

October 18, 2018

Supervisor Kathryn Barger  
Supervisor Janice Hahn  
Supervisor Sheila Kuehl  
Supervisor Mark Ridley-Thomas  
Supervisor Hilda Solis  
Board of Supervisors  
Los Angeles County

**Re: Concerns About Sheriff McDonnell’s Entanglement with Immigration Enforcement**

Dear Supervisors:

The undersigned civil rights, legal, faith, labor, and community organizations write to express strong concerns about Sheriff Jim McDonnell’s immigration-related policies and practices. Sheriff McDonnell has adopted and defended policies which implicate the County in out-of-control immigration enforcement and are thereby detrimental to the safety of County residents. Our concerns have been heightened in light of recent egregious practices of ICE targeting LA County residents (including a raid targeting 150 residents earlier this month) and the active opposition of Sheriff McDonnell and the National Sheriffs’ Association to the California Values Act, SB 54.<sup>1</sup>

Voluntary assistance in the enforcement of federal immigration law detracts from the County’s mission to create safe communities; drains the Sheriff’s Department (“LASD”) resources; makes it difficult to establish and maintain trust between the Department and the County’s residents; and may lead to racial and other types of profiling.<sup>2</sup> For these reasons, the State has explicitly limited certain participation in federal immigration enforcement—enacting laws which constitute the absolute minimum with which law enforcement authorities must comply.<sup>3</sup> Jurisdictions inside and outside of California have mandated limits on participation in immigration enforcement which go further in ensuring local law enforcement authorities are not conscripted as deportation agents.<sup>4</sup>

At the same time, Sheriff McDonnell has affirmatively chosen to participate directly and indirectly in immigration enforcement—and to be a firm voice in opposition of state-level protections for the County’s noncitizen residents.

- Sheriff McDonnell has actively facilitated transfers to immigration authorities—providing “on-demand” access to County databases, affirmatively sharing information about imminent releases from jail or court, and directly transferring County residents to ICE custody.<sup>5</sup> The most recent data show that LASD transferred more than 2,100 County residents to ICE custody in 2016-17. Many of these transfers followed convictions for minor and non-violent offenses.<sup>6</sup> This is in direct conflict to stated interests of the County’s elected officials.<sup>7</sup>
- Sheriff McDonnell has granted ICE a “continued permanent [] presence” inside the jail with access to county databases and a “constant flow of information” about County residents

awaiting release from County custody.<sup>8</sup> Indeed, Sheriff McDonnell recently acknowledged affirmatively sharing information with ICE where that information was *not* provided to the public, in violation of state law.<sup>9</sup>

- Sheriff McDonnell’s policies permit sweeping participation in criminal immigration enforcement—up to the limits permitted (but not required) by state law.<sup>10</sup> LASD also participates in joint operations with ICE, which facilitate immigration enforcement.

Now is a unique and critical moment. Federal authorities have enhanced their targeting of immigrant communities and are relying increasingly on cooperation with local law enforcement authorities to fulfill their deportation agenda. Our communities are under attack and need our local leaders to commit to stand with immigrants and not participate in detentions and deportations.

We have provided explicit recommendations to both Sheriff McDonnell and the Civilian Oversight Commission to disentangle the County from federal immigration enforcement. Specifically, we have urged LASD to endorse the following essential protections:

- 1) LASD – and all other County entities – should *not expend local resources* on immigration enforcement.
- 2) LASD should not only refuse to honor detainers (prohibited by state law), but should also refuse to *transfer* individuals to ICE custody unless required by law.
- 3) LASD should *limit the collection of personal information* used for immigration enforcement purposes—including place of birth.
- 4) LASD should *not share information* with immigration authorities unless required by law.
- 5) LASD should *not permit ICE access to jails* absent a valid judicial warrant.
- 6) LASD should *not participate in criminal immigration enforcement*.
- 7) LASD should *not respond to ICE requests for field assistance*.
- 8) LASD should *not participate in joint task forces or operations* with, or for the purposes of, immigration enforcement.
- 9) LASD should *not aggressively pursue “quality of life” and other low-level offenses*.
- 10) LASD should *ensure transparency and accountability* by posting monthly reports regarding immigration enforcement.
- 11) LASD should *develop publicly available resources* concerning immigration.

Sheriff McDonnell has repeatedly rejected these recommendations, and indeed aggressively lobbied against statewide proposals to protect noncitizens and preserve the integrity of local law enforcement authorities. While our communities and neighbors are being targeted, Sheriff McDonnell has chosen to defend LASD’s direct and indirect participation in federal immigration enforcement.

Entangling our local and state law enforcement with a callous and out-of-control deportation machine threatens the rights and safety of all Californians. We urge you to hold Sheriff McDonnell accountable and demand that the Department cease expending resources on the deportation of County residents.

Sincerely,

ACLU of Southern California  
Anti-Recidivism Coalition (ARC)  
Asian Americans Advancing Justice – Los Angeles (AAAJ-LA)  
Bend the Arc  
Black Alliance for Just Immigration (BAJI)  
California Immigrant Policy Center (CIPC)  
California Immigrant Youth Justice Alliance (CIYJA)  
Californians United for a Responsible Budget (CURB)  
Coalition for Humane Immigrant Rights (CHIRLA)  
Central American Resource Center (Carecen)  
Clergy and Laity United for Economic Justice (CLUE)  
Community Coalition  
Council on American-Islamic Relations – Los Angeles (CAIR-LA)  
Dream Team Los Angeles  
Drug Policy Alliance  
Esperanza Community Housing Corporation  
Esperanza Immigrant Rights Project  
Instituto de Educación Popular del Sur de California (IDEPSCA)  
Immigrant Defenders Law Center  
Koreatown Immigrant Workers Alliance (KIWA)  
LA Voice  
Loyola Immigrant Justice Clinic  
Muslim Public Affairs Council (MPAC)  
National Immigration Law Center  
National Lawyers Guild – Los Angeles

National Day Laborer Organizing Network  
People Power – Los Angeles  
Pilipino Workers Center (PWC)  
Pomona Economic Opportunity Center (PEOC)  
Public Counsel  
SEIU-USWW  
St. John’s Well Child and Family Center  
South Asian Network (SAN)  
UCLA Labor Center  
UCLA Law Students for Immigrant Justice  
Youth Justice Coalition  
  
Rev. Andy Schwiebert, Immanuel Presbyterian Church  
Rev. Marcia Hoffman, Ecumenical Relations Interfaith Committee, So. Ca. Nev. Conference United Church of Christ and Pacific Southwest Region, Christian Church, Disciples of Christ  
Rev. Canon Jaime Edwards-Acton, Rector, St. Stephen's Episcopal Church in Hollywood AND Co-chair) Sanctuary Task Force for Episcopal Diocese of Los Angeles  
Rev. David K. Farley, Director of Justice & Compassion Ministries, Cal-Pac Conference of the United Methodist Church  
Rev. Francisco Garcia, Rector, Holy Faith Episcopal Church & Co-Chair, Sanctuary Task Force, Episcopal Diocese of Los Angeles

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<sup>1</sup> Sheriff McDonnell has actively opposed, and sought to dilute the significance of, SB 54 since it was first proposed. The National Sheriffs' Association recently filed an amicus brief at the Ninth Circuit in opposition to SB 54. See <https://irp-cdn.multiscreensite.com/af134e0a/files/uploaded/usavscalbrief.pdf>.

<sup>2</sup> Mike McPhate, *California Today: Worries Over Deportation*, N.Y. Times, April 5, 2017, <https://www.nytimes.com/2017/04/05/us/california-today-worries-over-deportation.html> (noting that 37% of Latino residents afraid “that a friend or family member could face deportation at any moment,” and 80% fear that contact with government increases that risk); Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*, Univ. Ill. at Chicago, 7 (May 2013), [https://greatcities.uic.edu/wp-content/uploads/2014/05/Insecure\\_Communities\\_Report\\_FINAL.pdf](https://greatcities.uic.edu/wp-content/uploads/2014/05/Insecure_Communities_Report_FINAL.pdf) (reporting that more than 40% of LA Latinos “less likely to volunteer information about crimes because they fear getting caught in the web of immigration enforcement themselves or bringing unwanted attention to their family or friends”).

