



TRUTH Act Forum Community Presentation

Presented by:
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Immigrant Legal Resource Center
October 27, 2020

San Mateo is Immigrant-Rich

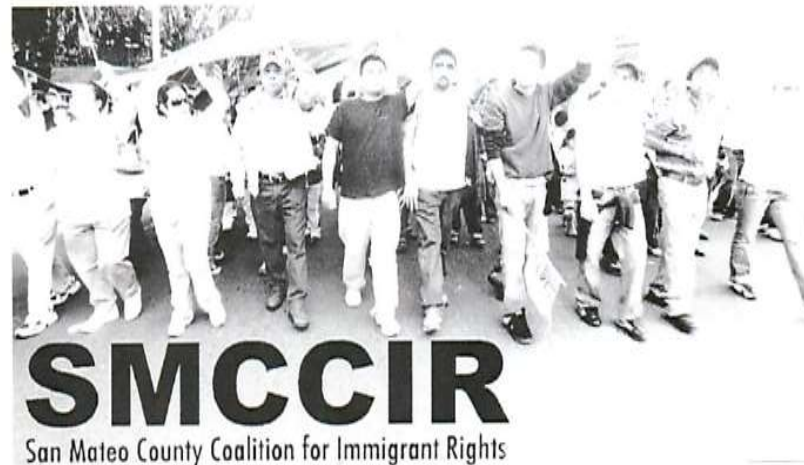
- ▶ San Mateo County has a population of 769,545
- ▶ 34.7% are foreign-born
- ▶ 46.2% speak a language other than English at home



(Source: U.S. Census 2018)

San Mateo County Coalition for Immigrant Rights SMCCIR

- ▶ Established in 2008
- ▶ 12 community, immigrant-based, faith, and legal groups who are based in or support San Mateo County

