

The Spectrum of Sanctuary



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 Item No.: 4
 Deputy: Public

Phase 1 - STAY & BE SAFE: Sanctuary policies that focus on public safety are those that seek to separate local policing from immigration enforcement, thereby protecting immigrants from deportation while also strengthening public safety. These policies ensure that local resources are dedicated to community safety and local priorities instead of diverting resources to assist ICE. When local law enforcement are seen as the gateway to deportation, immigrants, their families and their communities are less willing to engage in any manner, resulting in diminished public safety for all. Allowing immigration enforcement to interfere with the local legal system creates a two-tiered system of justice where immigrants are denied equal protections and due process. These policies that limit assistance in immigration enforcement have been the focus of this report.

Phase 2 - SURVIVE & THRIVE: Sanctuary policies that make life as a noncitizen less difficult are policies that enable immigrants to not only survive, but thrive. These are proactive, pro-immigrant local and state policies that offer aid and comfort to the immigrant community, striving to provide some level of equality. A few examples of these types of policies include access to driver's licenses and other municipal identification, tuition equity for students, and bilingual education. For more examples of such policies, visit the National Immigration Law Center ([hyperlink](#)).

Phase 3 - BELONG: Sanctuary policies to help immigrants belong are those that foster the greatest inclusion, welcoming immigrants as full participants in their local communities and in broader American civic life. These policies fund cross-cultural exchange, provide assistance for eligible immigrants to naturalize, and formally recognize immigrants' contributions to the community. For more examples of such policies, visit Welcoming America ([hyperlink](#)).

TESTIMONY OF SCOTT DOYLE / INDIVISIBLE HIGHLAND PARK /
AD HOC COMMITTEE ON IMMIGRANT AFFAIRS & CIVIL RIGHTS

It was encouraging to be in these chambers last week when the City Council took strong and decisive action on behalf of our city's immigrant community. And we hope that is a sign of more strong and decisive action in the months to come.

Putting in place the policies and programs that allow immigrants to not only feel safe, but to thrive and prosper, is a long-term process, requiring a series of steps. As a way of visualizing some of the steps involved in this process, and how far we still have to go, I encourage you to take a look at the "Spectrum of Sanctuary" pyramid chart from a report issued last year by the Immigrant Legal Resource Center, which I am including with my testimony.

Building on the momentum of the LA Justice Fund victory, we feel that the next step is clearly a Sanctuary Ordinance that works to disentangle local law enforcement and federal immigration enforcement. Mayor Garcetti and Chief Beck frequently say that LAPD do not and will not act to assist federal immigration authorities. But this is simply not true, or is at best only half-true. Special Order 40 only prohibits LAPD from engaging in activities whose primary purpose is immigration enforcement. This allows for a range of joint activity and communication where, however indirectly, LAPD does in fact aid and abet federal immigration agents.

We can't begin to address this cooperation until we know the extent of it. I would therefore encourage you to urge that LAPD comply with a Public Records Act Request filed in April by UCLA Law School faculty and immigrants rights organizations. If we are to ensure that local law enforcement doesn't unwittingly play into the hands of Trump's Deportation Machine, we must have full transparency.

Finally, I draw your attention to the recent Congressional testimony of ICE Director Thomas Homan. Addressing undocumented immigrants directly, and in a tone clearly intended to threaten and intimidate, he said, "You should be looking over your shoulder. You need to be worried." Referring to undocumented immigrants as "perpetrators," he went on: "We can't wait for them to commit a crime." In his view, an undocumented immigrant is likely a criminal already, or on the path to becoming one.

We simply cannot, in good conscience, allow local law enforcement to partner with ICE, or Border Patrol, or any other branch of DHS engaged in immigration enforcement. We must determine how extensive the current partnership is, and then seek to minimize it as much as is feasible.

