

Step by Step Guide to Organizing a TRUTH Act Community Forum

Item # 14
8-7-2018

Under the TRUTH Act (AB 2792), effective January 1, 2018, City Councils and Board of Supervisors in California are required to hold at least 1 community forum per year if the Police or Sheriff's department allowed ICE to access at least one individual in their custody in the previous year. The community forums are intended to provide the public with information as to how local law enforcement agencies (LEA) entangle themselves with federal immigration authorities. All community forums must be made public thirty days in advance and allow for public comments.

Organizing a TRUTH Act Community Forum can be a tool to hold your local law enforcement agencies accountable for their involvement in deportations. It's also an opportunity to urge local elected officials to take a stronger stance against POL-ICE entanglement locally.

This guide is encouraged to be adapted to meet local needs and strategy goals.



STEP 1

Connect with the local immigrant rights coalition in your region, if you have not done so already.



STEP 2

Identify how deportations are happening in your county by figuring out how Department of Homeland Security (DHS) agencies are obtaining information and/or access to individuals in law enforcement custody. Obtain data and the updated written policy from your local law enforcement agencies (LEA) regarding how they work with DHS agencies. Refer to [the guide for engaging local LEA](#) for ideas on key questions to ask. Remember, law enforcement officials work for you and you have the right to ask for information from them.



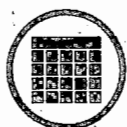
STEP 3

Map out ways to intentionally build with other social justice allies in your region, such as criminal justice, environmental justice, LGBTQ, economic justice movement leaders, among others who are also greatly impacted by local law enforcement policies. The TRUTH Act Community Forum can help foster cross-sector collaboration that unifies and strengthens progressive voice and presence.



STEP 4

Review and analyze the data and written department policy that you've obtained from your local LEA, in addition to documenting ongoing community concerns and testimonies. Compare the current written policy to the ICE out of CA model policy [here](#) to identify areas in the current written policy that you could potentially urge your local LEA to improve upon.



STEP 5

Pick a month as a goal for holding the community forum in 2018. Consider times and a location that is accessible to community members to ensure active participation. Set clear objectives for the community forum and determine how the community forum can be used as a tactic to support the ongoing local strategy to disentangle local law enforcement from deportations.



STEP 6

Create a list of questions that you and the coalition have as well as additional information you'd like to receive from the LEA. Think about how you'd like the LEA to report back this information to the community (i.e. types of data you'd like).



STEP 7

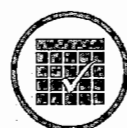
Set-up a meeting with your local elected officials (i.e. Board of Supervisors for Sheriffs Departments and City Council Members and Mayors for Police Departments) to discuss:

- Ongoing community concerns regarding local LEA entanglement with DHS agencies in the region. Create space for impacted community members to share their experiences and ideas to make communities safer for everyone.
- State the requirement of a TRUTH Act community forum in 2018.
- Discuss the coalition's preferred logistics for the community forum (month, times, location, translation needs, etc.) to ensure community participation.
- Provide a list of the information you'd like the LEA to report on.
- Urge local elected officials to make sure that the Sheriff or Police Chief be present at the community forum.



STEP 8

Set-up a meeting with your local law enforcement agency (Sheriff and Police Departments) to request their presence at the community forum and the information the coalition would like to be covered. The TRUTH Act does not require LEAs to be present at the community forum so it's important that they feel community pressure to attend.



STEP 9

Finalize a date for the community forum with your local elected officials and begin outreach to the community and the media.



STEP 10

Hold the community forum! This is the time for the community to share their stories, their concerns, and for everyone to ask questions!

THE TRUTH ACT AND OTHER RELATED LAWS

Presented by:

