

March 26, 2024

Orange County Board of Supervisors  
400 W. Civic Center Drive  
Santa Ana California 92701

**Re: Agenda Item #38 - TRUTH Act Forum Public Hearing**

Dear Members of the Orange County Board of Supervisors,

The Harbor Institute for Immigrant and Economic Justice recently published an analysis of data obtained through Public Records Act requests regarding the Orange County Sheriff's Department's continued collusion with Immigration and Customs Enforcement. In 2023, **out of the 547 community members in OCSD custody with immigration detainees, OCSD referred 302 to ICE, 221 of whom were ultimately transferred.**<sup>1</sup>

We are alarmed by the drastic – 1200% – increase in OCSD-ICE transfers from 2022, and we continue to be deeply concerned by the disproportionate impact that OCSD-ICE collusion has on Mexican and Vietnamese communities in Orange County. **Mexican and Vietnamese community members routinely make up an overwhelming majority of individuals transferred by OCSD to ICE. Both groups combined represented about 80% of OCSD-ICE transfers in 2023 (43% and 40%, respectively).**

We also found that many of the community members that were later transferred to ICE from OCSD custody were arrested by the police departments whose jurisdictions cover the communities of Little Saigon (Westminster, Garden Grove, Santa Ana). These findings from some of the country's largest Latino communities and the heart of the Vietnamese diaspora serve as a reminder that attacks on our communities were not exclusive to the Trump administration, and the Southeast Asian deportation crisis is far from over. The County must take seriously the reality that immigration enforcement threatens the lives of a large and diverse range of immigrants and refugees in Orange County – and develop programming and funding priorities accordingly.

In addition to the negative impacts immigration enforcement has on community health, safety, and trust in government, the persistence of local law enforcement collusion with ICE raises further questions about compliance with sanctuary state law in Orange County.<sup>2</sup> Residents have been raising this alarm for years, yet it seems OCSD continues to demonstrate difficulties taking compliance with state law seriously.<sup>3</sup>

Our findings demonstrate that, regardless of who occupies the White House, immigrant and refugee communities across Orange County continue to face the threat of detention and deportation, a threat that is only amplified by OCSD's continued collusion with ICE.

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<sup>1</sup> Mai Nguyen Do & Mariana N., "Safeguarding Which Communities?: An Analysis of OCSD's Continued Collusion with ICE," Harbor Institute for Immigrant and Economic Justice, 2024, [harborinstituteoc.org/ocsdicetransfers2023](https://harborinstituteoc.org/ocsdicetransfers2023)

<sup>2</sup> Jessica De Nova, "Garden Grove father held by ICE for 9 months after arrest over tinted windows, lawsuit filed," ABC 7, Aug. 29, 2020, [abc7.com/garden-grove-father-ice-tinted-windows-arrest-detention-kelvin-hernandez-roman/6392650/](https://abc7.com/garden-grove-father-ice-tinted-windows-arrest-detention-kelvin-hernandez-roman/6392650/)

<sup>3</sup> "Orange County Sheriff's Department to Pay Garden Grove Resident and Father in Settlement Deal," UCI Law, University of California, Irvine, Dec. 17, 2021, [law.uci.edu/news/press-releases/2021/irc-ocsd-settlement.html](https://law.uci.edu/news/press-releases/2021/irc-ocsd-settlement.html)



For your convenience, attached to this letter is a condensed version of the aforementioned analysis, as well as an excerpt from the OCSD Custody and Court Operations policy manual covering OCSD's immigration enforcement-related activities. The excerpt has been annotated with the salary ranges of each job classification listed in the processes outlined within the manual.

Sincerely,

Mai Nguyen Do  
Research & Policy Manager  
Harbor Institute for Immigrant & Economic Justice

# Safeguarding Which Communities?

## An Analysis of the Orange County Sheriff's Department's Continued Collusion with Immigration & Customs Enforcement

Authors: Mai Nguyen Do & Mariana N.

This brief includes excerpts from the Harbor Institute's upcoming report on opportunities to advance immigrant justice in OC.

