



**Meeting with Law Enforcement
in Light of the California Values Act (SB 54)**
An Advocate's Toolkit to Engaging Law Enforcement About the Values
Act and Related California Laws

January 2018

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Need more help? Individualized support is available upon request. This can include policy analysis, campaign support, or even in-person legal support at meetings.

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A. Do Your Homework — Steps Prior to Meeting with Law Enforcement

- **Establish local goals.** Every region will be different. Goals may range from simply ensuring that law enforcement follows the law (Values Act), to ending ICE collaboration entirely. The gold standard is total disentanglement with ICE, since the Values Act makes clear that this law is the policy floor and not the ceiling. We encourage advocates to keep long-term goals in mind during meetings and to push for the strongest policy possible.
- **Do your homework.** Gather information on how local law enforcement is already cooperating with ICE. Review the department's written policy ahead of the meeting. All departments should have updated their local immigration policies to be in compliance with the Values Act. Ask for a copy of this updated policy as well as the previous policy that was in place to compare versions. Review these policies with your team and/or with the legal contact provided at the beginning of this handout. You can obtain your local law enforcement's policies by looking at their website or asking them for a copy ahead of time. Another option is submitting a Public Records Act Request, but this should be a second choice as it takes more time.¹ You can also talk to community organizations, attorneys (especially public defenders), or search the news to research local practices.
- **Understand how the Values Act affects your local law enforcement agency.** Since the Values Act is comprehensive, and because agencies cooperate with ICE differently, you'll want to customize your questions to the issues you are seeing in your region. (See *Questions for Meetings with Law Enforcement* for more information).
- **Ask for the jail commander or manager to be present.**² The Sheriff or Police Chief is in charge or running the department and may not know the daily activities of the local jail. Ask the jail commander or jail ICE liaison if they have one, or someone in record keeping who monitors ICE requests, to be at the meeting to answer more detailed questions. You may also consider requesting a **jail tour** to get a better sense of how the facility runs and to monitor the access that ICE agents have to individuals held inside the jail, databases, and other information.
- **Research the Sheriff/Police Chief, and any other offices that you may be meeting with.** A quick Google search will do. You want to get a sense of the official(s) and what may be important to them. For example, if you know that the official is particularly moved by faith or labor groups, this might affect how you frame issues or the allies that you invite to the meeting. Are there any specific concerns or issues, e.g., lawsuits that the agency is facing that you can leverage?

¹ To learn more about California's Public Records Act and how to file a request, visit: <http://bit.ly/2lVywwu>

² Not all cities maintain jails. If you are meeting with a police chief, confirm if your city has a jail.

- **Understand other laws that limit cooperation with ICE.** In particular, you should understand how the Values Act works in conjunction with the Truth Act (AB 2792), and more recently SB 29 and AB 103 (visit www.ilrc.org for an overview of recent laws).
- **Come prepared to any meeting with your materials:** **1)** Finalize your internal meeting agenda (See *Sample Law Enforcement Meeting Agenda*); **2)** consider sharing an external version of your agenda with the agency so that they can come prepared to the meeting; **3)** pre-select the most important meeting questions in case time runs short during the meeting; **4)** if you are sharing stories, work with an attorney to investigate the details of the stories, otherwise law enforcement may poke holes in it and hurt your arguments; and **5)** confirm any meeting handouts.
- **Build relationships with other allies.** Immigration law is steeped in intersectionality and collaboration is key as other communities are also targets of racial profiling, police brutality, and other unlawful conduct. This can require relationship building and deeper conversations, but can be invaluable in building policies that mutually benefit all marginalized communities.

Potential Allies

Affected Immigrants & Immigrant Based Groups
Criminal Justice Reform Advocates
Civil Rights Groups
Human Rights Groups
Labor Groups/Unions
Faith Groups
LGBTQ Groups
Public Defenders
Immigration and civil rights attorneys
Domestic Violence or other Victim's Rights Groups
Child welfare advocates/social workers

B. Sample Law Enforcement Meeting Agenda

See Appendix for an agenda that that you can fill-in and customize for your own needs.

Prepare before the meeting in order to:

- **Assign roles:** a facilitator, a note taker, and determine who will ask which questions.
- **Confirm:** that everyone is on the same page regarding meeting goals.

Pro Tip: Sit **intermixed** with law enforcement instead of having them on one side and community members on the other. This creates an “us versus them” dynamic and may be intimidating for community members.