Maria Romani, Immigrants' Rights Staff Attorney*
ACLU Foundations of California

**Not admitted to practice in California, admitted in New York*

August 7, 2018



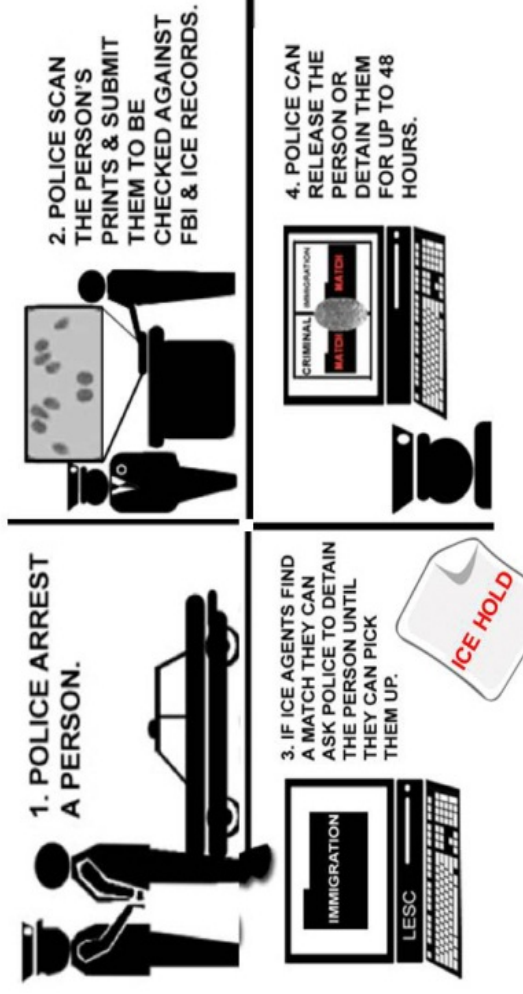
TRUTH Act & Other Related Laws

ICE's Enforcement Programs

- **Secure Communities ("S-Comm")**: program that relies on fingerprint data at the time of a person's booking into a local jail to identify noncitizens who may be deportable
- Potentially deportable → ICE sends detainer request to local jail



How S-Comm Works



ICE's Enforcement Programs

- An ICE detainer request is a **voluntary request** that Immigration and Customs Enforcement (“ICE”) sends to local law enforcement.
 - The request can ask that local law enforcement **hold** a person for up to 48 hours past his/her release date so that ICE can pick up the person and take him/her into immigration custody. *Under SB 54, local law enforcement is prohibited from holding anyone for extra time for ICE.*
 - The request can ask that local law enforcement **notify** ICE about the person's **date and time of release** so that ICE can pick up the person upon release and take him/her into immigration custody.

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: Event #:	File No: Date:
TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)	FROM: (Department of Homeland Security Office Address)

Name of Alien: _____ Sex: _____
Date of Birth: _____ Citizenship: _____

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).

- ☐ A final order of removal against the alien;
☐ The pendency of ongoing removal proceedings against the alien;
☐ Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
☐ Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).

- ☐ Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- Notify DHS as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling ☐ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at Center at: (802) 872-6020. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
 - Maintain custody of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien must be served with a copy of this form for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.
 - Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
 - Notify this office in the event of the alien's death, hospitalization or transfer to another institution.
- ☐ If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).

(Name and title of Immigration Officer)

(Signature of Immigration Officer) (Sign in ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____.

Local Booking/Inmate #: _____ Estimated release date/time: _____
Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____
This form was served upon the alien on _____, in the following manner:
☐ in person ☐ by inmate mail delivery ☐ other (please specify): _____

Concerns about ICE Entanglement with Local Law Enforcement

□ 10th Amendment

- *Printz v. US* (S.Ct. 1997): 10th Amendment prohibits Federal government from commandeering local resources to carry out the Federal government's duties.

□ 4th Amendment

- *Galarza v. Szalczyk* (3d Cir. 2014): **ICE holds are voluntary, not mandatory**, and counties cannot avoid liability for holding an individual who is not deportable for ICE by arguing that detainers are mandatory.
- *Miranda-Olivares v. Clackamas County* (D. Or. 2014): **ICE holds violate Fourth Amendment protections against unreasonable search and seizure because they are not based on a probable cause finding.**

Concerns about ICE Entanglement with Local Law Enforcement

- Fosters further distrust between immigrant communities and local law enforcement
 - Makes immigrant communities view local law enforcement and ICE as the same entity
 - Makes immigrants afraid to report when they are the victim of or a witness to a crime
- Undercuts local law enforcement's purpose
- Opens local law enforcement up to liability

CA TRUST Act (AB 4)

- Effective as of January 1, 2014 (Gov't Code §§ 7282 et seq.)
- Prohibited local law enforcement from detaining individuals in response to **ICE hold requests** for most misdemeanor offenses.
- Set statewide floor, not a ceiling.
- Soon after the TRUST Act's passage, several federal courts found that ICE holds are **unconstitutional** under the Fourth Amendment's protections against unreasonable search and seizure because they are not based on a probable cause finding.



Credit: Anibal Ortiz / KPCC

CA TRUTH Act (AB 2792)

- Effective as of January 1, 2017 (Gov't Code §§ 7283 et seq.).
- Requires a person in jail to sign a consent form before an ICE interview that explains the purpose of the interview, that that interview is voluntary, and that the person may decline to be interviewed or interview only with their attorney present.
- Requires local law enforcement agency to inform individual upon receipt of ICE detainer request.
- Requires local law enforcement agency to inform individual and his/her attorney or designee notice if agency agrees to notify ICE of person's release date.

CA TRUTH Act (AB 2792)

- Requires that all records related to ICE access be public records for purposes of the Public Records Act.
 - ICE access is defined as responding to an ICE request; providing notification to ICE about a person's date and time of release; providing non-public personal information to ICE; allowing ICE to interview a person; or providing ICE information about probation/parole check-ins.
- Beginning in 2018, requires that the local governing body where a local law enforcement agency has provided ICE access in the previous year hold a community forum to provide information about ICE's access and allow public comment.

