

Stop The Musick Coalition Fellowship 2022

*Crimmigration in
Orange County*

Monday, August 15, 2022



When Criminalization and Immigration Enforcement Intersect

- *Crimmigration* as the intersection and convergence of the criminal justice and immigration systems into a streamlined system that works to further expand immigration enforcement, detentions and deportations. In blurring the lines between the criminal justice system and the immigration system, non-citizens charged with “crimes” can be transferred over from criminal custody into immigration detention or ICE custody.

Criminalization of Immigrants

- **“Juan Crow”** is a term used to describe racist policies targeting Latinx immigrants, compares oppressive immigration laws to Jim Crow laws.
- Prop 187, passed by CA voters in 1994 tried to make it illegal for undocumented immigrants to use state resources.
- ICE was created as part of the Department of Homeland Security after 9/11.
- The “Secure Communities” program partners local police with ICE.
- **Obama deported millions of people** and was at times called the **“Deporter-in-Chief”**
- **Trump greatly increased immigration enforcement!**
 - His Department of Justice made crossing the border a criminal rather than civil offense.
 - This is a major justification for the “family separation” policy - charging the parents in criminal prosecutions - when families were formerly kept together.
- Under **Biden**, there have been MASS deportations of Black migrants & refugees from Haiti, Cameroon and elsewhere.
- The Biden administration continues to enforce the policies of Trump.

Orange County Rapid Response Network



Mission: The OCRRN is an interconnected system of nonprofit and grassroots organizations, civil rights attorneys, law school clinic, and community members working together to respond to immigration enforcement actions in Orange County by:

- **Documenting and disseminating information** to the public about immigration raids and immigration enforcement actions;
- organizing and leading **community education events, trainings** for directly impacted community members, allies & organizers, and outreach to public officials;
- supporting and enforcing **local policies** that advance and defend the rights of immigrants;
- connecting affected people with attorneys that embrace a **participatory defense** model of deportation defense;
- connect affected people and families with non-legal community **resources**

Community Response to Immigration Enforcement Activities in Orange County



OCRRN
DC Rapid Response Network

Is ICE in your community?

Has ICE detained a loved one?

Call:
(714) 881-1558

* EMERGENCY HOTLINE

 WWW.OCRAPIDRESPONSE.ORG

 CASEREFERRAL@OCRAPIDRESPONSE.ORG

  OCRRN

Key Immigration Resources

- [Filming ICE](#)
- [Family Preparedness Plan](#)
- [First 24 Hours](#)
- [Consultation Contacts](#)
- [Real vs. Fake Warrant](#)
- [Workplace Raids](#)
- [KYR for people in CA prisons](#)

Resources

FAMILY PREPAREDNESS PLAN

Create a family plan in case a family member is being arrested or detained. This sheet will help with the collection of information and paperwork needed in case someone gets detained.

FIRST 24 HOURS

A guide to what you can do within the first 24 hours if someone gets detained. Learn ways that community and family can support, information to get from ICE, and general tips in the case a loved one gets detained.

CONSULTATION CONTACTS

Free immigration consultation and DACA renewal assistance. Call to make an appointment to meet with Legal Accredited Representatives and Immigration Attorneys.

FILMING ICE

Learn about filming ICE and law enforcement. Know your rights when you interact with ICE and law enforcement.

HOTLINE

The OCRRN Hotline is a resource for the community to call in about ICE sightings and case support.

IMMIGRATION AT A WORKPLACE

A guide for employers in the case that immigration is in the workplace. Explore tips for employers on how to prepare for ICE actions.

Participatory Defense & the First Responders Network

Participatory Defense is a **community** organizing model centered on **empowering** community members facing charges, their families, and communities - to have an **impact** on the outcome of their cases and to **transform** the **landscape of power** in the immigration, youth, civil, criminal justice systems.