Agenda

I. Introductions/Overview of Meeting (5-10 mins)

- a. Thank everyone for coming and for being open to having an ongoing dialogue.
- b. Individuals/groups should explain ties to community, including number of community members represented, and voter base.

II. Frame Meeting Goals (under 5 mins)

- c. Frame the goal of the meeting as an effort to learn about the Values Act implementation and to **build community trust**. Given tensions across the country between local law enforcement and communities of color, including immigrants, it is clear that we are in a crisis. Rebuilding that trust is crucial.
- d. Explain that law enforcement can and should adopt a stronger policy than the Values Act.

III. Testimony from affected community member(s) (5-10 mins)

- e. This should illustrate the harm that cooperating with ICE has on the community. For example, by describing the harm that deportation from the collaboration between ICE and local law enforcement has had on a family or on a community as a whole. Testimonies should focus on collaboration involving the specific department you're meeting with and/or be in the jurisdiction that the department covers.
- f. If an affected individual can't be present, someone else can describe the account second hand, but should avoid using actual names or identifying information unless you have consent from the individual/family.

IV. Questions (See *Questions for Meetings with Law Enforcement*) (40-45 mins)

- g. Use the *Questions for Meetings with Law Enforcement* section below as a guide. Since this list is longer than what you may have time for, **prioritize** the issues and questions that are most important in your community before the meeting.

V. Closing (5 mins)

- h. Thank the agency for their time.
- i. Reiterate any next steps. For example, any promises to provide data, policies, or engage in follow up meetings.
- j. Ask to set up quarterly meetings with the department as a means to build a relationship with the department and to monitor how they are working with ICE throughout the county.
- k. If you were unable to discuss all of issues and questions, ask if it is okay to send them a follow-up email and whom you should contact.
- l. Collect business cards from law enforcement and other members in the group so that you correctly document who was there and their contact information. Share yours if you have one.



Debrief

V. Debrief immediately after the meeting

- a. Discuss what went well and what didn't. Establish next steps and assign responsibility for each next step. Don't forget to type up your notes and share them with your group!
- b. Send a **thank you letter/email** to the law enforcement agency where you **restate any follow up** steps and establish a deadline. For example, that you look forward to receipt of any policies within two weeks.

C. Questions for Meeting with Law Enforcement

The types of questions you will ask will differ depending on your specific region's policy and your meeting goals; choose from the list below and add your own

Intro

- If this is your first meeting with your law enforcement agency, it should serve as a relationship building and information-gathering session. This should be the first of many meetings to monitor and influence local policy. If you have met with your Police Chief/Sheriff before, continue information gathering and consider shifting to advocate for a local policy that promotes total disentanglement with ICE. You may also want to ask for **regular meetings** to address ongoing issues.³

Goals

- Take steps toward achieving your campaign goals.
- Learn about your region's Values Act policy and implementation strategy.

Meeting Questions

Questions to get to know your law enforcement official and agency

1. What do you see as the biggest issues between the immigrant community and law enforcement facing this community?
2. Can you tell us about any programs that you have that aim to build trust with our communities?

Values Act (SB 54) Training and Implementation

1. What steps have you taken to train your officers on SB 54? Which officers receive training? What does this training look like? Can we receive a copy of the training manual you have developed for officers (if this is available)?
2. [Insert any questions specific to your local SB 54 policy]

³ For a list of select policies see www.ilrc.org/enforcement

Questions Regarding ICE Notifications, Transfers, and Information-Sharing

- 1.** How many ICE Detainer/Notification requests do you receive a month? Are these requests for release dates, or for any other information? How many do you comply with on average?
- 2.** Given the limitations placed on responding to notification requests under the Values Act, what is the procedure if you receive an ICE notification request? What's your policy for determining which requests to comply with?
- 3.** If you comply with notification requests, what method of communication are you using to relay this information to the inmate's attorney or designee? Typically how long does it take to inform the person's attorney or designee? Is there someone in the jail who is in charge of notifying the person's attorney or designee?
- 4.** If you comply with notification requests, who from your department notifies ICE? Can you explain the process? How far in advance does ICE know when a person will be released from custody?
- 5.** Do you transfer inmates to ICE? If so, in which circumstances?
- 6.** Given the limits placed on transfers to ICE under the Values Act, how do you make this determination?
- 7.** Can you explain the process as to how inmates end up in ICE's custody during a transfer? At what point of the inmate's release from your custody does the transfer take place? Where specifically does the transfer take place? Are any local officers involved?
- 8.** Do ICE arrests ever happen prior to a person's criminal release? i.e. while a person is in pre-trial or still serving time on a sentence? How often?
- 9.** How many transfers to ICE do you typically do over a month?
- 10.** How long does it take to process someone for release and what is involved in that process?
- 11.** What does your jail/agency do when you encounter an immigration warrant for someone in your custody?
- 12.** Aside from release dates, do you share any other inmate information with ICE? If so, what information do you share?
- 13.** Do you share that information proactively with ICE or only in response to ICE requests?
- 14.** What information or jail databases are ICE agents given access to (e.g. booking information, anything else)? Are these accessible to the public as well? What information is contained here?

