

Communication from Public

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Comments for Public Posting: Dear Councilmembers, On behalf of many leading civil rights, legal, faith, labor, and community organizations, we urge you to take swift action to protect immigrants in light of Los Angeles Mayor Karen Bass's selection of former Los Angeles County Sheriff Jim McDonnell as the next Chief of the Los Angeles Police Department (LAPD). We are deeply concerned about the safety of immigrant Angelenos due to McDonnell's recent history of collaborating with U.S. Immigration and Customs Enforcement (ICE) and the Trump administration on mass deportation efforts. During McDonnell's tenure as Sheriff, the Los Angeles County Sheriff's Department (LASD) transferred, on average, approximately one thousand Angelenos to ICE each year. This resulted in families being separated not at the border, but right here in Los Angeles. In light of a potential second Trump administration, the Los Angeles City Council and Mayor Bass must establish the strongest possible immigrant protections in municipal law. Although the City Council unanimously passed the Sanctuary City motion on March 7, 2023, we have yet to see the ordinance language presented to the City Council. We urge you to expedite the Sanctuary Ordinance's progress so that McDonnell, or any future LAPD Chief, cannot collaborate with ICE. Attached to this public comment form is our community letter, which includes over 60 signatures.

October 28, 2024

Los Angeles City Council
200 N. Spring St.
Los Angeles, CA 90012

**Re: Urgent Need for Sanctuary Ordinance to Protect Immigrants in Light of
Former Sheriff Jim McDonnell's Selection for LAPD Chief and His History of
Collusion with ICE and the Trump Administration**

Dear Councilmembers:

The over 60 undersigned civil rights, legal, faith, labor, and community organizations write to urge you to take swift action to protect immigrants in light of Los Angeles Mayor Karen Bass's selection of former Los Angeles County Sheriff Jim McDonnell as the next Chief of the Los Angeles Police Department (LAPD). As LAPD Chief, McDonnell would be the head law enforcement official of a city with one of the largest, richest, and most diverse immigrant communities in the nation. But given his recent history as Sheriff of colluding with U.S. Immigration and Customs Enforcement (ICE) and the Trump administration in their mass deportation efforts, we are deeply concerned about the safety of immigrant Angelenos.

Therefore, against the backdrop of a possible second Trump administration, now is the time for the Los Angeles City Council and Mayor Bass to finally enshrine the strongest possible immigrant protections into municipal law. **We urge you to expeditiously move the Sanctuary Ordinance forward, so that McDonnell or any other LAPD Chief cannot collude with ICE, once and for all.**

Los Angeles County was among the first local jurisdictions to collude with federal deportation programs—at its peak transferring more people in its custody to ICE than any state, except Texas. For instance, about two decades ago, Los Angeles County was the first in the nation to roll out an ICE program called 287(g) that deputized Los Angeles County Sheriff's Department (LASD) deputies to act as immigration agents. Under 287(g), sheriff's deputies in the County jails racially profiled and picked people out of the release line based on the color of their skin, their country of birth, and whether or not they spoke English—and then interrogated them as if they were immigration agents. McDonnell implemented this practice during his time as Sheriff, and too many Angelenos were deported this way.¹

During McDonnell's tenure as the Sheriff of Los Angeles County in 2014-2018, he doubled down on LASD's entanglement with ICE and adopted and defended policies that implicated the County in out-of-control immigration enforcement, severely harming the safety of County residents. **Under former Sheriff McDonnell's administration, on average LASD**

¹ See Cnty of L.A. Office of Inspector Gen., Report by the Inspector General - Immigration: Public Safety and Public Trust - October 2017, https://assets-us-01.kc-usercontent.com/0234f496-d2b7-00b6-17a4-b43e949b70a2/b5ee7d29-356c-4299-8653-ec75bc3d49dd/Immigration_Public%20Safety%20and%20Public%20Trust_Rev.pdf (hereinafter "OIG 2017 Report").

transferred approximately a thousand Angelenos each year to ICE.² As a result, families were separated not at the border, but right here in Los Angeles.