Hugo



Principles of Participatory Defense

DE-BUG

- Family and community strength can play a role in stopping a deportation and getting someone released from detention.
 - Any work is led by those that are directly impacted and their families to show up for themselves. First Responders facilitate a space where families can get feedback and support to help move a case forward.
- A Participatory Defense space is not a substitute for legal advice or legal service providing. This is a community space intended to be led by families and for families.
- Although Participatory Defense Organizers and First Responders are volunteers, there is a level of commitment to the work and supporting families in the short and long term.
- Collective consciousness building with those directly impacted, their families, loved ones, community members and general public goes a long way in building collective power to take action and seek justice.
- Mutual aid is at the core and the driving force of our work.

Who Does Participatory Defense Serve?

- PD serves individuals impacted by the **immigration and/or criminal justice systems**. This includes **detained** and **non-detained** cases where an impacted individual or their loved one can advocate for their case with others who are also doing the same thing in the space. There are a variety of cases in the space that focus on the following:
 - Family court
 - U-Visa
 - Post-conviction relief
 - 9th Circuit
 - BIA
- Our PD hub primarily serves Latinx Individuals, but we have also served Black and AAPI people in OC.
- 50% of the cases in our space from 2021-2022 were detained cases.
 - Individuals were detained in Adelanto, Adelanto-Desert View Annex, Otay Mesa, & Yuba County Jail
 - 50% of 2021-2022 detained cases are ICE transfer cases
 - As of May 2022, 66% of detained PD members are ICE transfers.
- Regional snapshot: 50% from Santa Ana, 20% Costa Mesa, 10% Anaheim, 10% Garden Grove, 10%: La Habra, Fullerton, Buena Park & other OC cities
- One third of the immigration cases our community members are navigating have a mental health component. Many of our community members that enter the criminal justice system and then are transferred to ICE have struggled addressing issues like:
 - PTSD, Schizophrenia, Depression
 - At the moment the OCRRN has teamed up with Pepperdine's Aliento Program to refer community members for weekly consultations if necessary

Landscape of Recent Immigration Enforcement Activities in Orange County

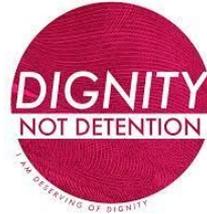
Under the Biden Administration, the OCRRN received less calls on the hotline for enforcement activities happening in Orange County.

Workplace raids, direct targeting of individuals in their homes is lower than the previous administration. Instead, they have seen local PD departments arrest individuals, and then transfer them over to ICE. This is the biggest trend that has been noticed.

- Hotline calls have become word of mouth referrals
- Community members are finding avenues to be released from detention by appealing directly to their ICE officers
- Immigration Detention & COVID
 - [Hernandez-Roman v. Wolf](#) Litigation
 - This allowed for many individuals in immigration detention at Adelanto Detention Center to be released due to COVID-19 social distancing protocols
 - Fraihat V. ICE Covid-19 Order
 - This means that a federal judge found ICE's systemic response to the pandemic to be systemically deficient as well as ICE's response to the spread of COVID-19 objectively deliberately indifferent in violation of the U.S. Constitution and federal disability law.
 - Protected individuals with medical conditions that made them high risk - allowed for them to be released.
 - As of July 2022, individuals are no longer being release on Fraihait Covid-19 requests
 - ICE has granted more paroles than usual and releases are occurring gradually.
 - Folks are still being detained by ICE but taken to other facilities.
 - Two community members were recently taken to the Aurora Detention facility in Colorado

Landscape of Recent Immigration Enforcement Activities in Orange County

- Legal Tactics
 - Prosecutorial Discretion requests
 - Parole requests decided by ICE
 - Post Conviction Relief
 - helping to vacate criminal convictions due to ineffective assistance of counsel;
 - people who were not warned about immigration consequences when given plea deals;
 - people who were wrongfully convicted, etc.
- Highlighting Affected Communities and the Community Organizations in Orange County who are supporting:



The Bridge



Non-Attorney Legal Interventions

- Reach out and **Stay Connected** to the Family or Directly Impacted community member
- Gather Supporting Evidence for a **Social Bio Packet** to highlight positive equities
- **Coordinate Calls** with Family and the Attorney
 - Public Defender (criminal attorney) to consider Immigration Consequences
 - Immigration Attorney
- **System Navigation**
 - Court Watch, ICE Check-ins, Probation
 - Obtaining Police Reports, Detention Visitation, and Locating someone Detained
 - Posting Bond,
 - Obtaining Attorney and Court Documents,
 - Obtaining RAP Sheet



How the Landscape Has Changed In California

- Today, many immigrants see California as a beacon of hope and inclusion. The state is home to almost 11 million immigrants—about a quarter of the foreign-born population nationwide. In 2019, the most current year of data, 27% of California’s population was foreign born, more than double the percentage in the rest of the country.
- More than half (53%) of California’s immigrants are naturalized US citizens, and another 25% have some other legal status (including green cards and visas). According to the Center for Migration Studies, about 22% of immigrants in California are undocumented. From 2010 to 2019, the number of undocumented immigrants in the state declined from 2.9 million to 2.3 million. Though they often work for the lowest wages, undocumented immigrants alone contribute more than \$200 billion a year to the state’s economy.
- Thanks to advocacy efforts by immigrants’ rights groups and other allies, California lawmakers began to see that anti-immigrant measures were not benefitting, but rather harming, the state. California’s legislative environment eventually became one of the most pro-immigrant in the nation. The state now allows immigrant students to have access to higher education, makes driver’s licenses and professional licenses available regardless of immigration status, and restricts state and local participation in federal immigration enforcement.

Summary of Overview of Immigration Legislation in California

Pro-Immigrant Laws That Have Passed in California

- **The TRUST Act (AB 4)** went into effect on Jan. 1, 2014. Under this state law, local law enforcement can not hold individuals for extra time in local jail in response to ICE hold requests, with some exceptions. [Resources on TRUST Act](#)
- **The TRUTH Act (AB 2792)** went into effect on Jan. 1, 2017. Under this state law, local law enforcement must provide know your rights information and copies of any ICE holds, notification, or transfer requests to the individual who is the subject of the request and their attorney/representative. [Resources on TRUTH Act](#)
- **The California Values Act (SB 54)**, went into effect on Jan. 1, 2018, curtails use of state and local resources from engaging in deportations and create safe spaces, including at schools, health facilities, and courthouses. [Resources on Values Act](#)

More Background on Immigration Legislation in California

With respect to measures seeking to disentangle the work of state and local law enforcement officers from federal immigration enforcement in particular, California has led the way with pro-immigrant laws:

- In 2013 we saw the passage of one of the first state-level sanctuary laws in the country, the [TRUST Act \(AB 4\)](#). The **TRUST** (Transparency and Responsibility Using State Tools) **Act** limits local jails from wastefully holding people for extra time, solely for deportation purposes and went into effect on January 1, 2014. Under the TRUST Act, local police & sheriffs CANNOT hold people for immigration if they are arrested or convicted of minor crimes - for example most traffic offences. And in many other cases, local law enforcement can only hold people if they have a prior conviction. **This is the law everywhere in California.**

Several years later, problems with local law enforcement entanglement with federal immigration enforcement persisted. Although fewer California residents were being detained by state and local authorities pursuant to ICE requests known as immigration detainers, nearly 10,000 residents were still being transferred to ICE custody a year because of information sharing between state and local officials and federal immigration officials.

- California therefore enacted the **Transparent Review of Unjust Transfers and Holds**, or [TRUTH Act \(AB 2792\)](#). The TRUTH Act (AB 2792) provides vital know your rights information to our immigrant community members who are in Immigration and Customs Enforcement's (ICE) cross-hairs and bring some transparency to local law enforcement participation in federal immigration enforcement. The TRUTH Act went into effect on January 1, 2017.



