The State of Immigrant and Refugee Rights in Alameda County

Final Report of the Alameda County Ad Hoc Committee on Immigrant and Refugee Rights

December 20, 2021

Commissioned by the Office of Alameda County Supervisor Richard Valle

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Executive Summary

On December 6, 2016, the Alameda County Board of Supervisors established the Ad Hoc Committee for Immigrant and Refugee Rights. The committee, led by Alameda County Supervisors Richard Valle, Wilma Chan, and Scott Haggarty, held public forums in which the immigrant and refugee public could learn about their rights and about the work that county agencies were doing to ensure safe access to government services in an era of heightened federal immigration enforcement. Meetings were held from February 2017 to July 2018 in community centers in each county district and in the Alameda County Board of Supervisors chamber. Meetings were attended by immigrant and refugee community members, immigrant-focused non-profit management and staff, and county staff and management.

The committee's goals, according to Chair Supervisor Richard Valle, were "To hear from the community about their concerns, about resources and the gaps in access for immigrants, to make recommendations to the Board of Supervisors regarding the county's next steps, to assess the county's current infrastructure in services and how they can be strengthened or built" (2.16.17). The committee sought to hear directly from immigrant serving organizations to better understand the current political climate regarding immigration policies, and to hear from county agency leaders about the work they were doing to mitigate the negative impacts of immigration policies on their ability to serve all county residents regardless of immigration status. Supervisor Chan's office secured funds from the San Francisco Foundation to provide additional professional immigrant and refugee-focused Know Your Rights trainings and legal consultations, including legal follow-up, with free of charge services for members of the public who attended the forums. Over the course of almost eighteen months, the committee brought together ten Alameda County agencies and over twenty community organizations in dialogue about immigrant and refugee rights.[1]

To complete the review of the county's immigrant and refugee serving efforts and programs, the office of committee Chair Richard Valle hired Dr. Peter Mancina to produce a report summarizing the findings of the committee hearings; to collect and review immigrant-related county records from each county agency; to interview key agency staff and management about his findings; and to make recommendations to agency heads and to the Alameda County Board of Supervisors.

Key Findings

I. From 2017 to 2021, Alameda County has taken extensive measures to minimize the impact of federal immigration enforcement efforts on immigrant and refugee communities.

Alameda County agencies have undertaken the following general strategies to stabilize immigrant and refugee communities over the past four years:

Communications with Immigrant and Refugee Communities

- Informed immigrants and refugees of their rights in numerous Know Your Rights training events and the distribution of red cards that include immigrant rights information
- Integrated information and public relations materials about immigration law and enforcement changes into the service interactions county agencies have with the public
- Held public events that bring staff and management of county agencies together with the immigrant and refugee public, and with immigrant advocacy organizations to hear directly from them about the impact of immigration enforcement on their groups and to communicate information about county services, benefits, and policies pertaining to immigrants and refugees
- Conducted community outreach at community events, public townhalls, in schools, and through speaking to the media to inform immigrant and refugee communities of county benefits and services, to foster their use, and to distinguish the county from immigration enforcement officials

Communications with and Training for County Staff

- Communicated with county staff regarding changes in immigration policies and how to interact with federal immigration authorities that seek information and assistance
- Created central intranet resource hubs for county employees that include materials and information about immigrant rights, immigration policy changes, and interacting with immigrant and refugee clients

- Provided training for county staff in updates in immigration policies, working with immigrant and refugee clients and interacting with federal immigration agents

Benefits and Service Provision for Immigrants and Refugees

- Funded county benefits and services in health care, mental health, housing, and social services to directly aid and assist immigrants and refugees of all legal statuses, with the aim of stabilizing their lives as much as possible
- Provided county services to all members of the public regardless of immigration status
- Funded county legal services for immigrants and refugees in criminal proceedings and immigration proceedings as well as changed plea-bargaining practices to minimize immigration consequences of criminal charges and convictions
- Created peer groups and tailored counselling services and socializing opportunities for unaccompanied immigrant youth (UIY) to transition to life in the United States as well as parenting courses for parents reunifying with children they were separated from
- Provided county services and benefits materials in eight "threshold languages" spoken by the largest language communities, and through the use of a language line phone service and video remote interpretation service for other languages when necessary
- Assisted members of the public with applying for various types of visas such as U visas and T visas, and various forms of administrative relief from immigration enforcement
- Hired a diverse county workforce that includes immigrant staff, including Deferred Action for Childhood Arrivals recipients, who speak multiple languages and who are sensitive to the needs of immigrant and refugee populations