Discovery Section
Los Angeles Police Department
100 West 1st Street
Los Angeles, CA 90012
discovery@lapd.lacity.org

**RE: Request for Public Records Relating to LAPD Collaboration with
DHS and ICE**

BY EMAIL AND CERTIFIED MAIL

April 5, 2017

To Whom It May Concern:

This is a request under the California Public Records Act (Cal. Gov't Code §§ 6250-6270), for public records¹ concerning any Los Angeles Police Department (LAPD) collaboration with the Department of Homeland Security (DHS), including but not limited to direct or indirect participation in federal civil or criminal immigration enforcement.

We define "LAPD collaboration with the Department of Homeland Security" to include all criminal and civil actions of either an investigative or enforcement nature including representatives of both entities, such as (1) any direct or indirect participation of LAPD in immigration enforcement; (2) joint task force operations, including both LAPD and DHS or any component of DHS; and (3) actions or operations initiated by either DHS or the LAPD, and including the other entity. Unless otherwise specified, the Request covers the period from January 2013 to the present.

Requesters are the non-profit organizations National Day Laborer Organizing Network (NDLON),² the National Immigration Law Center (NILC),³ and the National

¹ A public record under the Public Records Act, as defined in California case law, is any record required by law to be kept by an officer, or which he keeps as necessary or convenient to the discharge of his official duty. *League of California Cities v. Superior Court*, 241 Cal. App. 4th 976 (2015). This definition is broad and intended to cover every conceivable kind of record that is involved in the governmental process unless the Legislature has expressly provided to the contrary. *Cnty. Youth Athletic Ctr. v. City of Nat'l City*, 220 Cal. App. 4th 1385 (2013).

² NDLON's mission is to improve the lives of immigrant day laborers in the United States through nationwide advocacy and organizing efforts in coordination with 49 member organizations in 19 states. NDLON informs the public about immigrant rights issues, including deportation and enforcement policies, on a regular basis, including through the public disclosure of information disclosed in response to public records requests. NDLON frequently updates its publicly accessible catalogs of news items and other resources and engages in daily discussions of such information with its members, many of whom are directly impacted by federal immigration policies. In February 2010, NDLON co-led the effort to use the Freedom of Information Act to inform the public about Secure Communities (S-Comm), and is now a plaintiff in a lawsuit seeking the disclosure of information regarding the Priority Enforcement Program.

³ NILC, founded in 1979, is one of the leading organizations in the U.S. exclusively dedicated to defending and advancing the rights of low-income immigrants. As a part of the organization's work, NILC provides

Lawyers Guild of Los Angeles (NLG-LA); the UCLA School of Law Immigrant Rights Policy Clinic (UCLA IRPC) and the UCLA School of Law Criminal Defense Clinic; and four professors—Victor Narro and Ingrid Eagly of UCLA Law School, Kathleen Kim of Loyola University Law School, and Ana Muñiz of University of California at Irvine (UCI) (together, “Requesters”). We ask that you please direct this request to all appropriate offices and units within the Department that may supply the information sought through this request.

This request is made in part for scholarly purposes and in the public interest. Requesters file this Request because of their concern for potential violations of existing LAPD policy, due process violations, and gang and/or racial profiling arising from LAPD collaboration with DHS.⁴ Requesters intend to make the information obtained via this public records request available to the public to further the public’s understanding of policies regarding these actions and operations.

For the purposes of this PRA Request, DHS means all components, divisions or sections of DHS, including but not limited to Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), Enforcement and Removal Operations (ERO), Customs and Border Patrol (CBP) and Office of Biometric Identity Management (OBIM).

I. Records Requested

This Request seeks the disclosure of the following Records:

- 1) Policies, memoranda, and/or protocols outlining LAPD collaboration with DHS in or related to Los Angeles. This includes policies, memoranda, and/or protocols related to:
 - a. Roles and responsibilities of federal and/or local government actors in these actions or operations;
 - b. Information-sharing in these actions or operations, including, but not limited to, gang profiling, tracking, and enforcement;
 - c. Use by DHS of federal, state and local gang databases, or other law enforcement databases related to Los Angeles.

research and information to the public and policymakers regarding the complex interplay between immigration law and public and private economic support programs, access to education, workers’ rights, and other issues affecting low-income immigrant communities. In support of these efforts, NILC regularly updates the reports and fact-sheets published on its publically accessible website.