15. How much of your resources are expended on ICE communications? Is there an officer assigned to communicate directly with ICE or managing ICE requests? How much of this officer's time goes toward these tasks?

Questions Regarding Criminal Background Exceptions

These are follow-up questions if law enforcement says that they consider a person's criminal history when deciding whether to respond to a notification or transfer request

1. Do officers receive special tools or training if the decision regarding whether to respond to ICE requests depends on a person's criminal history? Can we get a copy of these tools/training materials?
2. How do you know which offenses allow for compliance with notification or transfer requests?

Prot tip: Use this as an opportunity to push for a stronger policy. Interpreting the Act's exceptions is a nuanced, complex, case by case process. Instead of dedicating extensive staff time to interpreting exceptions, jails should adopt bright line rules which are easier to administer (with the goal being zero compliance).

Questions Regarding ICE's Office Space Inside Jails

1. How often is ICE inside of the jail? How often do they come? How many agents come? Are there specific times when ICE arrives at the jail to pick up individuals who are being released?
2. Is ICE allowed to roam freely throughout the jail?
3. Do they sign in anywhere when they enter and leave the jail?
4. Is there a specific person in your department assigned to oversee ICE's use of the space in the jail?
5. Does ICE have a space that they use within the jail, such as an office? What does the space look like? Do the ICE agents bring their own computer or access a computer that is from your department? *(this is when a jail tour could be helpful to advocates to see the space themselves).*
6. Do local law enforcement officers actually use the same space where ICE is located? How often do others use this space?

Questions Regarding ICE Interviews (TRUTH Act)

1. Do you allow ICE to interview inmates inside of your jail?
2. How does ICE communicate their request to interview someone? How many requests do you receive a month on average?
3. What is your process for giving the a written consent form to inmates when ICE requests an interview? Can you provide us a copy of the consent form?

- 4.** Have officers received training regarding complying with the TRUTH Act? If so, can we receive a copy of the training manual?
- 5.** How do individuals indicate that they'd like to receive the written consent form in a language other than English? What other languages do you have the forms available in?
- 6.** Do you provide a consent form in every case? *Ask for a copy of the TRUTH Act forms that the department is using.*
- 7.** On average, how many inmates decline an interview per month?
- 8.** On average, how many consent but only if an attorney is present? What is the process if an attorney is requested? What happens if the attorney is unavailable? Will the ICE interview take place without the attorney present?
- 9.** On average, how many have consented to an interview without an attorney present (by themselves)?
- 10.** Where do interviews occur in the jail?
- 11.** To your knowledge, does ICE identify themselves as ICE agents during interviews?
- 12.** Do you know how ICE agents decide whom to interview?
- 13.** For monitoring purposes, ask for monthly statistics on all of the TRUTH Act implementation (ICE interviews and ICE notifications). The number of individuals denying ICE interviews should be high. If it is not, you should ask additional questions around how the written consent forms are being given to individuals.
- 14.** Consider asking for the corresponding convictions that inmates had when ICE either placed a detainer on the inmate, requested an interview, and/or requested notification of release dates/times. This can allow you to track who ICE is prioritizing for deportation in your county and allow you to see trends in enforcement.

Questions Regarding ICE Holds

1. Responding to any ICE hold requests to detain are now unlawful under the CA Values Act. Are there any circumstances in which you would still hold someone on an ICE hold?⁴
2. Are you still receiving ICE hold requests? If so, how many are receiving per month/per year on average?

Other Forms of Cooperation with ICE

1. Do you make any effort to collect or ascertain immigration status of inmates? If so, why?
2. Are individuals asked for place of birth during booking? Why? Is ICE given access to this information?
3. Do you ever collaborate with ICE in any other projects or investigations, such as joint taskforce operations? If yes, how many taskforces did you participate in the last year? How do you decide when to participate on task forces with ICE? What is your role in these task forces? Do you share information with ICE? If so, what type and how? Do you help execute arrests? Do you have any written memorandum or agreement with respect to these task forces? Can you share the written memorandum or agreement with us?