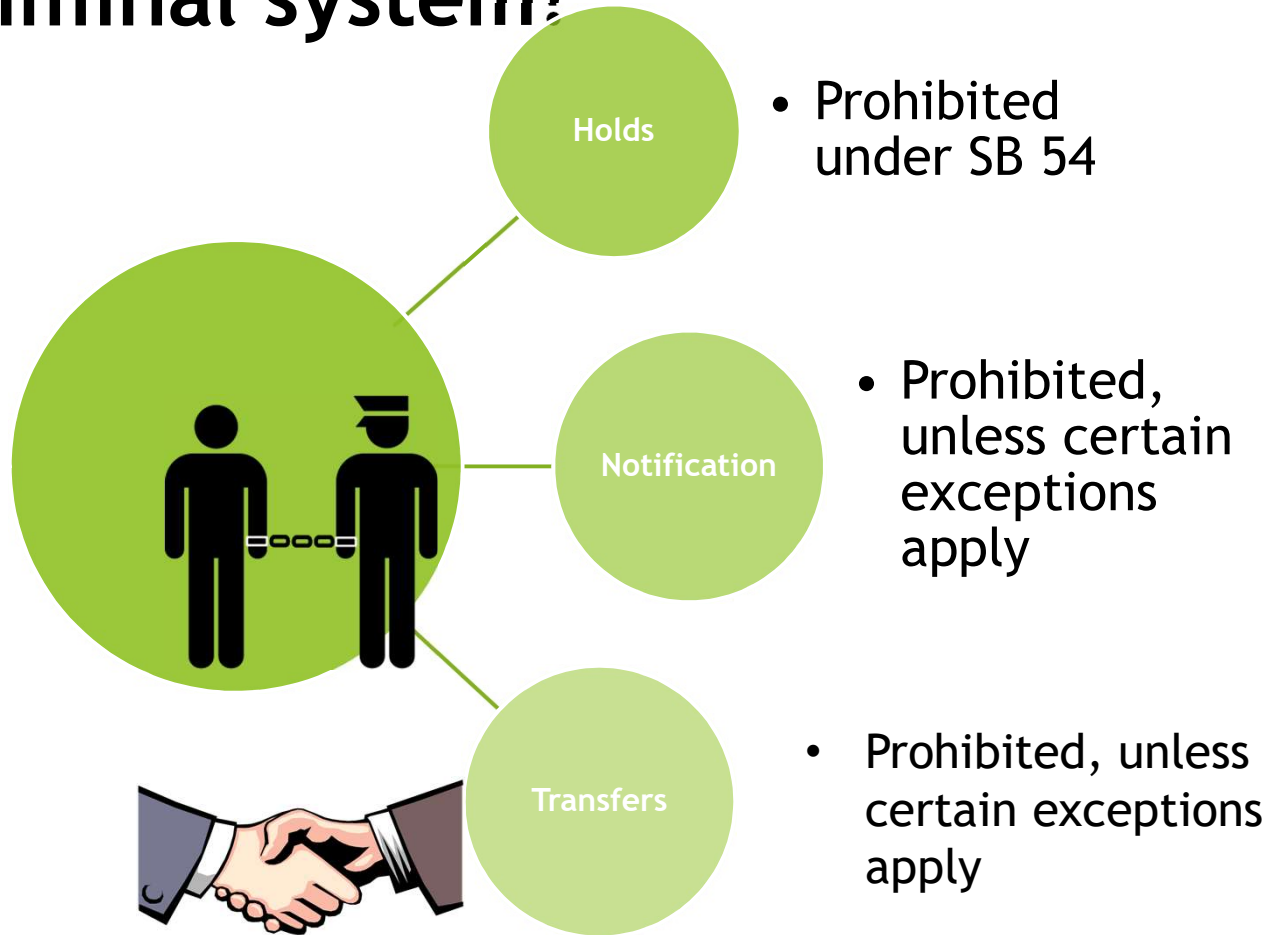


San Mateo County Coalition for Immigrant Rights SMCCIR

- ▶ 2010-2013: Youth Probation Referral Campaign
- ▶ San Mateo had some of the highest referrals from youth probation to ICE - in the nation
- ▶ Community organized, elected officials listened, and decided to stop using county resources to refer youth to ICE, *wholesale*



How does ICE **arrest** people in the criminal system?



***70% of ICE arrests come from local law enforcement agencies**

Overview: The Statutes

- ▶ **TRUST Act** -- AB 4. (Law as of 2014)
Restricts when LEA can cooperate with ICE hold
 - Later amended to apply exceptions to notifications/transfers under Values Act; Values Act makes *holds* unlawful in every case)
- ▶ **TRUTH Act** -- AB 2792. (Law as of 2017)
Before ICE can interview a detained person, LEA must provide person with written consent form; TRUTH Act forum.

Overview: The Statutes

- ▶ **California Values Act -- SB 54 (Law as of 2018) :**
 - ▶ Prohibits responses to **ALL** holds requests
 - ▶ Limits responses to **transfer** requests
 - ▶ Limits responses to **notification** requests
 - ▶ Prohibits **sharing of personal information** (e.g., work and home addresses)
 - ▶ Prohibits use of **ICE/CBP** as interpreters
 - ▶ Prohibits **inquiring about immigration status**
 - ▶ Prohibits **arrests based on civil immigration warrants**
 - ▶ Prohibits participation in **warrantless border searches**
 - ▶ Limits participation in **joint taskforces** and requires reporting to CA Attorney General
 - ▶ Prohibits **287(g) agreements**

Overview

- ▶ **SB 54 U.S. Supreme Court Victory**
 - ▶ Clearer now more than ever that any collaboration with ICE is purely voluntary

Overview

▶ **San Mateo's Sheriff's Department Policy**

- ▶ Still allows for notification of release date and transfers for certain criminal offenses
- ▶ SB 54 Form is filled out for all foreign-born inmates during booking?

Overview

▶ **Who is handed over under San Mateo's Policy?**

- ▶ 51 Notifications/Transfers in 2018
- ▶ 42 Notifications/Transfers in 2019
 - ▶ In 2019, 7 straight misdemeanors and over 20 wobblers
- ▶ 6 known handovers since Gov. Newsom declared state of emergency due to COVID-19 pandemic

▶ **Examples:**

- ▶ P.C. 422, criminal threats
- ▶ V.C. 23152(a), DUI
- ▶ H.S. 11350(a), controlled substance possession
- ▶ P.C. 496(a), receiving stolen property

San Mateo is becoming an Outlier

- ▶ **2020: Stopped all Transfers to ICE**
 - ▶ **Los Angeles**
 - ▶ **Marin**
 - ▶ **Contra Costa**
- ▶ **2019: Voted to keep its strong sanctuary ordinance**
 - ▶ **Santa Clara**
- ▶ **One of the strongest sanctuary ordinances in the nation**
 - ▶ **San Francisco**
 - ▶ **Humboldt**

Cooperating w/ ICE does not threaten public safety

- ▶ New study shows that sanctuary policies reduce deportations by about one-third AND do not threaten public safety. - David K. Hausman, Princeton University, published October 19, 2020

What does it mean to cooperate with ICE?