⁴ This Request follows concerning ICE/LEA operations which have raised public concern, including two in Los Angeles. The November 2015 LAPD/HSI raid of a house party in Los Angeles, dubbed “Operation Casita Crasher” resulted in eight immigrants being placed in immigration removal proceedings; and a February 2016 LAPD robbery warrant service operation, in which HSI agents accompanied the LAPD, leading to the arrest of an immigrant grandmother, her transfer from LAPD to ICE custody, and her designation as a top deportation priority. *See, e.g.,* Aviva Stahl, “How Immigrants Get Deported for Alleged Gang Involvement,” VICE, Aug. 12, 2016; David Noriega, “Under Trump, Sanctuary Cities May Not Be So Safe,” BuzzFeed, Dec. 8, 2016.

- 2) Cumulative data regarding LAPD collaboration with DHS in Los Angeles since January 2013:
 - a. Number of collaborative actions or operations;
 - b. Number of people taken into law enforcement custody as a result of LAPD collaboration with DHS in or related to Los Angeles;
 - c. Number of people transferred to or held in immigration custody as a result of LAPD collaboration with DHS;
 - d. Financial and other resources expended by the LAPD in connection with LAPD collaboration with DHS; and
 - e. LAPD human resources dedicated to, or used for, LAPD collaboration with DHS.
- 3) All communications between DHS and LAPD since November 8, 2016;
- 4) All communications between LAPD and Los Angeles Sheriff's Department (LASD) since December 1, 2014 concerning:
 - a. LAPD and/or LASD collaboration with DHS;
 - b. Compliance with the AB4 (TRUST ACT);
 - c. Compliance w/ AB 2792 (TRUTH ACT); and
 - d. Proposed changes to policy regarding treatment of immigrants in LAPD and LASD custody.
- 5) Communications regarding LAPD collaboration with DHS in Los Angeles since January 2013, including:
 - a. Communications with the media;
 - b. Communications between federal and local law enforcement regarding policies and practices; and
 - c. Communications between federal and local law enforcement regarding individual collaborative actions or operations.
- 6) Oversight records, analyzing the effectiveness of LAPD collaboration with DHS, or receiving or responding to complaints, including:
 - a. Any and all internal reports and/or recommendations;
 - b. Any and all reports and/or recommendations by City oversight bodies; and
 - c. Any and all complaints received by the City in connection with joint or collaborative operations relating to gang affiliation and/or activity by DHS and LAPD.
- 7) Any records or communication related to a "Security Threat Group Roster" or any other list related to gang member affiliation created or maintained by DHS or LAPD, including:
 - a. Any list or record related to gang member affiliation, including those maintained within jails or prisons by any local law enforcement authority or the Office of Corrections;
 - b. Any communication related to any list or record of gang member affiliation;
- 8) Documentation relating to all actions or operations conducted in Los Angeles since

January 2013 in which DHS collaborated with LAPD, including, for each operation:

- a. Name and date of the action or operation;
 - b. Location of the action or operation;
 - c. Specific purpose of the action or operation;
 - d. Target of the action or operation;
 - e. Federal and local government entity/ies involved in the action or operation, and their respective roles;
 - f. Any search warrants issued or served in connection with the action or operation;
 - g. Number of people detained or arrested by local and federal actors in each action or operation;
 - h. Specific criminal charges lodged, if any, including the court in which the charge is lodged and disposition of those charges (i.e., convictions, acquittals, etc.);
 - i. The number of people placed in immigration removal proceedings as a result of the action or operation, any immigration relief sought, and the ultimate result of the removal proceedings, if LAPD has any of this information in its custody; and
 - j. Participation of LAPD in immigration removal proceedings, including testimony by police, parole and probation officers in immigration hearings, where applicable.
- 9) Electronic records from LAPD databases for all cases of individuals (i) for whom DHS requested a detainer, transfer or information; or (ii) who were placed in or transferred to DHS custody as a result of joint or collaborative efforts between DHS and LAPD in Los Angeles since January 2013.