Orange County is home to some of California's largest and most vibrant immigrant and refugee communities. Yet, despite California's "sanctuary state" status, many community members still live under threat of immigrant detention and deportation. A large part of this threat is the continued collaboration between local law enforcement agencies and the federal Immigration and Customs Enforcement (ICE) agency. ICE transfers have decreased somewhat since the 2010s, but the Orange County Sheriff's Department (OCSD) continues to transfer numerous community members to ICE, some of whom are arrested by OCSD officers and some of whom are arrested by local police officers.

According to data obtained from OCSD by the Harbor Institute through Public Records Act requests, transfers of community members by OCSD to ICE increased by 1200% from 2022 to 2023, on track to rebound back to pre-pandemic volumes of transfers. Vietnamese residents also continue to be disproportionately impacted by OCSD-ICE transfers alongside Mexican and Central American community members.

### EFFECTS OF IMMIGRANT DETENTION

The negative effects of immigration enforcement are well-documented. Immigrant detention can negatively impact health, both mental (von Werthern et al. 2018) and physical (Saadi et al. 2022), often due to poor conditions in detention facilities such as overcrowding (Amuedo-Dorantes & Lopez 2022), the psychological toll of immigration enforcement, and distrust of healthcare providers that can develop out of fear of deportation (Pedraza & Osorio 2017; Nichols et al. 2018).

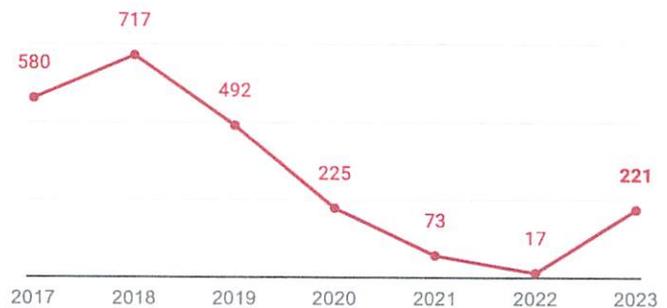
Immigrant detention also causes wider spillover effects by separating families and imposing additional material hardships, like sudden losses of income (Martinez-Aranda 2020). ICE's increasingly utilized "Alternatives to Detention" programs are also punitive and detrimental; these surveillance programs are advertised as less detrimental, but still inflict harm to immigrants and refugees by socially and legally separate individuals from their families and broader communities (Martinez-Aranda 2020).

### COMMUNITY MEMBERS TRANSFERRED BY OCSD TO ICE

OCSD has historically transferred some of the highest volumes of community members to ICE out of California's

58 sheriff's departments. Laws like the Values Act (SB 54) and community advocacy have contributed to a general decline in transfers. However, that trend was bucked in 2023 when 302 community members were referred and 221 were transferred to ICE by OCSD – about the same number of transfers as in 2020. 28 community members were referred to ICE based on convictions from over 15 years ago.

Reported Number of Community Members Transferred to ICE by OCSD, 2017-2023\*

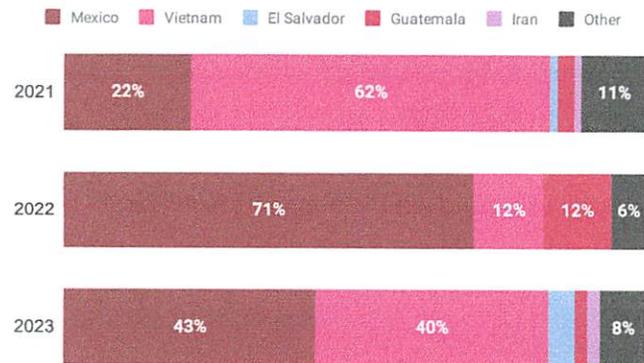


Sources: Orange County Sheriff's Department presentations given during annual TRUTH Act forums from 2018 to 2023. Some totals may not exactly match SB54 California Values Act data collected by the California Office of the Attorney General. 2023 data obtained from OCSD via Public Records Act request of information on community members excluded from protection from transfers under state law and who were transferred to ICE.

### DISPARITIES AMONG IMMIGRANT & REFUGEE COMMUNITIES

The overwhelming majority of community members transferred by OCSD to ICE were born in Mexico or Vietnam. Other common countries of birth of community members transferred from OCSD to ICE include El Salvador, Guatemala, and Iran.

