

# "ICE OUT OF CA" FACT SHEET

Immigration and Customs Enforcement ("ICE") consistently works with local law enforcement agencies to deport immigrants and separate families. This fact sheet answers frequently asked questions about the various ways in which local law enforcement agencies are entangled with ICE so community members and organizations can push ICE out of California.

**What is ICE?** ICE is the acronym for Immigration and Customs Enforcement. ICE is a *civil* law enforcement agency within the Department of Homeland Security ("DHS") that enforces immigration laws by identifying, detaining, and deporting individuals who may be removable.

**What is an ICE "hold" (detainer request)?** An ICE hold is a request to a local jail made by ICE to hold a person for up to 48 hours after the time s/he would otherwise be released in the criminal matter. ICE hold requests are completely **voluntary**. In April 2014, in a case called *Miranda-Olivares v. Clackamas County*, a federal district court held that ICE holds are unconstitutional because they violate the Fourth Amendment right against unreasonable seizure.

**What are the programs that encourage ICE and local law enforcement to work together?** The most common program is the Criminal Alien Program ("CAP"), which allows ICE access to jails and jail databases to identify immigrants who may be deportable. While CAP looks different in each county, ICE agents usually can access jail databases that contain biographical information (such as country of birth and immigration status) and release dates, conduct interviews with inmates, schedule regular visits to local jails, and even occupy a desk or office inside a local jail. Note that law enforcement participation with the CAP Program is **voluntary**. The Priority Enforcement Program ("PEP-Comm"), previously known as Secure Communities ("S-Comm"), is an ICE program that aims to identify and deport noncitizens in local jails that may be deportable. When any individual is booked into a jail by

## What is the "ICE out of California" campaign?

This campaign aims to disentangle local law enforcement from ICE by **NOT** allowing:

- ▶ ICE access to local jails if they lack a criminal warrant signed by a judge.
- ▶ ICE access to local law enforcement databases.
- ▶ Information sharing between local law enforcement and ICE, including any information related to an individual's release date from criminal custody and any personal information about an individual (e.g. home address, place of employment, or future court hearings).
- ▶ ICE to question jail inmates about their immigration status.
- ▶ Responses to ICE hold requests or ICE notification requests.
- ▶ Transportation by local law enforcement of individuals to ICE.
- ▶ Denial or increase of bail for noncitizen detainees.



law enforcement, his/her fingerprints are automatically sent to DHS for a civil immigration background check. If the system identifies an individual as potentially deportable, ICE may request that the jail notify ICE of the individual's release date. ICE is supposed to only issue these notifications when individuals have certain criminal convictions. This notification request is **voluntary** and local law enforcement can choose not to deny the request. If the local jail notifies ICE of an individual's release time, ICE will try to pick up the individual at release.

**What is the CA TRUST Act (AB 4)?** The TRUST Act is a California law that sets a minimum standard across the state to limit cruel and costly ICE hold requests in local jails. Since the *Miranda-Olivares* decision, almost all California counties have adopted "No ICE Hold" policies, which prohibit local law enforcement agencies from holding *any* individuals on an ICE hold. Since it went into effect on January 1, 2014, the TRUST Act has successfully decreased the number of deportations in counties throughout the state. However, the California law is the first step of many to disentangle local law enforcement agencies with ICE.

#### What are the next steps to push ICE out of California?

- ▶ Meet with local law enforcement to urge them to not allow ICE access to their jails and to not engage in the problematic practices listed above.
- ▶ Inform local law enforcement that both ICE hold and ICE notification requests are **voluntary**. Advocate that they adopt a policy of not responding to any of these requests because entanglement with ICE wastes local resources, undercuts community policing, and tears apart families.
- ▶ Inform local law enforcement that ICE is a *civil* law enforcement agency, not a *criminal* law enforcement agency. They do not provide Miranda warnings prior to interrogating people; they enforce civil immigration law; and the "civil warrants" they issue usually are not signed by a judge or based on probable cause. Thus, local law enforcement agencies are not obligated to assist ICE because they are not another criminal law enforcement agency.
- ▶ Organize Know Your Rights presentations to community members on their rights under the TRUST Act, the PEP-Comm Program, and the status of local law enforcement and ICE collaboration in your county. Remind the community that they have the right to remain silent and that ICE cannot enter their homes without a warrant.
- ▶ Use [www.ICEoutofCA.org](http://www.ICEoutofCA.org) for information on how to push ICE out of CA.
- ▶ Call **1-844-TRUST-01 (1-844-878-7801)** to report a TRUST Act or local No ICE Hold policy violation.

#ICEoutofCA  
#No1LeftBehind  
#Not1More

