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AGENDA for TRUST Act Implementation Meetings with Sheriffs

1. **Thank you for meeting & Introductions** [FACILITATOR/POINT PERSON: _____]
    a. Ask each attendee to introduce self (Name, Org, # of community members serve, *if relevant, mention constituency – Sheriffs are elected*)

2. **Explain Changes under PEP-Comm** [POINT PERSON: _____]
    a. Provide background on PEP-Comm if appropriate:
        i. As you may know, on November 20, 2014, the federal government recognized that ICE holds violate the Fourth Amendment of the Constitution and undercuts community policing efforts. As a result, the Department of Homeland Security announced that it will replace Secure Communities with the "Priority Enforcement Program" ("PEP").
        ii. Under PEP-Comm, ICE will continue to conduct immigration background checks on fingerprints taken by local law enforcement at booking.
        iii. The difference under PEP-Comm is that rather than issuing ICE hold requests seeking prolonged *detention* of individuals beyond when they would otherwise be released, ICE will request *notification* from counties of these individuals' release dates so that ICE may pick up the individual upon release. ICE may still issue ICE hold requests seeking detention of an individual under "special circumstances," but it is not clear what these circumstances entail.
    b. Like ICE hold requests, we would like to emphasize that responding to these notification requests is completely voluntary. We are here today to ask that you adopt a policy of not notifying ICE because notification will undermine trust with community members, tear immigrant families apart, and needlessly expend local resources to enforce our broken immigration system.

3. **Explain that Notification to ICE is Bad Policy and that TRUST Act still protects against prolonged detention**
    [POINT PERSON: _____]
    a. As you know, the TRUST Act went into effect on Jan. 1, 2014 and is now binding state law on all counties.
    b. The goal of the TRUST Act is to rebuild the trust that Immigration and Custom Enforcement's Secure Communities Program (S-Comm) has undermined between immigrant communities and local police by establishing statewide standards for responding to burdensome ICE hold requests. We are concerned that any notification to or detention for ICE will undercut community policing and further fear of coming forward to trust local police.

c. We would also like to explain that even under PEP-Comm, the TRUST Act continues to protect individuals in law enforcement custody from extended detention.
   i. The TRUST Act prohibits local law enforcement from detaining an individual beyond the time permitted by law for the criminal charge solely for purposes of notifying ICE of the individual's release.
   ii. Any detention beyond a person's release date on an immigration detainer violates the Fourth Amendment because detention after a person is eligible for release on a detainer is a new arrest that requires probable cause. This is true even if the person's detention is only extended by hours, rather than days. **Because ICE notification requests are not supported by probable cause, a jail that extends an inmate's detention after his scheduled release to notify ICE and allow ICE to pick up the individual violates the Fourth Amendment.**
   iii. There also are liability concerns if the Sheriff's Department notifies ICE about an individual who is not actually deportable. ICE's fingerprint checks and database contain a lot of errors as immigration status is not static. Depending on the facts each case, an individual can go from being undocumented to receiving administrative relief, a visa, a green card, or even become a U.S. citizen.
   iv. Notification to ICE also entangles your department with immigration enforcement and contributes to mistrust in the immigrant community.

4. **Ask Questions** [POINT PERSON: _____] *Reserve the most time here.*
   a. **ICE hold requests:** Given that the TRUST Act is law in California and that federal courts have found that ICE holds violate the Fourth Amendment of the Constitution because they are not based on a probable cause finding and judicial approval, what steps have the Sheriff's Department taken to protect the county from liability with respect to ICE holds?
      i. Does your department of a policy of "No ICE Holds" (e.g., not responding to any holds)?
      ii. Can we get a copy of any "ICE hold" policies and any relevant trainings?
      iii. Will the Sheriff's Department work with the community, including the organizations represented here today, to implement this policy? If yes, how?
   b. **ICE notification:** Does your Department have a policy of not notifying ICE when an individual is released? Why or why not?
      i. Can you share with us data regarding how many notifications you have sent out to ICE? Please also let us know the reason for each notification, along with the arrest charge, gender, race, ethnicity, and length of time in detention for each case?
      ii. What is the name and contact information for the Sheriff's Department's point person if an ICE notification occurs and it leads to an individual's extended detention? Will there be a process in place to file related grievances?
   c. **ICE Access to jail (Criminal Alien Program):**

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i. Is ICE given access to the jail facilities? What for? And how do you monitor if they are engaging in racial profiling by selecting only individuals of certain ethnicities for interviews? How do you monitor against ICE violating individuals' rights in your jail (e.g., coercive interview tactics, use of force, refusals to provide access to attorneys)?
ii. Is ICE given access to jail computers, booking sheets, inmate logs, etc? Why?

d. **Regular Meetings:** How soon can we meet again to discuss ongoing implementation?

5. **Advocate for Stronger Local Reform:**
   a. Consider laying groundwork for more progressive local policy. *We think it is important to maintain an open dialogue with the community and decide mutually what the best policy is for our community. Would you be open to engaging in further discussions with the community on this topic? Follow-up here could be a community forum or an ongoing working group with the Sheriff's Dept.*
   b. Will the Sheriff's Department consider adopting a "no notification" policy? Why or why not?
      i. If possible, provide stories to explain why notification is bad policy.
   c. Will the Sheriff's Department consider adopting a policy that prohibits ICE access to the jail? Why or why not?
      i. If possible, provide stories to explain why giving ICE access to the jails is bad policy.

6. **Review Next Steps and Thank you** – Note any follow up steps and thank them for the meeting. [POINT PERSON:_____]

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NOTES & NEXT STEPS:

Make sure to make the Ask, Record the Answer, and Relay Info to sairah@@advancingjustice-alc.org or angelac@advancingjustice-alc.org. Thanks!