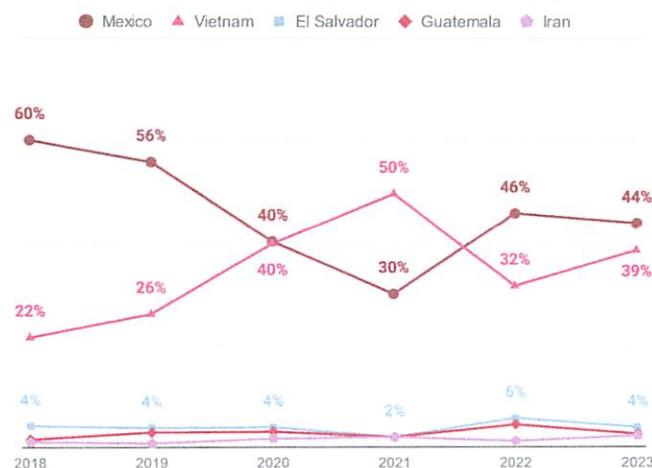
Share of Community Members Transferred by OCSD to ICE by Country of Birth, 2021-2023



Source: Orange County Sheriff's Department via Public Records Act request. More detailed transfer data unavailable for years prior to 2021.

Vietnamese residents make up about 16 percent of Orange County's immigrant and refugee population, yet are often disproportionately referred and transferred to ICE by OCSD.<sup>1</sup> Vietnamese individuals have routinely comprised more than 20 percent of community members OCSD determined eligible to be transferred to ICE under state sanctuary law.<sup>2</sup> In 2021, over half of the community members both excluded from protection and transferred to ICE were Vietnamese.

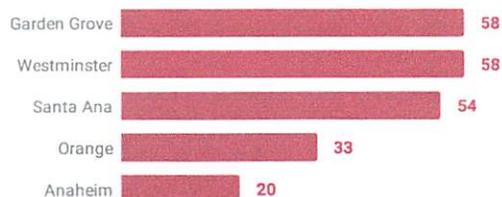
Share of Community Members Excluded from Protection from OCSD-ICE Transfers, 2018-2023 (Top Five Countries of Birth)



Source: Orange County Sheriff's Department, via Public Records Act request

In 2021 and 2023, the police departments of Garden Grove, Westminster, and Santa Ana were the top three local arresting agencies of community members who were then referred from OCSD to ICE. The jurisdictions covered by these police departments include some of the densest concentrations of Orange County's immigrant and refugee residents, such as the neighborhoods of Little Saigon.

Community Members Referred to ICE by OCSD by Local Arresting Agency, 2023



Source: Orange County Sheriff's Department, via Public Records Act request

**RECOMMENDATIONS**

**End all OCSD-ICE collusion.** Ultimately, the deep harms inflicted by the sheriff's department transferring community members to ICE can only be definitively stopped by permanently ending all collaboration between OCSD and ICE, including — but not limited to — ending all ICE transfers.

**Increase transparency by improving accessibility and availability of relevant data.** The public should not have to overcome several hurdles to access key data regarding local law enforcement agencies' entanglements with federal immigration enforcement. Statistical data regarding ICE contact with agencies and those in custody, as well as other information such as personnel costs associated with transfers, should be collected and centralized, to the extent possible, in accessible formats rather than buried in hard-to-find PDF documents or behind PRA requests.

**Improve opportunities for community engagement around issues of local law enforcement collaboration with ICE.**

The manner in which previous TRUTH Act forums were held by the County Board of Supervisors has technically been compliant with the provisions of the TRUTH Act. However, mere compliance is not enough to provide community members opportunities to meaningfully engage local government on the issue of collaboration with federal immigration enforcement and review relevant information. Scheduling forums at more accessible hours; posting information on and from the forums in a more accessible manner; advertising the forum date widely; and inviting residents and organizations to attend with prepared materials and questions can help make TRUTH Act forums into robust, engaging events that further advance accountability and transparency.

**REFERENCES**

Amuedo-Dorantes, C. & Lopez, M.J. (2022). Immigration policy, immigrant detention, and the U.S. jail system. *Criminology & Public Policy* 21(2).

Martinez-Aranda, M.G. (2020). Extended punishment: criminalising immigrants through surveillance technology. *Journal of Ethnic & Migration Studies*, 48(1).

Martinez-Aranda, M. (2020). Collective Liminality: The Spillover Effects of Indeterminate Detention on Immigrant Families. *Law & Society Review* 54(4).