Closing Questions

1. Can your office share any written **policies, procedures, and training** materials regarding the treatment of immigrants or anything else regarding **interactions or communications with ICE?**
2. Can your office share data regarding ICE cooperation?
 - Number of notification requests per month and amount they comply with.
 - Number of ICE interview requests and result (consent, consent only with an attorney, decline).
3. How soon can we meet to discuss next steps?
4. When can we schedule a jail tour [if desired]?

⁴ If the answer here is ever yes, obtain as many details as possible and contact legal advocates as soon as possible. Complying with ICE holds in *any* circumstance is against the law under the California Values Act.

D. What Do We Have in Common with Law Enforcement?

It can be helpful to appreciate common ground with law enforcement. If you want to start with commonalities, see the points below. As the conversation moves to more contested issues, it can be helpful to go back to this common ground.

- **Community policing/Public safety:** Community members must trust law enforcement in order to report crimes and cooperate in investigations. This is especially important today when tensions between law enforcement and community members have become highly visible. Highlight that this is a common goal for both law enforcement and your group.
- **Cooperating with ICE imputes their behavior onto local law enforcement agencies.** ICE has increasingly become a rogue agency that cannot be trusted and has lied to other local law enforcement agencies in order to achieve their own goals.⁵ Highlight that you wish to distinguish ICE from your law enforcement agency, an effort which will be lost if the community sees local law enforcement working side by side with ICE.
- **Making better use of our resources.** Law enforcement often works with tight or shrinking resources. However, cooperating with ICE – whether it’s responding to ICE requests or allowing ICE access to jails – diverts local resources. Highlight that sparse local resources should be dedicated to public safety and community policing, rather than doing the federal government’s (already well funded) job.
- **Keeping families together.** We all care about keeping our communities intact and keeping families together. Deportation tears families apart, causing irreparable harm including to the children left behind. Highlight that cooperating with ICE leads to broken families and community harm.

⁵ In Santa Cruz, California, ICE misled the city into helping make immigration arrests:
<https://ww2.kqed.org/news/2017/02/24/santa-cruz-police-ice-lied-to-us-about-immigration-arrests/>

E. FAQ - Pushback from Law Enforcement and How to Respond

In your meetings, you'll see common pushback from law enforcement when you ask them to stop cooperating with ICE. See below for some common objections and how to respond.

- ❖ **Pushback:** We don't hold people for ICE and we don't do work for ICE. ICE is allowed to come into the jail to do what they need to do. ICE is a fellow law enforcement agency and we give them same courtesy that we give any other law enforcement agency.
- ❖ **Response:** ICE is an unreliable partner who lacks transparency and has no accountability. We don't have the same constitutional protections in immigration as we do in the criminal justice context. People are often coerced into signing orders of deportation and are not advised that they have the right to remain silent or see a judge. **ICE isn't held to the same standard as other law enforcement agencies.** When community members hear about bad practices by ICE agents done in tandem with local law enforcement, they conflate the two. Recently, immigration officers apprehended a 10-year old undocumented girl with cerebral palsy after an emergency surgery.⁶ Here in California, ICE misled Santa Cruz police into helping them make arrests against undocumented community members. You don't want these bad practices to be imputed onto your department.
- ❖ **Pushback:** We are helping you out! By allowing ICE access to our jails, we are keeping ICE from going out to the community and conducting raids. Besides, ICE has threatened to target "sanctuary cities" that limit ties with federal immigration officers.
- ❖ **Response:** Allowing ICE inside of the jail will not keep them away from the community. ICE has always been and will continue to arrest people in the community. By allowing them inside of the jail, you are only expanding ICE's operations and making it easier for ICE to detain and deport community members.
- ❖ **Pushback:** We don't cooperate with ICE, but they engage in other enforcement in the community and we don't have control over that. So, there's no reason for us to adopt a policy since we are not cooperating with ICE as it is.
- ❖ **Response:** It is important to memorialize the fact that you don't cooperate with ICE in a written policy. Some localities have already done so, and it's important to have this written confirmation so that we can go back to the community and let them know that local law enforcement is not working with ICE.