More Background on Immigration Legislation in California & New Bills

But the fight did not end there. Between the passage of the TRUTH Act and its effective date, Donald J. Trump was elected as President. Trump promised to deport 2 to 3 million immigrants and intended to rely heavily on the work of state and local officials to carry out his plans. Seeking to further distance itself from the inflammatory anti-immigrant platform of the Trump administration, California set to work on several additional legislative bills.

- Significantly, in 2017, California enacted the [VALUES Act \(SB 54\)](#)—the strongest state law to disentangle local law enforcement involvement with ICE to date. The law “provide[s] essential safeguards to ensure that police, schools, health facilities, courts, and the California Division of Labor Standards Enforcement remain accessible to Californians from all walks of life and that California’s limited resources are directed to matters of greatest concern to state and local governments.” It prohibits local law enforcement from asking about an individual’s immigration status, detaining a person under any circumstances to give ICE time to pick the person up, notifying ICE of the release date or otherwise facilitating the transfer of a person in custody to ICE except under limited circumstances, or having a 287(g) agreement with ICE, among other activities. SB 54 went into effect on January 1, 2018.

Recent Proposed Law:

The [VISION Act \(AB 937\)](#), authored by Assemblymember Wendy Carrillo, was introduced in the California state 2021 legislative session. The VISION Act passed the Assembly and is currently on the Senate Floor in the 2022 legislative session. The VISION Act would protect community members who have already been deemed eligible for release from being transferred by local jails and our state prison system to immigration detention. The VISION Act takes urgent and necessary strides toward ensuring that our local and state tax dollars are not used to funnel immigrants into dangerous health conditions in immigration detention, violate Constitutional protections, and separate immigrant families and communities.

@ICEOutOfCA 1/10



The prison-to-deportation pipeline in California cruelly separates thousands of families every year.

How is this happening? And what can you do to help keep families together?

Swipe left to learn more!

Imagine waiting to **finally** reunite with your family member or loved one **after** they've served 20 years in prison and earned their release.

But at the last minute, an ICE van swoops in and whisks them away before your eyes.

How would you feel?

@ICEOutOfCA

5/10

EARNING PAROLE IS AN EXTREMELY RIGOROUS PROCESS

1. A community member presents their story to the Board of Parole during an in-depth, 2.5 hour hearing, after extensive preparation.
2. In a parole hearing, it's mostly the community member doing the talking, rather than an attorney.
3. The community member must respond to detailed questions about:
 - a. the person's life before their conviction
 - b. prior criminal history
 - c. the conviction and the circumstances
 - d. conduct (both good and bad) in prison
 - e. recent Comprehensive Risk Assessments
 - f. plans if the person is released

Even after the board grants parole, the person **STILL** isn't released yet.

Many people don't realize how many layers of review there are **BEFORE** someone is released:

- a. The Parole Board
- b. Then, The Board's Decision Review Unit
- c. THEN, the Governor's office.

If the decision to release someone is reversed, the person starts all over again.

When the state **FINALLY** releases someone, their case has been reviewed by multiple state entities - sometimes multiple times - to ensure it's safe to release them.

@ICEOutOfCA

IOOCA & VISION ACT ADVOCACY

@ICEOutOfCA 3/10

Thousands of families across California have suffered this **heartbreak**. And many community members, like Tien Pham and Gabby Solano, never saw their family in the U.S. again.

Why?

ICE DEPORTED them to countries they hadn't set foot in since they were **children**.

Community members call this **DOUBLE** punishment.

@ICEOutOfCA 4/10

California is using our taxpayer dollars to turn people over to ICE, **AFTER** they have served their time and earned release from prison or jail.

And for people with the most serious sentences, earning release is **no** easy matter.