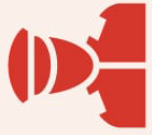
CA Values Act (SB 54)

- The CA Values Act, which was signed into law by Gov. Brown on October 5, 2017, is a state law that limits state and local resources from being used to carry out deportations.



Credit: Irfan Khan / Los Angeles Times

Immigration Holds 	Prohibited.
Making arrests on civil immigration warrants 	Prohibited.
287g 	Prohibited.
Asking about immigration status or using immigration agents as interpreters. 	Prohibited.
Sharing personal info with ICE (e.g., work, home addresses) 	Prohibited unless publicly available.
Notifying ICE of release dates 	Prohibited unless: • Revised TRUST Act exception applies, including: • Conviction for a felony punishable by imprisonment in state prison at any time • Conviction within past 15 years for any other specified felony. The 15-year "wash" is an improvement on the old TRUST Act standard. • Conviction within the past 5 years for a misdemeanor for a specified wobbler offense. • Charges for a crime that is serious, violent, or punishable by a term in state prison if finding of probable cause has been made by a magistrate pursuant to PC 872. • If release dates/times are already publicly available, can be shared

Transfers to ICE 	Prohibited unless: • Revised TRUST Act exception applies (see above under notifications) • Warrant or probable cause determination from a judge that someone has violated federal criminal immigration law. Local law enforcement required to report number of transfers and basis for transfer to Attorney General's Office.
Local arrests for “criminal” violations of immigration law 	Prohibited except local law enforcement may arrest someone for unlawful re-entry following deportation <i>if</i> • The re-entry is detected during an unrelated law enforcement activity, and • The person has a prior “aggravated felony” conviction Any person arrested for unlawful reentry may be transferred to ICE only if a revised TRUST exception applies.
ICE interviews in jail and prison 	TRUTH Act protections essentially expanded to prisons (can't be interviewed by ICE unless sign consent form prior to interview). Prohibition on providing office space exclusively dedicated to ICE in local jails.
Joint Task forces 	Some limitations and reporting requirements imposed. • Primary purpose of task force must be unrelated to immigration enforcement, and • Participation does not violate any local law or policy. • Local law enforcement required to report information about joint taskforce operations to CA Attorney General and information is available as a public record. Attorney General will draft advisory guidelines to ensure that databases are not used for immigration enforcement. State and local law enforcement agencies are encouraged but not required, to adopt guidelines.
Databases 	

Fresno County & ICE

Sheriff's Office and ICE

- Since 2015, the Fresno Bee reported that the Sheriff had initiated a program with ICE, giving them unfettered access to our jails.
- The Sheriff's office revised their previous policy on August 11, 2016 to comply with the TRUST Act, which went into effect January 1, 2016. Most recently, the policy was revised on March 20, 2018 to comply with SB 54.

Questions?

Contact information:

Maria Romani

Immigrants' Rights Staff Attorney

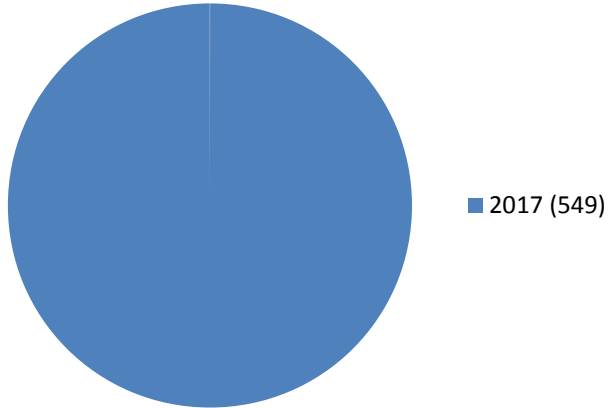
ACLU Foundations of California

(559) 554-2994

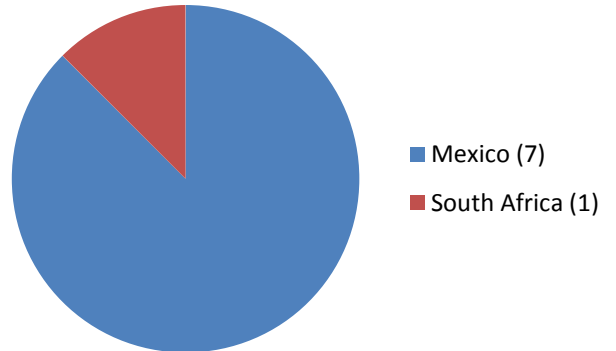
mromani@aclunc.org

ICE 2017

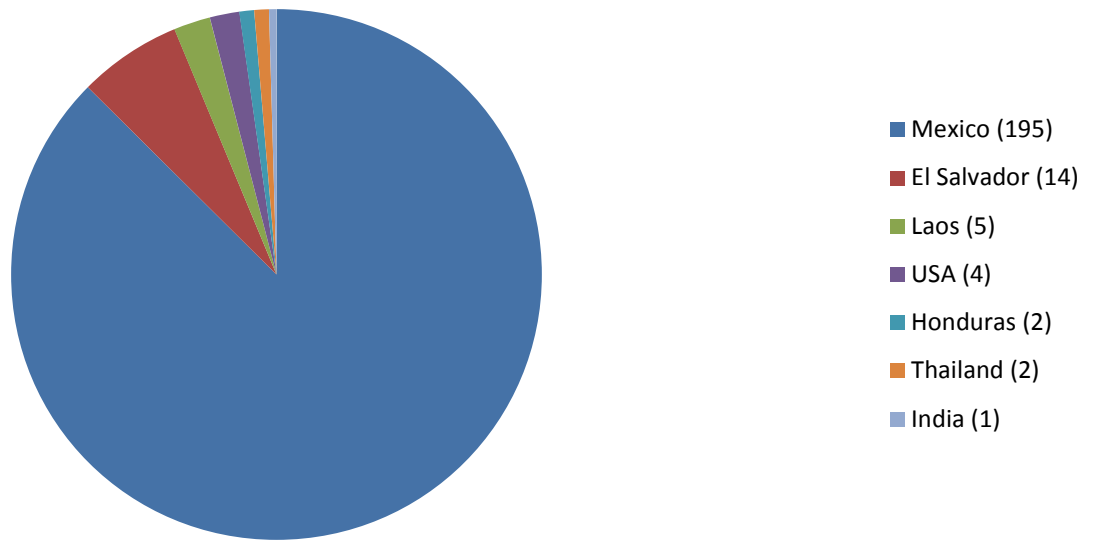
ICE Holds/Detainers Received (549)



ICE Interviews by Reported Country of Birth (8)



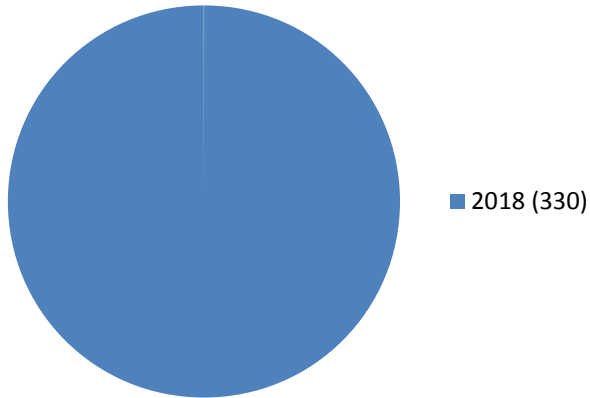
Transfers to ICE by Reported Country of Birth (223)



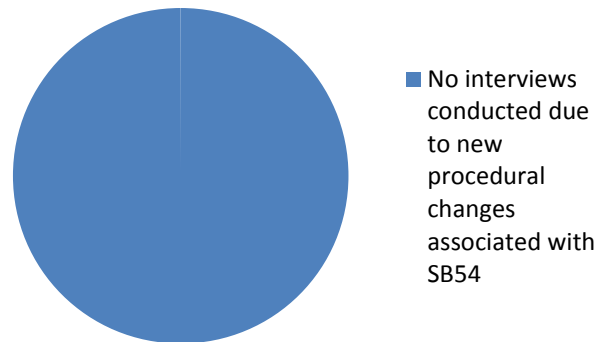
Number of ICE Interviews	8
Interviewed Country of Birth Mexico	7
Interviewed Country of Birth South Africa	1
Number of ICE Detainers/Holds Received	549
Number of Transfers to ICE	223

ICE 2018*

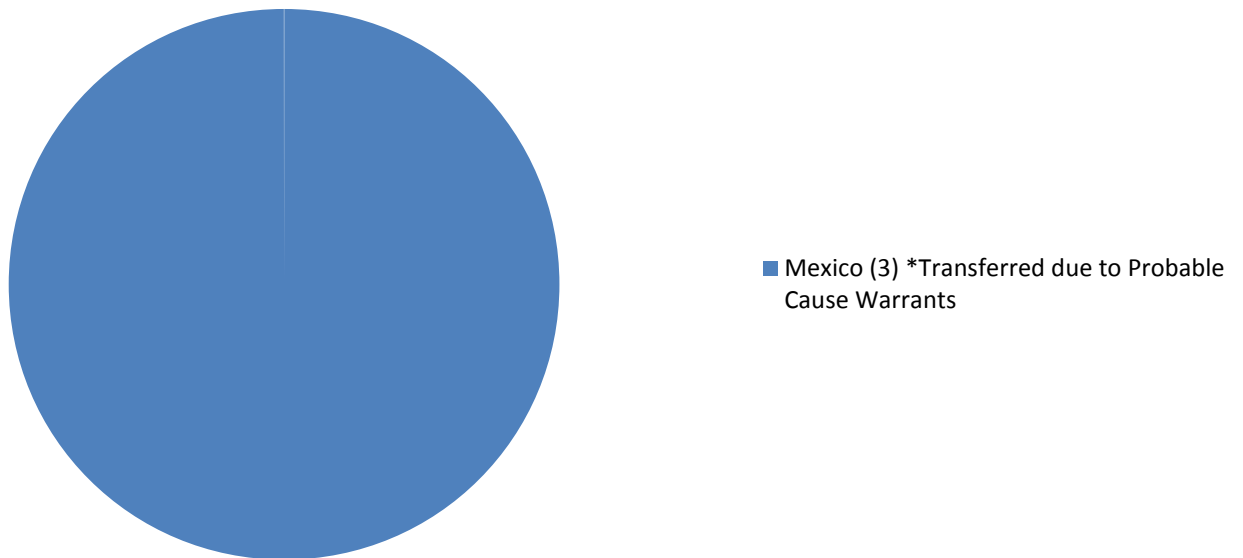
ICE Holds/Detainers Received (330)