Worked with Immigrant and Refugee Community-Based Organizations and Other Community Organizations to Mitigate the Impact of Immigration Enforcement Upon County Residents

- Funded community-based immigrant rights advocacy, a rapid response network to respond to immigration enforcement actions and removal defense legal services for immigrants and refugees
- Funded phone hotlines to report immigration enforcement activities and hate crimes, which in many cases concern immigrant victims
- Integrated warm-handoff referrals to community-based, immigrant-serving organizations into frontline county staff protocols
- Kept an open line of communication with community-based immigrant serving and immigrant-led organizations regarding best practices for county agencies in their interactions with immigrants and refugees and with federal immigration agencies
- Trained leaders from new immigrant and refugee communities in professional leadership programs to become mental health paraprofessionals in immigrant and refugee serving community-based organizations
- Organized a vendor pool of twenty-seven contractors and over 700 partner organizations throughout the county to provide emergency food and meal preparation for food insecure Alameda County residents regardless of immigration status and a financial assistance program during the COVID-19 pandemic

Advocacy and Policy Work

- Passed various forms of agency-specific and county-wide policies in support of immigrants and refugees
- Conducted county agency-led research projects to assess the impact of immigration enforcement on client access to agency services and benefits and produced white paper briefs on these topics for policy makers and the public
- Sponsored state legislation that aims to protect and expand immigrants' access to services and provided public comment on proposed federal regulations that would be harmful to immigrants and refugees
- Advocated directly with federal agencies for policy change to minimize immigration enforcement-related impacts on county services and on immigrant and refugee communities, to maintain the Deferred Action for Childhood Arrivals program, immigration reform, and a pathway to citizenship

Created Multi-Agency and County-wide Task Forces, Committees, and Support Networks to Focus on Immigrants, Refugees, and the Impact of Immigration Control

- Convened multi-agency task forces and committees to address the effects of immigration enforcement on clients and the exploitation of immigrants and refugees in Alameda, for instance in the case of labor trafficking, and to pass new policies protecting immigrants and refugees. This includes the creation of the Ad Hoc Committee for Immigrant and Refugee Rights.
- Convened a multi-agency "integrated system of care" for unaccompanied immigrant youth (UIY) and an Unaccompanied Immigrant Youth Care Team to meet the physical, social, and emotional needs of UIY in Alameda County. This system and team worked with educational institutions and educators in developing capacities for aiding UIY and their caregivers and created training materials for these educators.

Implemented Anti-deportation Laws, Policies, and Protocols

- Implemented state laws such as the California Values Act (SB54), the TRUST Act (AB 4), the TRUTH Act (AB 2792), and the Alameda County Board Resolution "Upholding Due Process and Protecting Civil Rights of Immigrant Residents" (2016-274), which protect the rights of immigrants and refugees and are designed to minimize county cooperation with federal immigration enforcement projects. This includes prohibiting county staff in departments such as Probation and the Sheriff's Office from inquiring about an individual's citizenship status in the course of county business, providing certain types of information to federal immigration agencies, transferring individuals to federal immigration custody unless certain conditions are met, responding to requests from immigration agencies to hold individuals in order to effect a transfer of custody to immigration authorities, making immigration-related arrests or performing the functions of an immigration officer, among various other non-cooperation prohibitions.
- Taking actions to minimize the possibility that a client's use of county services results in negative immigration consequences.
- Maintaining the confidentiality of client records, especially in the case of minors, and not disclosing them to federal immigration agencies.
- Making the physical spaces of county government offices safe spaces for immigrants and refugees of all statuses by intentionally not asking members of the public about their immigration status or cooperating in federal immigration efforts to collect information about members of the public.

