisted on continuing this practice. Sheriff Villanueva rejected SCAAP
Grant funding because he believes the morally reprehensible practice is a disservice to the undocumented community.

The following are the Department responses to the Commission’s 12 recommendations:

**One: Sharing of Information**

The California Values Act prohibits the sharing of information regarding a person’s release date with ICE unless that information is also available to the public. All information about a person’s release date is on the public website. It is important to keep information about release dates available to the public. Crime victims need to know when a suspect is eligible for release. Furthermore, family members of those being released need the ability to coordinate transportation for their loved ones.

The Department never shares non-public information with ICE, except where required by federal or state law.

**Two: Staying Current on Changes in the Law**

The Department previously consolidated all operations related to interaction with ICE so that all decisions about transfers to ICE are made at the Inmate Reception Center using carefully developed criteria rather than at station jails or court lockups. The Sheriff's Department routinely reviews and updates its policies to make them consistent with changes in the law. For example, the Department took immediate action in response to preliminary orders issued by a federal judge against ICE in the lawsuit entitled Gonzalez v. United States. In that case, a federal court issued a permanent injunction finding that ICE relied upon an unreliable set of databases to issue certain types of detainers. Months before the judge entered final judgment, which ICE is presently appealing, the Department stopped accepting detainers based solely on biometric confirmation. The Department also combed its existing inmate files for these type of detainers, marked them as invalid, and developed a tracking system to ensure they are not honored.

**Three: Information Immigration Weblink**

The Sheriff’s Department maintains a positive working relationship with the Office of Immigrant Affairs which provides comprehensive, up-to-date immigration information to residents of Los Angeles County. Flyers providing information about the Office of Immigration Affairs are provided to all inmates being released from custody. Under the current administration, the Department also provides much more information on its website related to immigration operations than previous administrations.
Four: Social Media and Marketing Materials
Sheriff’s Information Bureau continues to work on improving our outreach through social media. We look forward to continuing to improve in this area within Department’s current budget constraints.

Five: Acknowledgment of Immigration Policies by Staff
The Department provides training and requires acknowledgement of all policy updates, including those on immigration policies.

Six: LASD Enforcement of Immigration Laws
The Sheriff agrees with this recommendation. Existing policy prohibits Department members from enforcing immigration laws.

Seven: Disclosure of Reports
The Sheriff’s Department provides much more information about immigration functions than it ever did in the past. Sheriff Villanueva is open to providing additional data within the current budget constraints placed upon the Department.

Eight: Quarterly Reports to the COC
This information is already provided to the public on a monthly basis. The OIG provides an update on immigration issues to the BOS on a quarterly basis. Rather than having the Department duplicate its efforts, the COC is welcome to use existing public data and may submit any additional inquiries as they arise.

Nine: ICE Access to the Jails
Sheriff Villanueva acted promptly to prohibit sworn ICE agents from entering jail facilities for purposes of civil immigration enforcement. While we are staunchly against sworn law enforcement officers from ICE entering any LASD property, the use of non-sworn contract transportation officers allows the Department to continue transferring the most violent, dangerous criminals to immigration authorities in the safest manner possible. Attempting to allow transfers outside of the jail is dangerous to the public, dangerous to the transporting officers, and dangerous to the individual being transferred.

Ten: LASD should not honor ICE detainers unless required by Federal Law
The California Values Act does give local law enforcement agencies the discretion to transfer people to ICE who were previously convicted of certain crimes. These crimes include:

- Homicide
• Rape
• Human trafficking
• Slavery
• Sexual abuse and exploitation
• Child abuse resulting in death
• Robbery
• Arson causing great bodily injury
• Possessing an explosive device or weapon of mass destruction,
• Torture
• Mayhem, and
• Kidnapping

Our Governor and Legislators clearly did not design the Values Act to shield violent and dangerous criminals from deportation. Those that victimize our communities should not be given unnecessary opportunities to do harm again. But those who have paid their debt to society and are no longer a public safety risk should be reunited with their families.

Current Sheriff’s Department policies distinguish between the overwhelming majority of our immigrants who strengthen our community, and the very small number of violent criminals. Keeping immigration issues out of local law enforcement and crime prevention is critical to building and maintaining trust between residents and deputies. The Values Act permits the transfer of qualified inmates as long as they have been convicted of certain misdemeanors within the previous five years.

In January 2019, after consulting with stakeholders, Sheriff Villanueva took a significant step by prohibiting the physical presence of ICE agents in the jail for civil immigration enforcement. Additionally, Sheriff Villanueva reduced the consideration of an inmates’ criminal history from five years to three. He also decided to eliminate various misdemeanor crimes from this list even though the Values Act permits transfers to ICE of inmates convicted of those crimes. This action reduced the misdemeanor list from 151 listed crimes to 101 listed crimes.

After careful consideration, effective March 26, 2020, the Sheriff’s Department no longer notifies ICE about, or permit transfers of, persons previously convicted of non-violent or non-serious felonies or misdemeanors. Only inmates with qualifying serious or violent felony convictions are eligible to be transferred to ICE.

Eleven: Requests for Approval of Outside Employment with ICE and/or ICE associated operations

The Sheriff agrees with this recommendation. The Department will begin the process of revising this policy in coordination with the Bureau of Labor Relations and Compliance.
Twelve: We recommend the BOS examine how LASD uses County resources on administrative and/or personnel costs involved in tracking and responding to ICE civil immigration detainers and propriety of seeking reimbursement from the federal government for such costs.

This question appears to be directed to the BOS.

With regard to the remaining topics listed in the Commission’s letter, Department representatives will address those concerns during the COC meeting.

Should you have any questions, please contact Captain Rodney Moore, Audits & Accountability Bureau, at [redacted]

Sincerely,

ALEX VILLANUEVA, SHERIFF

[Signature]

TIMOTHY K. MURAKAMI
UNDERSHERIFF