Nicols, V.C., LeBrón, A.M.W., & Pedraza, F.I. (2018). Policing Us Sick: The Health of Latinos in an Era of Heightened Deportations and Racialized Policing. *Political Science & Politics* 51(2).

Pedraza, F.I. & Osorio, M.A. (2017). Courtied and Deported: The Salience of Immigration Issues and Avoidance of Police, Health Care, and Education Services among Latinos. *Aztlán* 42 (2).

Saadi, A., Patler, C. & De Trinidad Young, M.E. (2022). Cumulative Risk of Immigration Prison Conditions on Health Outcomes Among Detained Immigrants in California. *Journal of Racial & Ethnic Health Disparities* 9.

von Werthem, M., Robjant, K., Chui, Z., Schon, R., Otisova, L., Mason, C., & Katona, C. (2018). The impact of immigration detention on mental health: a systematic review. *BMC Psychiatry* 18(1).

**ENDNOTES**

1. U.S. Census Bureau, American Community Survey 2022, 5-Year Estimate
2. Data obtained via PRA request from OCSD for the years 2018 to 2020 does not include clear information on whether community members reflected in the data were transferred to ICE. However, the 2018-2020 data does include information regarding whether residents were excluded from protection from being transferred under state law (AB 4, Ammiano; SB 54, de Leon).

# Annotated OCSD Custody & Court Operations Manual: Sections 1206.2-1206.5 (related to immigration enforcement)



## 1206.2 – Immigration Interview Procedure

- a) The Facility Watch Commander shall be notified of an ICE Agent's arrival and request to interview inmates for immigration violations.
- b) Prior to being interviewed, a Classification Deputy will provide the inmate with a written consent form (Truth Act Interview Consent Form) which is available in one of eight languages as follows:
  1. English
  2. Chinese
  3. Farsi
  4. Korean
  5. Spanish
  6. Tagalog
  7. Vietnamese
  8. Arabic
- c) The form will explain the purpose of the interview, the voluntary nature of the interview, and that the inmate may decline to be interviewed or may choose to be interviewed only with his or her attorney present.
- d) If the inmate chooses to have his or her attorney present, the interview will be postponed until the attorney can be present.
- e) Upon completion of the written consent form, the inmate will be provided with a duplicate copy and the original will be placed in the inmate's record jacket.
- f) If the inmate agrees to be interviewed, a Classification Deputy will be assigned to escort the inmate to the ICE Agent's location.

Deputy Sheriff I: \$88,213-126,568

Known # of Classification  
Deputies (Deputy Sheriff I): 30

Deputy Sheriff I: \$88,213-126,568

Sheriff's Records Technician: \$43,992-58,282

Known # of Sheriff's Records Technicians: 55

## 1206.3 – Receiving a Notification/Transfer Request

Sergeant:  
\$110,968-  
165,859

Known # of  
Classification  
Sergeants : 5

Deputy Sheriff I:  
\$88,213-126,568

Sergeant:  
\$110,968-165,859

Deputy Sheriff I:  
\$88,213-126,568

- a) Upon receiving a Notification/Transfer Request, Inmate Records shall provide a copy of the Notification/Transfer Request for the referenced inmate to Classification.
  1. This includes a Notification/Transfer Request placed by persons outside of OCSD, or already lodged on an inmate prior to their intake or after intake when the OCSD becomes aware of such Notification/Transfer Requests.
- b) The on-duty Classification Sergeant, or in their absence, the on-duty Operations Sergeant will designate an on-duty Classification deputy to provide a copy of the Notification/Transfer Request to the inmate and inform the inmate that OCSD intends to comply with the Notification/Transfer Request if the inmate qualifies in accordance with Government Code section 7282, et seq. (the "Trust Act," as amended by Senate Bill 54 (the "California Values Act")).
- c) The on-duty Classification Sergeant, or in their absence, the on-duty Operations Sergeant will designate an on-duty Classification Deputy to provide the Truth Act Notification form to the inmate to complete the name and address of the inmate's attorney or other person whom the

# Annotated OCSD Custody & Court Operations Manual: Sections 1206.2-1206.5 (related to immigration enforcement)



inmate may designate for the purpose of OCSD providing notice to that attorney or other person if ICE is notified of the inmate's release date.