II. Areas exist for county agencies to act to expand their services for immigrants and refugees and to minimize their cooperation with federal immigration enforcement activities. This report recommends the following actions for Alameda County department, agency, and office directors:

All Agency Directors

1. Consult County Counsel to explore amending all agency grievance and appeal procedures documents and processes to permit grievances lodged by anyone regardless of immigration status and to assess whether such grievances may lead to any negative immigration consequences. Amend the policies and procedures to allow for immigrants and refugees regardless of status to lodge grievances when no negative immigration consequences would result.

2. Review all nondiscrimination notices and revise them to prohibit discrimination on the basis of immigration status, citizenship status, or refugee status.

Director of the Alameda County Office of Education

1. Support all unified school districts in removing law enforcement from all schools in the county. Work with Unified School Districts throughout the county to review and revise their safe-haven and sanctuary school policies and school disciplinary policies to minimize the involvement of local law enforcement in school matters. Support the districts in creating restorative justice, peer mediation, and positive behavior support programs instead of suspensions and arrests.

2. Work with districts to expand mental health, social health, and emotional support services to Mam, Farsi, and Arabic-speaking immigrant youth in schools.

3. Support all Alameda County school districts in hiring an immigration legal point person to assist district families in answering immigration legal questions such as what happens to children when parents are detained and deported and what to do about a child's Deferred Action for Childhood Arrivals status, and to provide individualized legal advice for immigrant and refugee families. This individual could coordinate the work with the Health Care Services Agency's Unaccompanied Immigrant Youth Care Team already at work in the schools, could work with community-based immigration-focused legal organizations to continually monitor changing immigration policies and maintain an up-to-date toolkit for immigrant and refugee families translated in the languages spoken by the families of the district. [2] Further, this immigration legal point person could coordinate trainings for school staff in professional development to foster culturally relevant ways of supporting immigrant students specifically and identifying how a warm handoff is made to social health, mental health, and emotional health services in the school district and in the community.

Director of the Alameda County Behavioral Health Care Department

1. Revise the DMC ODS Member Handbook pertaining to the Medi-Cal program to indicate that the group of eligible applicants is now broader than stated in the handbook given that full-scope Medi-Cal is now available to all youth regardless of immigration status, who are under 21 years of age, and limited scope Medi-Cal is available to certain undocumented immigrants.

Director of the Public Health Department

1. Continue to work with immigrant advocacy organizations to create a department-specific policy to implement the provisions and prohibitions of SB54, the California Values Act, in Alameda County public hospitals and clinics.

2. Continue to monitor and document health and social impacts of the shifting immigration policy landscape and the changes in enrollment and utilization of health programs to promote future policy work.

Chief Probation Officer

1. Create a comprehensive training for Policy 290 "Immigration Issues" in addition to the snapcomms videos already in use and require all new staff to enroll in the training in addition to the training provided in Contemporary Diversity.

The Sheriff

1. Modify General Order 1.24 to instruct Alameda County Sheriff's Office (ACSO) staff to respond to no Immigration and Customs Enforcement (ICE) I-247A requests for notification of release information and to prohibit transferring any ACSO inmates to ICE custody. Statistical and criminological research shows that local jails assisting ICE by means of transferring individuals who are subsequently deported does not reduce the crime rates in cities among the general population or immigrant populations. It is an ineffective tactic for making localities safer and it can expose jails to lawsuits and costly settlements in the case that individuals are held without probable cause. The consequence of such transfers can be the separation of families, the collapse of household finances and housing insecurity when the main money earner is deported, and a waste of staffing resources dedicated to carrying out a variety of immigration enforcement assistance activities. Alameda County can join other Bay Area counties, including Santa Clara County, the City and County of San Francisco, Marin County, Contra Costa County, and San Mateo County that have ended their various forms of voluntary assistance to ICE.

2. Decline to allow ICE to interview any inmates in ACSO jails.

3. When ACSO receives an I-247A request to hold or transfer an inmate to ICE custody, or to provide release information to ICE, provide a copy of the request upon receiving it to the individual prior to responding to ICE.

4. When ACSO receives an I-247A request or request to interview an inmate, immediately send a copy of the I-247A request and associated records to the detainee's indicated attorney regardless of whether the attorney has requested it.