<sup>3</sup> These include AB 90 and the TRUST, TRUTH, and Values Acts.

<sup>4</sup> See e.g., Office of the Att’y General, *Guidance Concerning Local Authority Participation in Immigration Enforcement and Model Sanctuary Provisions*, N.Y. State (Jan. 2017), at [https://ag.ny.gov/sites/default/files/guidance.concerning.local\\_authority.participation.in\\_immigration.enforcement.19.17.pdf](https://ag.ny.gov/sites/default/files/guidance.concerning.local_authority.participation.in_immigration.enforcement.19.17.pdf); N.Y. Attorney General and California Attorney General, et. al., “Setting the Record Straight on Local Involvement in Federal Civil Immigration Enforcement: The Facts and the Laws,” May 2017, at [https://ag.ny.gov/sites/default/files/setting\\_the\\_record\\_straight.pdf](https://ag.ny.gov/sites/default/files/setting_the_record_straight.pdf) (describing public safety reasons for limiting civil immigration enforcement); “Major Cities Chiefs Association, Police Chiefs from Nation’s Major Cities Object to Legislative Proposals Requiring Local Police to Enforce Federal Immigration Law,” at <http://democratsjudiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/MCCAPC130821.pdf>.

<sup>5</sup> Letter from Sheriff Jim McDonnell to Inspector General Max Huntsman, Oct. 3, 2017 (*hereinafter* “McDonnell Oct. 3, 2017 Letter”), at [http://shq.lasnews.net/content/uoas/SHB/upload/Sheriff\\_Response\\_to\\_OIG\\_Report\\_on\\_Immigration.pdf](http://shq.lasnews.net/content/uoas/SHB/upload/Sheriff_Response_to_OIG_Report_on_Immigration.pdf), pp. 3-4.

<sup>6</sup> This considers data from March 2017 through February 2018, the last twelve months of data publicly available, and data from January 2016 through December 2016. See [http://www.la-sheriff.org/s2/page\\_render.aspx?pagename=info\\_detail\\_19](http://www.la-sheriff.org/s2/page_render.aspx?pagename=info_detail_19). In 2016, nearly a third of those transferred were for Proposition 47 eligible offenses; and 18 percent were for non-violent drug-related offenses. Zero percent of transfers followed murder convictions and 0.33% followed rape convictions. In an October 3, 2017 letter, Sheriff McDonnell modified his incorrect statement that only “serious and violent” offenders were turned over to ICE. He instead claimed that all transfers in 2016 were “TRUST Act compliant.” See McDonnell Oct. 3, 2017 Letter, *supra*, pp. 2-3. That has no meaning as the TRUST Act did not limit transfers, but only detainees. AB 4 (California Trust Act), Gov. Code Sec. 7282.5, at [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB4](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB4).

<sup>7</sup> See, e.g., “LA County takes bold steps in support of immigrants,” <https://www.lacounty.gov/newsroom/la-county-daca-immigrants/>; <http://hildalsolis.org/supervisors-call-for-countywide-sensitive-locations-policy-immigrant-protection-taskforce/> (Board approved sensitive locations policy limiting immigration enforcement at County locations).

<sup>8</sup> LA Office of Inspector General, “Immigration: Public Safety and Public Trust,” Oct. 2017, pp. 10-11, [https://oig.lacounty.gov/Portals/OIG/Reports/Immigration\\_Public%20Safety%20and%20Public%20Trust.pdf?ver=2017-10-08-085823-940](https://oig.lacounty.gov/Portals/OIG/Reports/Immigration_Public%20Safety%20and%20Public%20Trust.pdf?ver=2017-10-08-085823-940) (*hereinafter* “OIG 2017 Report”).

<sup>9</sup> OIG 2017 Report, *supra*, p. 12. See McDonnell Oct. 3, 2017 Letter, *supra*, p. 3.

<sup>10</sup> Federal criminal immigration laws (which criminalize the presence, work, and entry of undocumented immigrants) are just as outdated and unjust as civil immigration laws—and aggressively enforced under the current Attorney General. SB54 *permits*, but does not *require*, local law enforcement to arrest, detain, or investigate someone for violations of criminal immigration laws in limited circumstances. Cal. Gov’t Code § 7284.6(b)(1).