One such Angeleno transferred by LASD to ICE under former Sheriff McDonnell's administration was Luis "George" Lopez, a resident of South Los Angeles for 39 years since he was one year old. In August 2018, George was ordered released by a judge on a probation violation case. But instead of returning home to his family, LASD transferred him to ICE from the courthouse. After being locked up at the Adelanto ICE detention center for 19 months fighting his deportation, the Esperanza Immigrants' Rights Project and the ACLU Foundation of Southern California won his release in April 2020 based on his immunodeficiency and high risk of dying from COVID-19.³

After Trump's election in November 2016, while immigrants' rights organizations were working around the clock to fight the anti-immigrant onslaught under the Trump administration and create meaningful local and state immigrant protections, Sheriff McDonnell publicly opposed these efforts. He affirmatively chose to participate directly and indirectly in immigration enforcement—and to be a firm voice in opposition of state-level protections for the County's immigrant residents. **Former Sheriff McDonnell actively lobbied against our efforts to pass the California Values Act (SB 54)**, ultimately weakening the bill that became law.⁴ He even met on multiple occasions with then-Attorney General Jeff Sessions and then-Secretary of the Department of Homeland Security John Kelly on the subject of local collusion with ICE.⁵

The weakening of SB 54, which has allowed local law enforcement agencies to transfer individuals based on a wide and complex web of hundreds of felony and misdemeanor offenses, enabled LASD to transfer Angelenos simply for misdemeanor convictions. Under former Sheriff McDonnell, LASD went from allowing only 3 misdemeanors to qualify for ICE transfers in 2017

² For example, under former Sheriff Jim McDonnell's administration, the Los Angeles County Sheriff's Department (LASD) transferred 1,007 people to ICE in 2016, 1,223 people in 2017, and 945 people in 2018. *See, e.g.,* Shadi Kardan, Cnty of L.A. Office of Inspector Gen., Presentation to Cnty. of L.A. Civilian Oversight Comm'n (Feb. 26, 2019) (on file with author) (hereinafter "OIG 2019 Presentation to COC"), p. 4; Cnty of L.A. Office of Inspector Gen., Quarterly Report Back on the Sheriff's Department Adherence to Policies Regarding Cooperation With Immigration Authorities (Nov. 5, 2018), https://assets-us-01.kc-usercontent.com/0234f496-d2b7-00b6-17a4-b43e949b70a2/1bc1596d-cee1-4e00-bc9e-31c7fcfd73d/November%205%2C%202018_Quarterly%20Report%20Back%20Immigration.pdf, p. 5; L.A. Cnty Sheriff's Dept., 2024 Department ICE Stats Related to ICE Civil Detainers, https://lasd.org/wp-content/uploads/2024/10/Transparency_Custody_2024_LASD_ICE_September.pdf (hereinafter "LASD 2024 ICE Stats").

³ For an ACLU Foundation of Southern California video of Luis "George" Lopez sharing about his experience detained at the Adelanto Detention Facility after being transferred by LASD to U.S. Immigration and Customs Enforcement (ICE) from the courthouse, see <https://www.youtube.com/watch?v=ISv2DRcxyBY>.

⁴ *See, e.g.,* Annie Lloyd, *L.A. County Sheriff Opposes So-Called "Sanctuary State" Senate Bill*, LAIST (Mar. 17, 2017), <https://laist.com/news/la-county-sheriff-opposes-sb54>; Carlos Granda, *Sheriff McDonnell, immigrants groups spar over sanctuary state bill*, ABC7 (Aug. 10, 2017), <https://abc7.com/lasd-sheriff-jim-mcdonnell-sanctuary-state-sb-54/2294707/>.