- ▶ **Deportation Proceedings are high stakes yet few due process protections**
 - *“Death penalty cases in a traffic court setting”* - Immigration Judge Dana Marks
 - Often detained, for months or even years, possibly with no right to a bond hearing
 - Detained in conditions so poor that people give up even meritorious cases, we’ve had **at least 8 deaths** in detention during pandemic

What does it mean to cooperate with ICE?



- ▶ **Deportation Proceedings are high stakes yet few due process protections**
 - No fair day in court
 - ✓ No public defenders (not even for children)
 - ✓ No *Miranda* rights
 - ✓ Video Teleconferencing
 - ✓ Few DP protections further weakened under this administration
 - Deportation results in family separation

What does it mean to cooperate with ICE?



- ▶ Deportation Proceedings disproportionately affect black people and people of color
 - ▶ Majority of arrests are of people from Latin America
 - ▶ Even though only 7 percent of non-citizens in the U.S. are Black, they make up 20 percent of those facing deportation on criminal grounds in the U.S.

What does it mean to cooperate with ICE?



- ▶ Outcries over forced sterilizations and torture
- ▶ Working with an agency that has left 545 children who are still left without their parents.

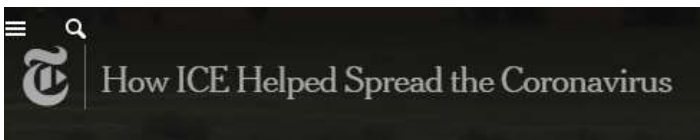
Transfers make COVID-19 Worse

ICE DETAINEE WHO DIED OF COVID-19 SUFFERED HORRIFYING NEGLECT



Ryan Devereaux
May 24 2020, 5:29 a.m.

IF THERE'S ONE thing the men locked inside the Otay Mesa Detention Center want the world to know, it's that Carlos Ernesto Escobar Mejia didn't need to die. The 57-year-old passed away in a southern California hospital on May 6, becoming the first person in Immigration and Customs Enforcement custody to lose their life to Covid-19. The men who knew him fear that he won't be the last.



COVID-19 cases among immigrant detainees could be 15 times higher than ICE reports, study says

As many as 9 percent of the people who have had COVID-19 have been transferred by ICE at least once while actively contagious, according to a Vera Institute of Justice study.

July 1, 2020, 2:48 PM PDT

By Carmen Sesin

Immigration and Customs Enforcement could be severely underreporting the number of COVID-19 infections in detention centers, according to estimated projections released Tuesday by [the Vera Institute of Justice](#).

POLITICS JULY 21, 2020

Whistleblowers Say an ICE Detention Center Used Deceptive Tricks to Conceal COVID Outbreak

One was instructed to crank the AC to "freeze out" high-fever detainees who ICE wanted to deport.



NOAH LANARD
Reporter
[Bio](#) | [Follow](#)

Transfers make COVID-19 Worse

ICE and detention group “have avoided widespread testing of staff and detainees at the facility, not for lack of tests, but for fear that positive test results would require them to implement safety measures that they apparently felt were not worth the trouble.” - Federal District Court Judge, U.S. District Court, Northern California

Key Takeaways

- ▶ San Mateo County is falling behind, while Bay Area counties are moving forward
- ▶ San Mateo County should not be using our local resources to help ICE, an agency that systematically deprives immigrants of liberty, amid medical neglect, outcries of forced sterilizations, unsanitary conditions, often in private detention centers that profit at the expense of our collective well-being
- ▶ Research does not support the idea that sanctuary policies threatens public safety
- ▶ There are concerns with possible violations of SB 54 and other legal issues (e.g. persons who were handed over to ICE and foreign-born SB 54 forms)

Question

- ▶ More and more California counties break their ties with ICE, why has Sheriff Bolanos continued to work with Trump's deportation machine?



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