ICE Transfers Cost Taxpayers Millions of Dollars	
Total Spent Assisting ICE Transfers From Local Jails (2018-2019)	
Total spent by LA County	\$2.8M
Estimated Statewide Cost	\$7.3M

Not only are ICE transfers cruel and unnecessary, but they are also incredibly expensive. In 2018 and 2019, the LA County Sheriff's Department spent nearly \$3 million dollars transferring about 1,400 people to ICE custody for detention and possible deportation. Statewide, nearly 4,000 people were transferred from local jails to ICE in that time period, at an estimated cost of **more than \$7 million** dollars; this estimate does not include the cost of CDCR transfers.

Source: @allianceforbmoc

7/10

And did you know that many incarcerated people are **SURVIVORS** of violence?

The vast majority of women in prison were **SURVIVORS** of violence **BEFORE** their incarceration.

Nearly **8 in 10** women in federal and state prisons reported physical abuse and over 60% reported past sexual abuse. This includes people who survived domestic violence, rape, sexual assault and child abuse. [Source: ACLU]

80%

60%

20%

ICE bullies and harrasses people, and has a long record of violating basic due process. ICE also amplifies racism already present in the legal system.

DID YOU KNOW?

7% OF NON-CITIZENS IN THE U.S. ARE BLACK, BUT BLACK IMMIGRANTS MADE UP **20%** OF PEOPLE FACING DEPORTATION ON "CRIMINAL" GROUNDS [SOURCE: BAJI]

THERE IS A TARGET ON US

@ICEOutOfCA 8/10

IOOCA & VISION ACT ADVOCACY

ICE TARGETS CITIZENS & PERMANENT RESIDENTS

9/10

Many people targeted by ICE transfers in California are Green Card holders.

Also, ICE is being sued now for detaining a U.S. citizen.

A report from the government accountability office found ICE may have deported 70 U.S. citizens between 2015-2020.

No matter someone's birthplace or status, everyone should be treated with dignity.

@ICEOUTOFCA

@ICEOUTOFCA #VISIONACT WHAT CAN WE DO?

10/10

Right now, community groups are working to pass a bill called the **VISION Act (AB 937)** in California that would end the double punishment of people who earn release from prison and jail.

Call Gov. Gavin Newsom: (916) 445-2841

"Hi my name is [your name] resident in [your city of residence] and I strongly support the VISION Act (AB 937) and urge the Governor to pass this bill to keep families together."

Learn more about the VISION Act: www.iceoutofca.org



URGENT CALL TO ACTION TO

#FREEADAN #FREEADAN #FREEADAN

SWIPE →

BANNER DROP

- DAY OF ACTION -
October 6, 2020
10:00 am
📍 theo lacy facility



What is **Hernandez Roman**?

On April 14, 2020, the ACLU Foundation of Southern California filed this class-action lawsuit with Latham & Watkins LLP. The suit claims "putting people imprisoned at Adelanto at such heightened possible exposure to the virus is not only inhumane, it also violates the Fifth Amendment of the U.S. Constitution." The conditions criticized include:

- Bunk beds are placed only 2½ to 3 feet apart.
- Cells as small as 8x10 feet are populated by four to eight people.
- Detainees share sinks, toilets, counters, and showers, with no disinfectant cleaner available for after use.
- Showers are placed less than six feet apart.
- Food preparation and service are communal, with six to ten people eating at the same table.

Learn more about Kelvin Hernandez Roman and additional advocacy through our press release today.

Wednesday August 26 at 12:00 pm at

facebook.com/OCRRN



FREEALEXIS



Call Detention Officer Gutierrez
760-561-6100

Alexis Gonzalez is a 21-year-old from Orange County who was kidnapped by ICE on March 2nd. He is especially vulnerable to Covid-19 because he was recently diagnosed with Tuberculosis. Additionally, his detention officer has blocked him from being able to videoconference with his loved ones despite visitations in Adelanto being suspended. We need to demand his release, and in the meantime the restoration of his videoconference rights.