⁵ *See, e.g.,* *NDLON and SEIU USWW v. Sheriff James McDonnell*, Verified Petition for Writ of Mandate, Case No. BS170466 (Aug. 9, 2017), https://ndlon.org/wp-content/uploads/2017/10/Sheriff_McDonnell_Lawsuit.pdf.

to a list of 151 misdemeanors in 2018.⁶ Out of 945 people LASD transferred in 2018, 220 individuals—about a quarter of all transfers that year—were based simply on misdemeanor convictions.⁷ LASD under former Sheriff McDonnell also repeatedly violated state law protecting immigrants from local collusion with ICE.⁸ Furthermore, while judges and law enforcement officials were roundly condemning ICE presence at courthouses because of the impact this reckless practice had on access to justice, due process, and survivors’ rights,⁹ LASD under former Sheriff McDonnell was facilitating access to courthouse lockups, for example transferring 130 individuals to ICE directly from courthouses in 2018.¹⁰ None of this furthered public safety.

In fact, LASD’s entanglement with ICE under former Sheriff McDonnell undermined public safety. McDonnell’s full endorsement of federal deportation programs detracted from Los Angeles County’s mission to create safe communities, breaking the already-limited trust between the County and its immigrant constituents. As studies have clearly demonstrated, law enforcement entanglement with ICE has made immigrant community members far more distrusting of law enforcement and government generally.¹¹ For example, during the first year of the Trump administration, 80 percent of Los Angeles County residents surveyed believed that contact with a government agency or program increased the risk of deportation.¹²

Additionally, we have concerns about McDonnell’s history of enacting policing practices that have harmed communities of color. While McDonnell was Sheriff, the power of sheriff’s deputy gangs grew and the horrific conditions at the County jails worsened. McDonnell was also former LAPD Chief Bratton’s second-in-command while Chief Bratton was using the harmful “broken windows” frame to justify mass criminalization.

⁶ OIG 2019 Presentation to COC, *supra* note 2, p. 4; *see also* Cnty. of L.A. Civilian Oversight Comm’n, L.A. County Sheriff’s Department Cooperation with Immigration and Customs Enforcement (May 2019), https://assets-us-01.kc-usercontent.com/0234f496-d2b7-00b6-17a4-b43e949b70a2/f8fd5402-81f1-4de2-935d-537e939d0cd5/1055898_ImmigrationFinalReport-5-21-2019.pdf (hereinafter “COC 2019 Report”).

⁷ OIG 2019 Presentation to COC, *supra* note 2, p. 4.

⁸ *See, e.g.*, OIG 2017 Report, *supra* note 1, p. 12.

⁹ *See, e.g.*, Alanna D. Richer, *Ex-judges to ICE: End Immigration Arrests at Courthouses*, ASSOCIATED PRESS (Dec. 12, 2018), <https://www.apnews.com/e401e85400ee44ab9dd51ace042be399>; Stephanie Rivera, *California Prosecutors Sign Letter Asking ICE Agents to Stop Arresting at Local Courthouses*, LONG BEACH POST (Apr. 6, 2017), <https://lbpost.com/news/politics/california-prosecutors-sign-letter-asking-ice-agents-to-stop-arresting-at-local-courthouses/>.

¹⁰ Meeting with LASD Inmate Reception Center staff (Jan. 8, 2019).

¹¹ When local law enforcement agencies work with ICE, unauthorized immigrants are dramatically less likely to trust law enforcement. *See, e.g.*, Tom K. Wong et al., *How Interior Immigration Enforcement Affects Trust in Law Enforcement*, U.S. IMMIGRATION POL’Y CTR., UC SAN DIEGO (Apr. 3, 2019), *available at* <http://usipc.ucsd.edu/publications/usipc-working-paper-2.pdf>. For example, in Los Angeles in 2017, reports of domestic violence among the Latine community dropped by 10 percent and reports of sexual assault by 25 percent, declines that former LAPD Chief Charlie Beck said were due to fear of the federal government. Jennifer Medina, *Too Scared to Report Sexual Abuse. The Fear: Deportation.*, N.Y. TIMES (Apr. 30, 2017), <https://www.nytimes.com/2017/04/30/us/immigrants-deportation-sexual-abuse.html?module=inline>; *see also* Cora Engelbrecht, *Fewer Immigrants Are Reporting Domestic Abuse. Police Blame Fear of Deportation.*, N.Y. TIMES (June 3, 2018), <https://www.nytimes.com/2018/06/03/us/immigrants-houston-domestic-violence.html>.