ICE Interviews by Reported Country of Birth (0)



Transfers to ICE by Reported Country of Birth (3)

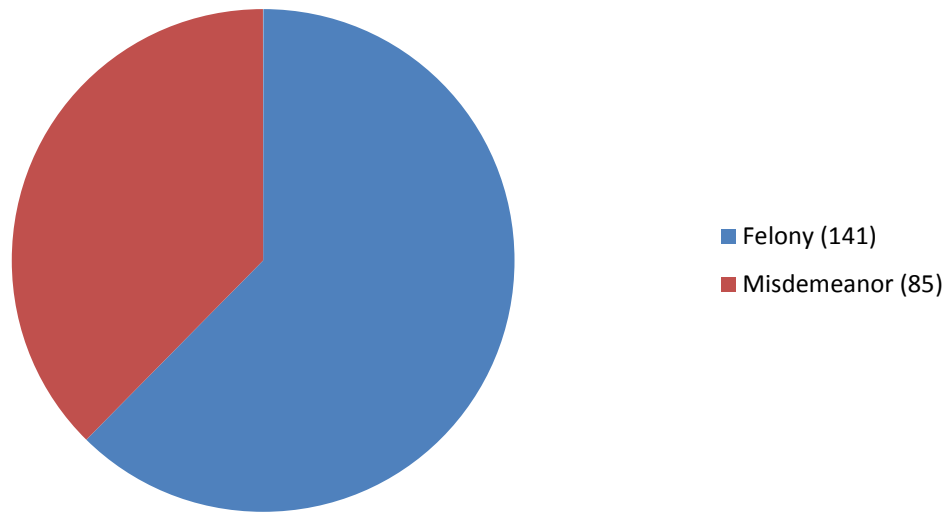


Number of ICE Interviews	0
Interviewed Country of Birth Mexico	0
Interviewed Country of Birth South Africa	0
Number of ICE Detainers/Holds Received	330
Number of Transfers to ICE	3

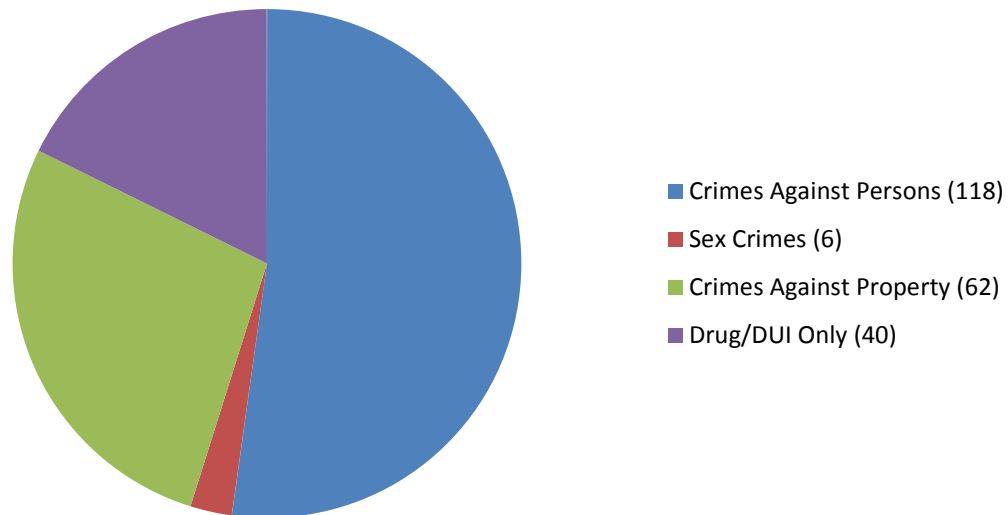
*January 1, 2018 through June 28, 2018

ICE Transfers by Crime Type

Crime Classification (226)