For each individual identified, where the information is available, please provide:

- a. Engagement with DHS and/or ICE
 - i. Whether DHS requested a detainer, transfer or information;
 - ii. Whether LAPD honored the request to detain, transfer or provide information to DHS, in response to a request; and
 - iii. Whether the individual was placed in or transferred to DHS custody.
- b. Demographics
 - i. The individual's gender;
 - ii. The individual's country of origin; and
 - iii. The age of the individual or date of birth of the individual.
- c. Details of the operation which led to the person being in custody
 - i. The date of apprehension;
 - ii. The location of apprehension;
 - iii. The name of the operation;
 - iv. Gang(s) targeted in the operation, if applicable;
 - v. Federal and local government entity/ies involved in the operation in which the individual was arrested;
 - vi. Number of people detained or arrested by LAPD in the operation in which the individual was arrested;
 - vii. Number of people detained or arrested by federal actors in the operation in which the individual was arrested; and

- viii. The number of people placed in immigration removal proceedings as a result of the operation in which the individual was arrested.
- d. Criminal history
 - i. Number and type of specific criminal charges lodged in the operation in which the individual was arrested (penal code and description); and
 - ii. Disposition of those charges (i.e., convictions, acquittals, etc.).

For Category #9, please assign a unique identifier for each individual and prepare the report in a way that will be accessible using a standard database program (such as Microsoft Access or Excel). Please produce with the records any metadata and load files, so that the records can be accessed, searched, and displayed in such a manner as would be available to a DHS user. If codes are employed, please also produce any documents in your possession explaining the codes employed, and what they signify.

Please construe this as an ongoing public records request, so that any records that come within the possession of the law enforcement entity prior to your final response to this public records request should also be considered within the scope of the request.

II. Fee Waiver

Requesters also request and are entitled to a fee waiver. Requesters are 501(c)(3) organizations committed to informing the public and protecting immigrant rights. The records sought by this request will be used to monitor and advance public understanding of the local law enforcement authorities involvement in immigration activities in California. As described above, Requesters have a proven track record of compiling and disseminating information to the public about government functions and activities, including by collaborating with the news media, frequently sharing information, and publishing our own independent reports.

No part of the information obtained pursuant to this request will be sold or distributed for profit. For that reason, we respectfully request that you waive any fees in connection with the production of these documents. If you are not able to waive the applicable fees, please inform us immediately of any payment required *prior* to copying.

III. Segregation and Redactions

If our request is denied in whole or part, Requesters ask that you justify all denials or deletions by reference to specific exemptions permitted by the statute. Requesters expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal a decision to withhold any information or to deny a waiver of fees.

IV. Disclosure of Records

Requesters seek records produced in electronic formats. Please produce with the records any metadata and load files, so that the records can be accessed, searched, and displayed in such a manner as would be available to a law enforcement user.

Please furnish records as soon as they are identified to:

Ingrid Eagly
University of California at Los Angeles School of Law
385 Charles E. Young Dr. East
Law Building 1242
Los Angeles, CA 90095

Or by email to:

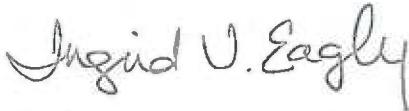
eagly@law.ucla.edu.

V. CONCLUSION

Please note that as a practical matter, and given the urgency described above, we would like to receive the information as it becomes available in a rolling fashion, with priority disclosure first of information related to the recent policy reforms, followed by disclosure of other records as they are located and processed.

Electronic correspondence of the requested records by email is preferred. Please reply to this request within 10 working days, or as otherwise provided by statute. *See* Cal. Gov't Code § 6253(c).

Respectfully,



Ingrid Eagly
UCLA School of Law, Director, Criminal Defense Clinic

/s/
Emi MacLean
National Day Laborer Organizing Network

/s/
Shiu-Ming Cheer
National Immigration Law Center

/s/
Ameena Qazi
National Lawyers Guild of Los Angeles (NLG-LA)

/s/
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