

MOTION BY SUPERVISORS HILDA L. SOLIS  
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**Supporting an End to ICE Transfers Statewide**

Los Angeles County (“County”) is home to about 3.6 million immigrants, accounting for 36 percent of the County’s population. The County’s immigrant residents—whether naturalized U.S. citizens, lawful permanent residents, or undocumented—are valued and integral members of our social and economic fabric. Most of the County’s immigrant noncitizen population—nearly 70 percent—has lived in the United States for more than a decade, which has resulted in them building strong roots for themselves, their families, and their communities. For instance, nearly 60 percent of all children born in the county have at least one immigrant parent. Accordingly, immigration has been one of the County’s top priorities. Indeed, in 2017, this Board of Supervisors (“Board”) reaffirmed the County’s bold commitment to immigrant residents and their families by unanimously passing a motion to make immigration a County priority, the highest designation possible, and has followed through with more than 55 motions to further uplift the wellbeing and protect the rights of immigrants and their families who have made the county their home.

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In response to COVID-19, aggressive steps have been taken nationwide to reduce jail populations and custodial arrests and to implement safety measures inside jails and prisons to prevent the spread of the virus and save lives. On March 31, 2020, this Board adopted a motion to direct the appropriate County departments to identify and implement measures to prevent the spread of the COVID-19 virus in County jails and to safeguard incarcerated individuals and staff, as well as their families and communities. As a result, the population in the County jails has been significantly reduced from more than 17,000 in early March 2020 to 13,033 as of August 18, 2020.

By contrast, U.S. Immigration and Customs Enforcement (“ICE”) has resisted and refused to significantly change its enforcement and detention practices in the face of the pandemic—imperiling the health and lives of county residents. ICE’s callous disregard for human lives has been decried even by medical doctors from the U.S. Department of Homeland Security and by federal courts across the country. (See, e.g., *Bravo Castillo v. Barr*, No. 20-cv-00605-TJH-AFM, 2020 WL 1502864, \*11 (C.D. Cal. Mar. 27, 2020) [“[T]he Government cannot act with a callous disregard for the safety of our fellow human beings.”]; *Hernandez Roman v. Wolf*, No. 5:20-cv-768-TJH, 2020 WL 1952656, at \*14-15 (C.D. Cal. April 23, 2020) [finding that ICE is “deliberately indifferent to the potential exposure of [detainees] to COVID-19” and has “acted with callous disregard for [their] safety”].) Courts have found ICE’s conduct to violate the substantive due process rights of its detainees in all five of its California detention facilities. In Los Angeles, the federal district court noted that the conditions of confinement at the Adelanto ICE detention facility are “inconsistent with contemporary standards of human decency.” (*Hernandez Roman v. Wolf*, No.

EDCV2000768TJHPVCX, 2020 WL 1952656, at \*8 (C.D. Cal. Apr. 23, 2020).)

Recently, the court agreed to make individual bail determinations for detainees because of ICE's refusal to address risks related to COVID-19. (*See Hernandez Roman v. Wolf*, No. EDCV2000768TJHPVCX, 2020 WL 3481564, at \*2 (C.D. Cal. June 17, 2020).)

ICE's shocking disregard for the safety and constitutional rights of those it arrests and detains has been well-established even prior to COVID-19. For example, in September 2019, the federal district court in Los Angeles held that the network of databases on which ICE based its detainers were too error-ridden and incomplete to be reliable sources of information for probable cause determinations. (*Gonzalez v. ICE*, 416 F. Supp. 3d 995 (C.D. Cal. 2019).) The court emphasized that ICE's sole dependence on unreliable databases caused "many U.S. citizens [to] become exposed to possible false arrest" and to be unconstitutionally detained. (*Id.* at 1018.)

For these reasons, this Board prohibited the use of any County resources to assist with immigration enforcement purposes in September 2020. To further the County's ongoing response to the public health emergency, and in the interest of permanently safeguarding the health, safety, and constitutional rights of *all* Angelenos, the County then enshrined a permanent ban on transfers to immigration authorities absent a judicial warrant or judicial probable cause determination into County policy.

At the state level, Assembly Bill 937 (Carrillo) the Voiding Inequality and Seeking Inclusion for Our Immigrant Neighbors (VISION) Act would prohibit jails, prisons, and other public agencies from funneling community members who are eligible for release to ICE jails. This prohibition would apply statewide and is consistent with actions this Board have taken to protect vulnerable communities. Additionally, the VISION Act would

ensure immigrants are treated equally by prohibiting state agencies, local agencies, and courts from using immigration status as a factor to deny or to recommend denial in a diversion program, rehabilitation program, placement in a credit earning programs or classes, or mental health program.

As the state with the largest immigrant community in the country, California has an ethical and moral obligation to step up and take action to protect the rights of immigrants and the public health at large. As long as local agencies and jails continue to transfer community members to immigration detention where conditions are indisputably dangerous and even deadly, California cannot meaningfully reduce the numbers of human beings in ICE detention centers.

**WE, THEREFORE, MOVE** that the Board of Supervisors direct the County's Sacramento Advocates to support Assembly Bill 937.

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