¹² Mike McPhate, *California Today: Worries Over Deportation*, N.Y. TIMES (Apr. 5, 2017), <https://www.nytimes.com/2017/04/05/us/california-today-worries-over-deportation.html>.

Former Sheriff McDonnell was the first incumbent sheriff in Los Angeles County to lose reelection in more than 100 years; his opponent's upset election was primarily a referendum on his stance and policies of local collusion with ICE. Since then, our immigrants' rights movement, through the intersectional Check the Sheriff coalition, continued to work to stop LASD's entanglement with ICE.¹³ Finally, in September 2020, in the face of the COVID-19 pandemic and ICE's callous disregard for human life in its detention facilities and its violations of immigrants' constitutional rights,¹⁴ the Los Angeles County Board of Supervisors passed a motion requiring ICE and federal immigration authorities to obtain a judicial probable cause determination if they seek to arrest and detain immigrant Angelenos in LASD custody.¹⁵

This Los Angeles County policy created a necessary layer of protection to safeguard County residents' constitutional rights as well as the County's finances.¹⁶ For example, LASD entanglement with ICE drained precious resources, costing county taxpayers about \$1.4 million a year employing custody assistants to carry out duties associated with facilitating ICE transfers.¹⁷ This historic victory has also ensured families remain together: compared to about 1,500 ICE transfers in 2018-19, there have been zero ICE transfers from LASD since September 2020.¹⁸ Indeed, from leading in the wrong direction, now Los Angeles County is leading the country in the right direction.

Similarly, the City of Los Angeles must do everything in its power to fully disentangle LAPD from ICE's mass deportation efforts. While there are some City policies in place, none of them have been enacted into local municipal law and could be reversed by different City leaders. For example, former Mayor Eric Garcetti's Executive Directive 20 limited the City's

¹³ Check the Sheriff, Zero ICE Transfers, <https://www.checkthesheriff.com/zero-ice-transfers>.

¹⁴ ICE's callous disregard for human lives was decried even by medical doctors from the U.S. Department of Homeland Security and by federal courts across the country. See, e.g., Catherine Schoichet, *Doctors warn of 'tinderbox scenario' if coronavirus spreads in ICE detention*, CNN (Mar. 20, 2020), <https://www.cnn.com/2020/03/20/health/%20doctors-ice-detention-coronavirus/index.html>; *Hernandez Roman v. Wolf*, No. 5:20-cv-768-TJH, ECF No. 53, 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").

¹⁵ See, e.g., ACLU SoCal, Motion Passed by the L.A. County Board of Supervisors Enshrines as County Policy a Recently Enacted Sheriff's Internal Policy, to Strengthen Protections for Immigrants (Sept. 1, 2020), <https://www.aclusocal.org/en/press-releases/la-county-ends-warrantless-ice-transfers>.

¹⁶ Because ICE detainer requests to local law enforcement agencies were based on databases too error-ridden and incomplete to be reliable sources of information for probable cause determinations, many U.S. citizens were at risk of false arrest and were wrongfully detained for ICE. *Gonzalez v. Immigration & Customs Enft*, 2019 WL 4734579, at *1, 20 (C.D. Cal. Sept. 27, 2019). The practice of honoring ICE detainers lacking probable cause has led to U.S. citizens being unconstitutionally detained and turned over to ICE, and even deported. *Id.* at *20. For example, at the behest of ICE, LASD detained and transferred Gerardo Gonzalez, a U.S. citizen born in Pacoima, California. *Id.* at *1. Thus, LASD's practice of transferring individuals to ICE based on ICE detainers raised serious legal concerns, exposing Los Angeles County to greater risks for financial liability. For instance, in 2020, the County settled a federal class-action lawsuit for \$14 million for holding thousands of individuals in jail, sometimes for months, based on ICE detainers. See, e.g., ACLU SoCal, L.A. County Settles Immigrant Detention Suit for \$14 Million: More than 18,500 Victims of ICE Holds Were Unlawfully Detained (Oct. 13, 2020), <https://www.aclusocal.org/en/press-releases/la-county-settles-immigrant-detention-suit-14-million>.