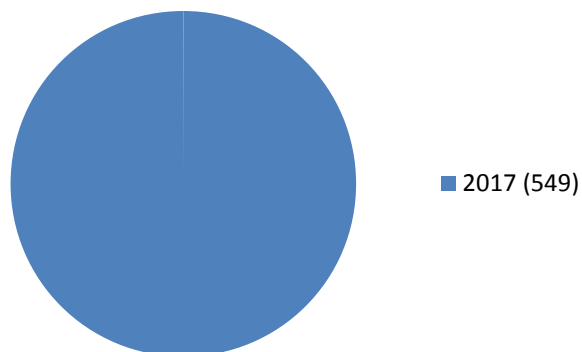
Crime Type (226)



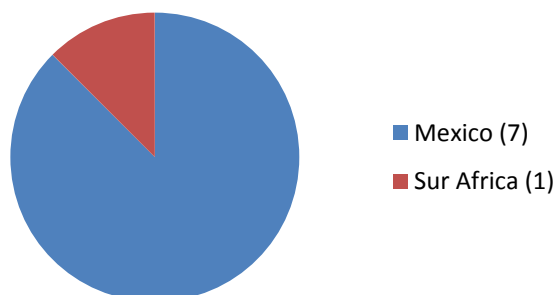
	2017	2018	Total		
Felony	138	3	141		
Misdemeanor	85	0	85		
				226	Total
Crimes Against Persons	116	2	118		
Sex Crimes	6	0	6		
Crimes Against Property	61	1	62		
Drug/DUI Only	40	0	40	226	Total

Aplicacion De Aduanas Migratorias 2017

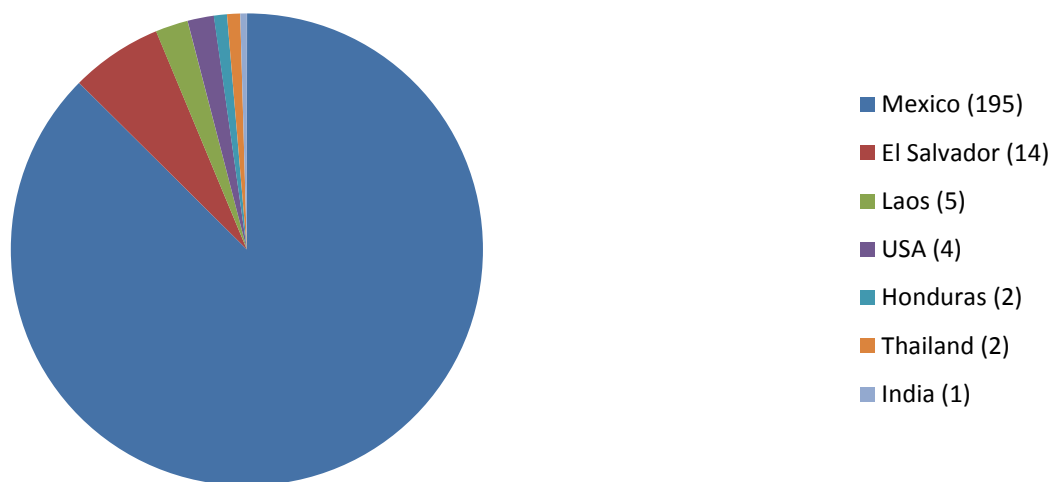
Detenciones Recividas por Aduanas Migratorias (549)



Entrvistas por Aduanas Migratorias por Pais de Nacimiento Reportado (8)



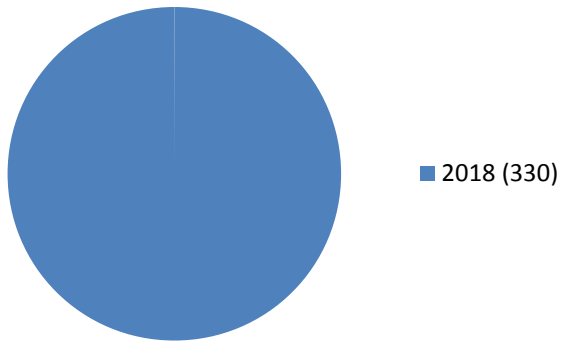
Transferencias a Aduanas Migratorias Por Pais de Nacimiento Reportado (223)



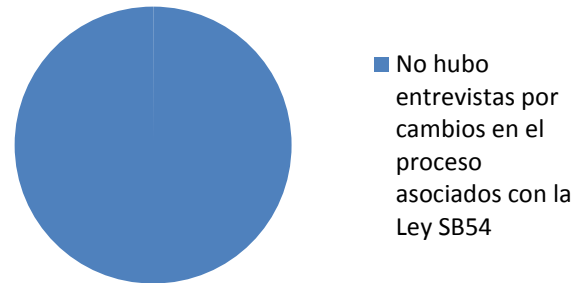
Numero de entrevistas por Agentes de Imigracion	8
País de Nacimiento de el entrevistado Mexico	7
País de Nacimiento de el entrvistado Sudafrica	1
Numero de Detenciones por Aduanas Migratorias Recividas	549
Numero de transferencias a Aduanas Migratorias	223