- d) Upon completion of the top portion of the Truth Act Notification form, the Classification Deputy will provide a copy of the Truth Act Notification form to the inmate and return the original form to Inmate Records to be placed in the inmate's Inmate Record Jacket.

## 1206.4 – Screening Inmates in Accordance with the Trust Act and the California Values Act

- a) All inmates who have a Notification/Transfer Request will be evaluated in accordance with Government Code sections 7282 and 7282.5, which criteria are set forth in CCOM Section 1206.6 - Criteria for Responding to a Notification/Transfer Request. The evaluation will be conducted by an on-duty Classification Deputy designated by the on-duty Intake Release Center Classification Sergeant, or in their absence, the on-duty Intake Release Center Operations Sergeant.

Deputy Sheriff I:  
\$88,213-126,568

Sergeant:  
\$110,968-165,859

- b) OCSD will comply with Notification/Transfer Requests by notifying ICE and releasing the inmate to ICE custody when the referenced inmate qualifies in accordance with Government Code sections 7282 and 7282.5.

1. Inmates who qualify under Government Code sections 7282 and 7282.5 may be processed for release at Sentence Ending Date (SE Date) or Pre-trial release and released in-custody to ICE.
  - i. These inmates will not be held past their release date.
  - ii. No inmate will be detained or held on the basis of an ICE Hold Request.
2. ICE will be notified in a timely manner for all inmates who qualify under Government Code sections 7282 and 7282.5 to afford ICE the opportunity to pick up the inmate. ICE will not be notified if the inmate does not qualify under Government Code Sections 7282 and 7282.5.

## 1206.5 – Release of Inmates with a Notification/Transfer Request

- a) Records Supervisors will notify the on-duty Intake Release Center Classification Sergeant, or in their absence, the on-duty Intake Release Center Operations Sergeant when an inmate with a Notification/Transfer Request is preparing for release.
- b) The on-duty Intake Release Center Classification Sergeant, or in their absence, the on-duty Intake Release Center Operations Sergeant will designate an on-duty Classification deputy to screen the inmate per section 1206.4 above.
- c) When ICE is notified that an inmate is being, or will be released, on a certain date, the on-duty Intake Release Center Classification Sergeant, or in their absence, the on-duty Intake Release Center Operations Sergeant will designate an on-duty Classification Deputy to promptly complete the bottom portion of the Truth Act Notification form and provide a copy of the original to the inmate, mail a copy of the original to the inmate's attorney or other person designated if such person was designated by the inmate and return the original to the inmate's Inmate Record Jacket.

Sheriff's  
Records  
Supervisor:  
\$55,203-73,902

Known # of  
Records  
Supervisors: 5

Sergeant:  
\$110,968-165,859

Sergeant:  
\$110,968-165,859

Deputy  
Sheriff I:  
\$88,213-126,568

# Staffing/personnel capacity comparison: OCSD (CCOM Sections 1206.2-1206.5) vs. OC Public Defender (*Padilla* attorneys)



| Job Title / Job Classification            | Responsible (in part or whole) for, at any given time   | Approximate Salary Range | Known # of Positions            |
|---|---|--------------------------|---------------------------------|
| <b>Orange County Sheriff's Department</b> |   |                          |                                 |
| Deputy Sheriff I                          | <ul style="list-style-type: none"> <li>• Screening community members for exemptions from sanctuary state protections (under the TRUST and Values Acts)</li> <li>• Processing ICE transfer requests</li> <li>• Processing ICE interview requests</li> <li>• Notifying ICE of community members' release from OCSD custody</li> </ul> | \$88,213-126,568         | 30 (Classification Deputies)    |
| Sergeant                                  |   | \$110,968-165,859        | 5 (Classification Sergeants)    |
| Sheriff's Records Supervisor              |   | \$55,203-73,902          | 20 (Inmate Records Supervisors) |
| Sheriff's Records Technician              |   | \$43,992-58,282          | 55 (Inmate Records Technicians) |
| <b>Orange County Public Defender</b>      |   |                          |                                 |
| Attorney III                              | Assisting noncitizen community members accused of crimes regarding immigration consequences   | \$119,371-165,318        | 2 ( <i>Padilla</i> attorneys)   |

Sources: Orange County Sheriff's Department via Public Records Act request made by the Harbor Institute; Orange County Human Resource Services