

June 27, 2018

Board of Supervisors
Orange County
333 W. Santa Ana Blvd.
Santa Ana, CA 92701

Re: Request for TRUTH Act Forum in Orange County

Dear Supervisors:

The California Immigrant Youth Justice Alliance (CIYJA) and the Orange County Rapid Response Network request that you set a date for the Transparent Review of Unjust Transfers and Holds (“TRUTH”) Act Forum in August 2018. This request is in response to the Orange Co Sheriff’s Office providing Immigration and Customs Enforcement (“ICE”) access to individuals in Orange County jails in 2017 and the public’s need for transparency from the Sheriff’s Office.

TRUTH Act Requirements

The TRUTH Act went into effect in California in January 2017.¹ The TRUTH Act requires that beginning in January 2018, “the governing board of any county...in which a local law enforcement agency has provided ICE access to an individual during the last year shall hold at least one community forum during the following year...” Cal. Gov’t Code § 7283.1(d).

Under the law, “ICE access” is broadly defined and includes when law enforcement responds to an ICE hold, notification, or transfer request; provides ICE dates and times of parole or probation check-ins, provides ICE information not available to public; or allows ICE to interview an individual. § 7283(d)(1)-(5).

When the Sheriff’s Office shares any such information or access with ICE, the Board of Supervisors must convene a TRUTH Act Forum. This Forum must be open to the public about ICE access to individuals and to receive and consider public comment. § 7283.1(d).

¹ Codified at Cal. Gov’t Code §§ 7283 *et. seq.*

Sheriff Hutchens Has Provided ICE Access, Triggering a TRUTH Act Forum

Under the TRUTH Act, if a law enforcement agency chooses to respond to an ICE request for notification with the release information for the person, the agency must provide the same notification in writing to both the individual and his or her attorney or designee. § 7283.1(b).

The Sheriff's Office has chosen to collaborate with ICE by allowing ICE to conduct interviews in the county's jails additional to sharing information about individuals.

The Sheriff's Office responses to ICE notification requests constitute ICE access and trigger the TRUTH Act forum. As a governing body of the county, the Orange County Board of Supervisors must convene the TRUTH Act Forum.

Urgent Need for a TRUTH Act Forum

CIYJA and the Orange County Rapid Response Network request that the Board of Supervisors hold the TRUTH Act Forum. Community members are deeply concerned by the interagency's previous partnership with ICE that authorized Orange County Sheriff's Department (OCSD) deputies to interview and process immigrant detainees in county jails for removal.² The community is also concerned about the Sheriff's recent decision to make release dates of community members from jail available online and easily attainable by ICE.³

Moreover, this attempt at weakening protections is the latest in a series of incidents which have undermined community confidence in the department. Since 2010, both the Musick Facility and the Theo Lacy Facility have participated in the federal program, commonly known as "Beds for Feds," to house undocumented immigrants who are awaiting deportation hearings or deportation.⁴ The contract allows up to 838 detainees to be housed in the county jail system. A March 2017 report by the Department of Homeland Security's Office of Inspector General

Letter Requesting TRUTH Act Forum

² Grace Wyler, "Being a Sanctuary City: What It Means, What Cities Can Do, and What They Can't," The Orange County Register, last modified December 16, 2016, <http://www.ocregister.com/articles/sanctuary-738673-ice-immigration.html>

³ Kopetman, R. (2018, March 26). In response to California sanctuary law, Orange County Sheriff makes public inmates' release dates, <https://www.ocregister.com/2018/03/26/in-response-to-california-sanctuary-law-orange-county-sheriff-makes-public-inmates-release-dates/>

⁴ "Review of Orange County Detention Facilities," Orange County grand jury, 2011, <http://www.ocgrandjury.org/pdfs/2011DetentionFacilities/review-oange-county-detention-facilities.pdf>

revealed that immigrant detainees housed at the Theo Lacy Facility are subject to serious health and safety risks.⁵ A total of 48 deaths occurred under the jurisdiction and responsibility of the Orange County Sheriff's Department from 2010 to 2016.⁶

With respect to civil rights within the jail system, in 2014, the U.S. Department of Justice's Civil Rights Division concluded in an investigation of the Orange County Sheriff's Department that systemic deficiencies persisted with regard to the use of force in the county jails.⁷ The OCSD has failed to implement recommendations by the last six grand jury reports, which uncovered the need to upgrade antiquated and ineffective jail surveillance. Previous grand juries found that all Orange County adult jail facilities have inadequate video surveillance equipment.⁸ It has also been documented that OCSD personnel routinely instigate fights among individuals and/or fail to intervene and protect individuals in a timely manner. Whether not intentional or deliberate, negligence contributes to an unsafe environment.⁹ The community's need for transparency has never been greater.

We request that the date of the TRUTH Act Forum be set at the Board of Supervisors meeting on July 17, 2018. We urge the Board to set the forum for the month of August in response to the community's urgent need for transparency around ICE access to jails.

Thank you for supporting the law and the public's need for transparency.

Sincerely,

/s/ Ana Ramirez Zarate

Resilience Orange County

ana@resilienceoc.org

/s/ Crissel Rodriguez

⁵ Lim, E., & Ramirez, D. (2017, June). Orange County Jails. A Report by the American Civil Liberties Union of Southern California Jails Project. Retrieved from <https://www.aclusocal.org/sites/default/files/ocjails2017-aclu-socal-report.pdf>

⁶ "Death in Custody Data, Orange County Deaths, 2010 — May 2016 (Preliminary)," State of California, Department of Justice, May 2016

⁷ "Investigation of the Orange County Jail: Investigatory Results Letter," U.S. Department of Justice, Civil Rights Division, March 4, 2014, https://www.justice.gov/sites/default/files/crt/legacy/2014/03/26/ocj_investletter_3-4-14.pdf

⁸ "Annual Report on Jails and Juvenile Detention Facilities 2013-2014," Orange County grand jury, last accessed January 3, 2016, http://www.ocgrandjury.org/pdfs/2013_2014_GJreport/JailsReport.pdf

⁹ Lim, E., & Ramirez, D. (2017, June). Orange County Jails. A Report by the American Civil Liberties Union of Southern California Jails Project. Retrieved from <https://www.aclusocal.org/sites/default/files/ocjails2017-aclu-socal-report.pdf>

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