⁶ DHS intercepted Maria, a 10-year-old girl after she was operated in a Texas hospital:

<https://www.npr.org/sections/thetwo-way/2017/10/26/560149316/10-year-old-girl-is-detained-by-ice-officers-after-emergency-surgery>

- ❖ **Pushback: We only focus on cooperating with immigration when it comes to dangerous criminals, who are a danger to everyone in the community, immigrants alike.**

- ❖ **Response:** Immigration status should never be used to target people, no matter what their criminal background is. Deportation is not the answer to public safety; it only destroys families and destabilizes communities. This actually decreases public safety, since cooperating with ICE further erodes community trust in law enforcement. Community members will feel safer if you are not cooperating at all with ICE.

- ❖ **Pushback: We let ICE inside of the jail but they do not have exclusive office space. We let any other agency come in as well.**

- ❖ **Response:** Allowing ICE to be inside of your jail blurs the line between your agency and ICE. Community will impute ICE's actions onto you and ICE doesn't abide by the same rules that other agencies do. Providing ICE office space – even if only part time – makes clear to the community that you are working side-by-side with ICE. It also blurs the lines around the information that ICE agents are able to access inside of jails.

- ❖ **Pushback: We share information about inmates with ICE when the information is “publicly available.” In our opinion, all release dates are publicly available because any member of the public can call and get that information. Thus, using the SB 54 publicly available exception, we can share all release dates with ICE.**

- ❖ **Response:** The California legislature intended this exception to apply to the narrow instances when release dates **are already** publicly available (e.g. on a website prior to passage of the CA Values Act). The CA Values Act prohibits using department resources for immigration enforcement purposes. If you are now starting to share release dates on your website just to take advantage of this exception, then you may be violating this prohibition by using resources for immigration purposes. The publicly available exception also does not include information that **could** become available to the public in the future. For example, information that is not currently available but could be obtained through a Public Records Act request or at a future date. Further, just because the public can call the jail to obtain a release date, this does not mean that this information is ‘publicly available’ in the sense of the Act. When the public requests a person’s release date and the release date is not currently available, the jail usually does not provide the public with a courtesy notice when the information becomes available as it does with ICE. Thus, this information is not available in the same manner.

- ❖ **Pushback: The Values Act gives us discretion to cooperate with ICE if the inmate falls under one of the criminal exceptions.**

- ❖ **Response:** The criminal exceptions are extremely nuanced and hard to apply. Having your own bright line rule not to cooperate with ICE under any exception will ensure that you are abiding by the law. A bright line rule is easier to administer and also makes clear to the public that you choose to cooperate with them, not ICE.

F. Roadblocks to Obtaining Meetings and Other Considerations

What if I have problems getting a meeting with law enforcement? If they decline your initial meeting request, consider partnering with an organization/group that already has a good relationship with that agency. Ask a friendly government official, such as a member of the County Commission or city council, to request a meeting on your behalf. A final tactic would be mounting public pressure, though this should be a last resort since you may ultimately be met with a more hostile meeting.

What if people are undocumented, can they attend meetings? It depends. If you know that law enforcement is very anti-immigrant or if you're attending a jail tour where ICE agents may be present, undocumented members may not want to attend or should at least be informed that they will be meeting with people who might have authority to arrest them. In many or most law enforcement meetings, it will be safe for undocumented community members to attend. Nonetheless, everyone must assess the risks and make their own decision. If the meeting is in the jail, they may require attendees to show ID. If a community member is undocumented and is there to share their testimony, advise them of any risk as you would with any community member going public with their story.

What if I'm told that only certain people can attend meetings? It's possible that you may be limited in who can attend a meeting, either by number or by specific individuals. This is a strategic decision on your part, but you can push back. In a smaller meeting, there is a greater chance that you'll get more candid, honest information. If it is important for you to have a larger group present, for example if you are part of a larger coalition, push back and request a larger meeting space. If they try to limit *who* can attend, push back harder. Law enforcement is charged with responding to *all* members of the community and as such, should be willing to meet with everyone.

What about public community meetings? Public community meetings can be helpful in building trust with the community, in answering more general community questions, and in making public statements to which you can hold law enforcement accountable. If you decide that you would also like to hold a community meeting, and law enforcement resists, share the benefits including the strong public statement that it makes during a time when trust in law enforcement is strained. Follow the same strategy in getting a private meeting with law enforcement.

G. Appendix: Customizable Agenda

Date/Time: _____

Note taker: _____

Participants:

I. Introductions [*Assign Role*]:

II. Meeting Goals [*Assign Role*]:

III. Testimony from Affected Community Member(s) [*Assign Role*]:

IV. Questions for Law Enforcement [*Assign Role, See Sample Qs*]:

V. Closing Remarks - Asks, thank you, next steps [*Assign Role*]:
