



# ORANGE COUNTY SHERIFF'S DEPARTMENT

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SHERIFF-CORONER  
SANDRA HUTCHENS

## OFFICE OF THE SHERIFF

March 3, 2017

The Honorable Patricia C. Bates  
California State Senate  
State Capitol, Room #4048  
Sacramento, CA 95814

**RE: OPPOSE-SB 54 (De León) Law Enforcement: sharing data**

Dear Senator Bates:

I am writing to advise you of my opposition to Senate Bill 54. This bill proposes to restrict local law enforcement's ability to interact with federal authorities responsible for immigration enforcement. As currently written, this bill would hinder the Orange County Sheriff Department's ability to carry out basic public safety services. This bill could also have severe impacts on the County's budget due to provisions impacting federal agreements.

At the outset I want to make clear that enforcing immigration law is a federal government responsibility. The Orange County Sheriff's Department does not play a role in the enforcement of these laws, and it is not part of our primary mission. As we patrol our communities, deputies are focused on criminal violations of state and local law. In carrying out our duties, we do not ask the immigration status of suspects, witnesses, or those who call to report crimes. The California Police Chiefs and Sheriffs I speak with share this outlook.

Federal Immigration and Customs Enforcement (ICE) officers carry out their duties in our communities, but the Sheriff's Department does not play a role in their day-to-day work. We have a similar relationship with the California Highway Patrol (CHP). CHP takes responsibility for traffic enforcement on the highways that run through our communities. The Sheriff's Department is not statutorily charged with that function or budgeted with the financial resources to perform such a role. Similarly, ICE is legally charged and funded to enforce immigration law. Tasking my deputies with immigration enforcement would be a duplication of efforts and a diversion of our scarce resources.

There are, however, instances in which jurisdiction of federal, state and local law enforcement overlap. When this overlap occurs it is imperative that we work with our partners. Provisions of SB 54 could hinder collaborative efforts to preserve public safety. I am particularly concerned that SB 54's restrictions on sharing information with federal immigration authorities will prevent us from removing violent offenders from our community, impede task force work, and significantly jeopardize key funding sources.

### **Removal of Violent Offenders**

Section 7284.6 of the bill prohibits certain communications with federal immigration enforcement agencies like ICE. Such a prohibition would impact crucial notifications to ICE. Currently, those who are booked into our jails are screened for their immigration status. ICE is notified of undocumented individuals in our custody who have been convicted of serious offenses, such as murder or rape. Once one of these convicted criminals serves their sentence, ICE is able to take them into their custody. This practice has been in place for a number of years and is in keeping with California's TRUST Act, which allows for cooperation with ICE on specified serious offenses.

In 2016, 57,123 people were booked into our county jail from various law enforcement agencies. Deputies identified 391 inmates who would qualify under the TRUST Act for an ICE detainer. These individuals represent less than 1% of total jail bookings. Their charges ranged from homicide, rape and possession of weapons, to driving while under the influence. These offenders pose a significant risk to our communities and removing them is consistent with the department's mission to enhance public safety for ALL Orange County residents. These offenders do not discriminate in who they perpetrate their crimes against, and we must not hesitate to take advantage of every opportunity to keep them out of our neighborhoods.

### **Task Force Work**

OCSD participates in numerous task forces that include federal, state and local agencies. Often these task forces will include federal immigration enforcement agencies. For example, an Orange County Investigator serves as a member of ICE's Child Exploitation Task Force. In a recent case the task force was successful in apprehending a CEO of a company who had been sexually assaulting minors. Due to the work of the Task Force this individual was charged with 30 felony counts of lewd acts with a child.

Additionally, the Sheriff's Sex Offender Notification and Registration (SONAR) Unit is responsible for risk assessment and monitoring of registered sex offenders living within the community. Some of the registered sex offenders are undocumented individuals. We communicate with ICE concerning the whereabouts of these offenders. ICE keeps us informed if these individuals are deported or detained. This is vital communication that must be protected under any legislation that is approved.

Recent amendments to SB 54 appear to protect the work of task forces involved with agencies like ICE. However, those amendments require semi-annual reports to the State Department of Justice. I am concerned that such requirements could hinder effectiveness, divert energies from investigative work, and compromise the security of personnel who participate in undercover work.

### **State Criminal Alien Assistance Program (SCAAP)**

The U.S. Department of Justice's State Criminal Alien Assistance Program (SCAAP) provides vital funding that reimburses local law enforcement for costs incurred for incarcerating undocumented immigrants who have committed criminal acts. In Fiscal Year 2015-16 the Orange County Sheriff's Department received \$5.35 million in SCAAP funding. This year we are budgeted to receive \$7.27 million. This program provides significant funding that helps my Department and others across California mitigate the impact of undocumented offenders.

As you deliberate, please ensure that any restrictions on data sharing with federal immigration enforcement agencies do not jeopardize SCAAP funding. In order to receive these federal dollars

my Department must supply the federal government with data on the undocumented immigrants housed in our custody. If SB 54 does not allow for this information to be shared we would likely not receive SCAAP funding.

**Lease Agreement for Jail Bed Space**

As an Orange County legislator, it is important that you are aware of a significant agreement between the County of Orange and ICE. Since 2010 OCSD has leased up to 838 jail beds to ICE for the housing of their detainees. In 2010 the Sheriff's Department faced significant budget shortfalls. The agreement with ICE allowed the Sheriff the opportunity to utilize vacant jail bed space and close the budget shortfall. The initial agreement in 2010 was for a five year period. In 2015 a new five year agreement was approved by the Orange County Board of Supervisors. The agreement generates an estimated \$22 million annually.

As you know, the County of Orange is significantly underfunded when compared to other counties around the state. This lease agreement is crucial to helping close budget shortfalls. Without this agreement our budget will be significantly compromised. Section 7284.6 (a)(1) of the legislation would prohibit our current agreement. While some are critical of the fact we house detainees in our facility, I would tell you that our operations are consistently lauded for the quality of our housing facilities. Additionally the proximity of our facilities to the family members of detainees make us a preferable location for those wishing to visit loved ones.

Finally, if passed, SB 54 puts local law enforcement in the unenviable position of being in conflict with federal law. Sheriffs across California will have to choose whether to honor current agreements with the federal government or to violate California law. Placing law enforcement in the middle of constitutional conflicts does not help maintain or improve the conditions of public safety in our state.

I encourage you to vote no on SB 54 and ask that you work to mitigate the negative impacts the bill could have on local law enforcement. Thank you for your consideration as you deliberate on this legislation. Please do not hesitate to contact me should you have any questions about SB 54's impact on public safety.

Sincerely,



Sandra Hutchens  
Sheriff-Coroner