



ORANGE COUNTY SHERIFF'S DEPARTMENT

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NEWS

FOR IMMEDIATE RELEASE

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Changes to OCSD custody procedures due to SB54 take effect today

SANTA ANA, Ca. (Dec. 27, 2017) – The Orange County Sheriff’s Department is making several changes to its custody operations in light of recent legislation expected to take effect Jan. 1.

The most notable changes, which will be implemented starting today, Dec. 27, are expected in the department’s 287(g) program. They will be as follows:

Pre-SB 54 287(g) Procedures	New Procedures Post-287(g)
ICE Cross-Trained OCSD Deputies screened all inmates booked into OCSD custody for their immigration status.	OCSD is legally prohibited from screening inmates for immigration status, placing holds or providing access to ICE to non-public jail records.
287(g) deputies placed holds on undocumented offenders alerting ICE to his or her presence in the OC Jail system.	The placing of a notification, hold, or transfer request on an inmate is completely incumbent upon ICE. ICE communicates this request to OCSD. OCSD provides notification to the inmate and documents the request in OCSD jail records.
ICE was provided notification when TRUST qualified inmates were going to be released from custody.	ICE is provided notification when TRUST qualified inmates are going to be released from custody.

On Oct. 5, Governor Brown signed SB 54 into law, which places limits on local law enforcement communication with federal immigration authorities. Sheriff Hutchens strongly opposed the legislation, but now has the legal obligation to abide by the provisions of the law.

The Orange County Sheriff’s Department (OCSD) will be most impacted in its participation in the U.S. Department of Homeland Security’s 287(g) program. The purpose of this program is to provide local law enforcement with the proactive ability to identify undocumented serious offenders, place immigration holds on such offenders, and notify Immigration and Customs Enforcement (ICE) of the pending release of any of these individuals. Provisions of SB 54 prohibit the use of local law enforcement money or personnel to investigate, detain, detect or arrest persons for immigration enforcement purposes. As a result, the Sheriff has had to cancel OCSD’s participation in 287(g).

SB 54 provides sheriffs with the discretion to respond to an ICE request to be notified of the release of undocumented offenders who have committed serious and violent offenses (i.e. crimes authorized for communication under the TRUST act). Sheriff Hutchens has made the decision to exercise this discretion and,



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to that end, will adhere to the new procedures above to ensure ICE has the opportunity to take into custody such undocumented individuals upon their release from the County's jail system.

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