Aplicacion De Aduanas Migratorias 2018*

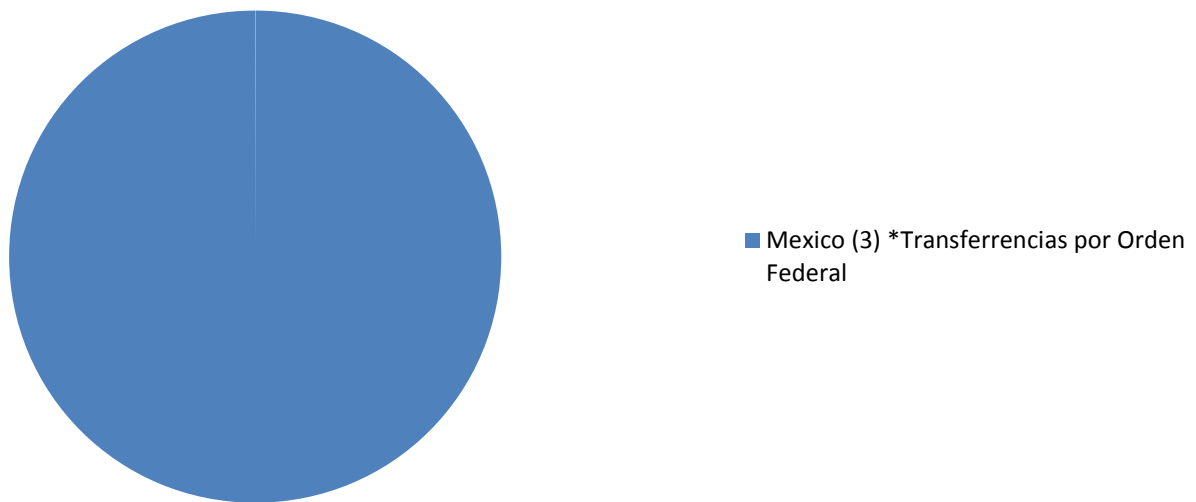
Detenciones Recividas po Aduanas Migratorias(330)



Entrevistas por Adunas Migratorias por Pais de Nacimiento Reportado (0)



Transferencias a Aduanas Migratorias Por Pais de Nacimiento Reportado (3)



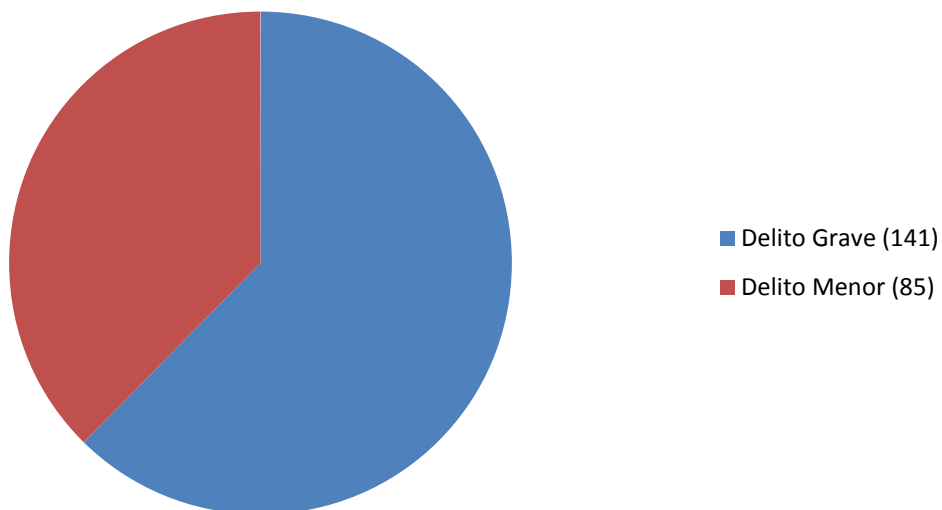
Numero de entrevistas por Agentes de Imigracion	0
Pais de Nacimiento de el entrevistado Mexico	0
Pais de Nacimiento de el entrvistado Sudafrica	0
Numero de Detenciones por Aduanas Recividas	330
Numero de transferencias a Aduanas Migratorias	3