What to know and do now

BLACK MIGRANTS ARE UNDER ATTACK



Our Community's Stories



@[http.fmp.949](http://fmp.949)



#FreeThemAll

#FreeMemoKuan



SUPPORT A COMMUNITY MEMBER FROM HONDURAS WITH THEIR ATTORNEY FEES!

One of our Participatory Defense members is requesting financial support to fight their case and its associated attorney fees. Due to the USCIS office putting the wrong date of birth on their work permit application, they are unable to work. They have submitted another application that is still pending.

Please consider donating to our Venmo and note #Honduras Any amount helps!



@OCRRN

#Honduras

Building A Campaign



LET'S GET VICTOR FREE RALLY

Victor is a Santa Ana Resident, Artist, and Father of 3. He is set to be released from the Theo Lacy Facility this Friday, 5/6/2022. The OC Sheriff's Dept is using their discretion to e-mail ICE with Victor's release date information.

We need your **support** to stop the transfer of our community member to ICE!

May 6, 2022
Theo Lacy Facility
9 AM



Welcome Home, Victor!

If you would like to support Victor's post-release fund, so he can pay his court fees & get back on his feet Venmo us @OCRRN.

Write #VictorIsHome when you donate, so we know the funds are for Victor!

2019

Agency Name	2019	2020
Orange SO	498	219
Los Angeles SO	457	43
San Diego SO	271	78
Tulare SO	51	33

Source: <https://openjustice.doj.ca.gov/data>

Recently published data shows OC Sheriff Don Barnes retained the #DeporterInChief title for a second year in a row. In 2020, he transferred 219 community members to ICE - outranking the next three counties combined.

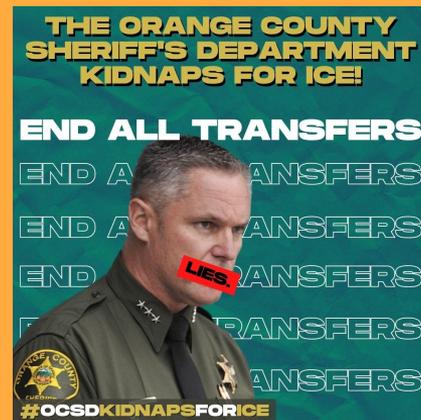
2020



OCRRN PRESS CONFERENCE ALERT

TOMORROW (5/19) WE WILL BE OUTSIDE OF THEO LACY FOR A PRESS CONFERENCE TO EXPOSE OC SHERIFF DON BARNES AS THE #DEPORTERINCHIEF AND PUSH OC CA LEGISLATORS TO PASS THE VISION ACT (AB 937).

#DEPORTERINCHIEF #EXPOSINGTHE TRUTH



THE ORANGE COUNTY SHERIFF'S DEPARTMENT KIDNAPS FOR ICE!

END ALL TRANSFERS

END ALL TRANSFERS
END ALL TRANSFERS
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END ALL TRANSFERS

#OCSDKIDNAPSFORICE

STEPS & TOOLS FOR CAMPAIGN BUILDING

1. Determine your objective and establish a clearly defined goal
2. Identify your target audience
3. Create your message
4. Develop a strategy
5. Implement your campaign
6. Measure and analyze your results

Live or In-person:

- Rally/March/Protest
- Press Conferences
- Banner Drops
- Petition/Letter Delivery
- Text/phone banking
- Phone zap
- Postcard campaign
- Mutual Aid Fundraiser
- Giving Public Comment

Virtual / Electronic

- One-click letter writing campaign (Action Network) targeting national to city-wide elected officials
- Petition
- Social Media:
 - Twitter Storm
 - Instagram Posts & Stories
 - Developing a Toolkit
- Fundraisers
- Writing Op-Ed



THANK YOU!



Image from @createcareculturela Mutual aid graphic

Stay Connected with OCRRN!



@oc_rrn



@ocrrn



OC Rapid Response Network