¹⁷ COC 2019 Report, *supra* note 6, Addendum A.

¹⁸ LASD 2024 ICE Stats, *supra* note 2.

entanglement with federal immigration authorities,¹⁹ and LAPD has their long-standing Special Order 40. Nevertheless, ICE officers are still able to access City jails to interrogate people in LAPD custody and in certain situations, LAPD officers are permitted to transfer people to ICE custody even without a judicial warrant. Moreover, the City lacks robust policies to limit data and resource sharing with federal authorities.

Our community has grown tired of the fear of accessing government resources, of the possibility of local police colluding with federal immigration enforcement, and worry that personal information could be gathered and shared with federal immigration authorities. Local resources are intended to improve the quality of life of our communities, not to enable federal immigration authorities to target immigrants.

Although the City Council unanimously passed the Sanctuary City motion on March 7, 2023, we still have not seen the ordinance language presented to City Council. In light of former Sheriff McDonnell's recent history of full collusion with ICE and the Trump administration, and against the backdrop of a possible second Trump administration, **we urge you to enshrine the strongest possible immigrant protections into municipal law by advancing and passing the Sanctuary Ordinance as quickly as possible.**

Sincerely,

AAPI Equity Alliance
Acacia Center for Justice
ACLU Foundation of Southern California
African Communities Public Health Coalition
Alliance for a Better Community (ABC)
Anti-Recidivism Coalition (ARC)
AVAN Immigrant Services
Black Alliance for Just Immigration
Black Women for Wellness
Buen Vecino
California Black Power Network
California Coalition for Women Prisoners
California Immigrant Policy Center
Cancel the Contract AV
Center for Human Rights and Constitutional Law
Central American Resource Center (CARECEN-LA)
Centro CSO (Community Service Organization)
Check the Sheriff
CLEAN Carwash Worker Center
CLUE (Clergy and Laity United for Economic Justice)
Coalition for Humane Immigrant Rights (CHIRLA)
Communities United for Restorative Youth Justice (CURYJ)
Community Coalition

¹⁹ Mayor Eric Garcetti, Standing with Immigrants: A City of Safety, Refuge, and Opportunity for All (Mar. 21, 2017), https://lacity.gov/sites/g/files/wph2121/files/2021-04/garcetti_ed20.pdf.

Council on American Islamic Relations - Los Angeles (CAIR-LA)
Democratic Socialists of America - Los Angeles
Dignity and Power Now
Dreamer Fund
East LA Community Corporation
Esperanza Community Housing
Garment Worker Center
Ground Game LA
Homies Unidos Inc.
Immigrant Defenders Law Center
InnerCity Struggle
Jenesse Center
KIWA
Local 148 LA County Public Defenders Union
Long Beach Forward
Los Angeles Community Action Network (LA CAN)
Los Angeles LGBT Center
Loyola Anti-Racism Center
Million Dollar Hoods Project UCLA
National Day Laborer Organizing Network (NDLON)
National Lawyers Guild Los Angeles (NLG-LA)
Nikkei Progressives
NLG-LA Immigration Committee
Nodutdol
NOlympics LA
ORALE: Organizing Rooted in Abolition, Liberation, and Empowerment
P.A.C. Solidarity
People's City Council
Post-Conviction Advocates
Public Counsel
SEIU - United Service Workers West
Social Justice Legal Foundation
Somos Familia Valle
South Asian Network
STAND-LA Coalition (Stand Together Against Neighborhood Drilling - Los Angeles)
Strippers United
The Row LA - The Church Without Walls - Skid Row
TransLatin@ Coalition
UNIDAD (United Neighbors In Defense Against Displacement)
UNITE HERE Local 11
Unrig LA
Venice Justice Committee
White People 4 Black Lives