*Enero 1, 2018 a Junio 28, 2018

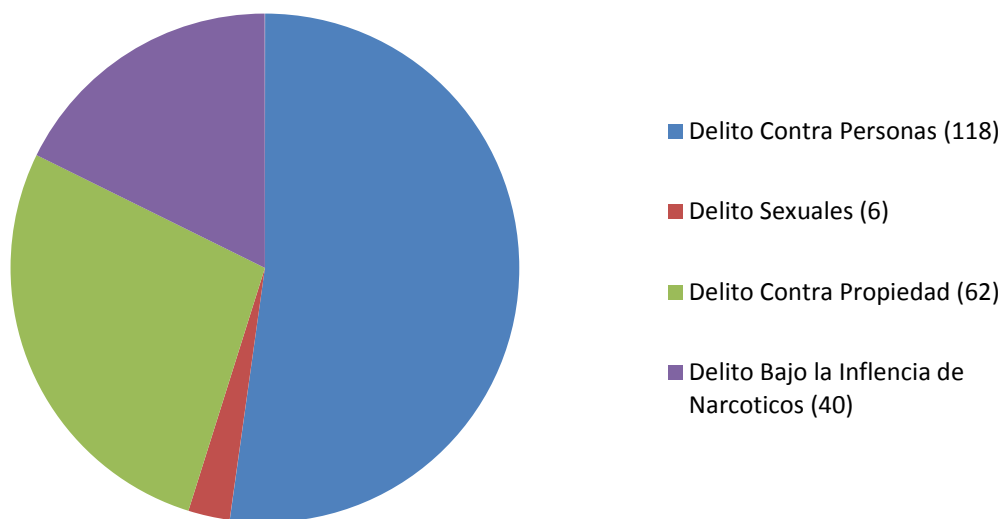
Aplicacion De Aduanas Migratorias

Transferencias Por Tipo De Delito

Delito Por Categoria Criminal (226)



Tipo de Delito (226)



	2017	2018	Total		
Delito Grave	138	3	141		
Delito Menor	85	0	85		
				226	Total
Delito en contra de Personas	116	2	118		
Delitos Sexuales	6	0	6		
Delito contra Propiedad	61	1	62		
Delito Bajo la influecia de Narcoticos	40	0	40	226	Total

COUNTY OF FRESNO
2220 TULARE STREET, 14TH FLOOR
333065
FRESNO, CA 93721
0003702794

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fresnobee.com

Central Valley
The Valley's Lifestyle Magazine
SIERRA STAR
Serving Eastern Masters Since 1937

Vida
en el valle

PROOF OF PUBLICATION

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JUL 03 2018

**COUNTY OF FRESNO
STATE OF CALIFORNIA**

CLERK. BOARD OF SUPERVISORS

Exhibit A

The undersigned states:

McClatchy Newspapers in and on all dates herein stated was a corporation, and the owner and publisher of The Fresno Bee. The Fresno Bee is a daily newspaper of general circulation now published, and on all the dates herein stated was published in the City of Fresno, County of Fresno, and has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of November 28, 1994, Action No. 520058-9.

The undersigned is and on all dates herein mentioned was a citizen of the United States, over the age of twenty-one years, and is the principal clerk of the printer and publisher of said newspaper; and that the notice, a copy of which is hereto annexed, marked Exhibit A, hereby made a part hereof, was published in The Fresno Bee in each issue thereof (in type not smaller than nonpareil), on the following dates.

June 08, 2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated June 20, 2018

Miracle L. Thomas

PUBLIC NOTICE
#3702794
In accordance with the Transparent Review of Unjust Transfers and Holds (Truth) Act, Government Code section 7283.1(d), the Fresno County Board of Supervisors will conduct a public forum on Tuesday, July 10, 2018 at 9:00 a.m. in the Board Chambers, Hall of Records, Room 301, 2281 Tulare Street, Fresno, California. The Sheriff will provide a report regarding the Sheriff's Office interaction and communication with the United States Immigration and Customs Enforcement.
Jean Rousseau, County Administrative Officer
Dated: June 8, 2018
By: BERNICE E. SEIDEL,
Clerk of the Board of Supervisors

PROOF OF PUBLICATION

COUNTY OF FRESNO STATE OF CALIFORNIA

The undersigned states:

McClatchy Newspapers in and on all dates herein stated was a corporation, and the owner and publisher of The Fresno Bee. The Fresno Bee is a daily newspaper of general circulation now published, and on all the dates herein stated was published in the City of Fresno, County of Fresno, and has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of November 28, 1994, Action No. 520058-9.

The undersigned is and on all dates herein mentioned was a citizen of the United States, over the age of twenty-one years, and is the principal clerk of the printer and publisher of said newspaper; and that the notice, a copy of which is hereto annexed, marked Exhibit A, hereby made a part hereof, was published in The Fresno Bee in each issue thereof (in type not smaller than nonpareil), on the following dates.

June 29, 2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated July 02, 2018

Miracle L. Thomas

Exhibit A

PUBLIC NOTICE #3737035 In accordance with the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, Government Code section 7283.1(d), the Fresno County Board of Supervisors will conduct a public forum on Tuesday, August 7, 2018 at 9:00 a.m. in the Board Chambers, Hall of Records, Room 301, 2281 Tulare Street, Fresno, California. The Sheriff will provide a report regarding the Sheriff's Office interaction and communication with the United States Immigration and Customs Enforcement. This meeting was previously scheduled and noticed for July 10, 2018; however, it is being moved to the new date of August 7, 2018. Jean Rousseau, County Administrative Officer Dated: June 29, 2018 By: BERNICE E. SEIDEL Clerk of the Board of Supervisors

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CLERK. BOARD OF SUPERVISORS