5. Work with the Board of Supervisors, County Counsel, and the County Administrator's Office to provide movement logs of inmates for

whom ICE issued an I-247A form in 2020, and a sample of inmates charged on similar crimes for whom ICE has not issued an I-247A form in 2020. Over the coming year (2022), copy the movement logs for each individual for whom an I-247A form is received soon after they are released and place these logs in a single secure digital location where they may all be collected at the end of the year. Present the collection of movement logs to the Board of Supervisors and the County Administrator's Office (CAO) for review. Demonstrate through these documents the timing of the release process and if there are instances in which a prolonged detention occurs on the basis of an I-247A form, make changes to the release process so that no inmate is detained beyond the point that those inmates not subject to an I-247A form are detained and released.

6. Consult County Counsel to amend language from General Order 1.24. IV.D.3 regarding disclosing records to ICE in response to a California Public Records Act request to limit or prohibit disclosure where legally possible. Assess the degree to which a California Public Records Act request from ICE for information used to enforce immigration laws may constitute a violation of the Tenth Amendment of the U.S. Constitution.

7. Modify General Order 1.24 section A.1., striking the word "solely" so that instead the provision states, "A deputy shall not initiate law enforcement action based on observations related to a subject's immigration status." Further, strike the sentence "Immigration status may, however, be reasonably relevant to the investigation of certain crimes under California Law, such as but not limited to, trafficking, smuggling, harboring, and terrorism" as the California Values Act provides no exception to allow for inquiring about immigration status to enforce these laws.

8. Modify the following sentence in General Order 1.24, section IV.D.4 "Communication with Immigration Authorities," May 14, 2020: "The Sheriff's Office shall not extend the detention of an inmate so that ICE may detain the individual." Add to the end of this sentence "or for the purpose of notifying ICE of the release time and place of the individual."

9. Create a core curriculum, including scenarios training exercises, to train ACSO staff on General Order 1.24, and make the training materials available to the public as requestable records.

10. Monitor and document instances when ICE makes an arrest on ACSO property at the point of a release to the public of an individual who did not qualify for an SB54-allowed transfer or notification of release. In the ACSO's TRUTH Act forum presentation to the public that summarizes ICE access, provide additional data summarizing the total number of these additional ICE arrests of released individuals.

11. Consult County Counsel to assess the degree to which seeking reimbursement from the federal government under the U.S. Bureau of Justice Assistance's State Criminal Alien Assistance Program (SCAAP) violates prohibitions of the California Values Act on sharing personal information for immigration enforcement purposes. If participation in the program consists in actual or potential violations of the information sharing provisions of the California Values Act, discontinue participation in the program. If information sharing through SCAAP does not consist of a violation, further narrow the list of eligible inmates in ACSO SCAAP application materials to those for whom the ACSO has received immigration detainers—I-247A forms—and who meet the other qualifying criteria rather than a full list of foreign-born inmates.

Director of the Social Services Agency

1. When Eligibility Service Technicians screen applicants for Permanent Residence Under the Color of Law (PRUCOL) eligibility, to minimize the risk to the applicant of being targeted by U.S. Citizenship and Immigration Services (USCIS) and ICE as a result of the applicant having a warrant out for their arrest, implement an additional screening question for Eligibility Service Technicians to ask applicants if they know of any warrants out for their arrest. If the individual indicates that they do have a warrant out for their arrest, inform the individual that the USCIS may deny the application for PRUCOL because of this warrant and that ICE may subsequently target the individual for an immigration enforcement action. In the case that an applicant is denied PRUCOL, provide the individual with informational materials for immigration legal services organizations in Alameda County as the denial may indicate

that the individual is a priority for immigration enforcement. Monitor the number of denials of PRUCOL that the Alameda County Social Services Agency receives and whether any adverse immigration enforcement action results for the clients who have been denied.

III. The Alameda County Board of Supervisors may take the following actions to support immigrant and refugee communities and minimize county assistance to immigration enforcement agencies:

1. Pass a County-Wide Ordinance Disallowing Immigration Enforcement Assistance and Information Sharing

This report recommends passing a county-wide ordinance prohibiting to the fullest extent possible under local, state, and federal law, the use of county resources, personnel time, or facilities for the purpose of enforcing immigration laws, including a prohibition without exception of assisting ICE, Customs and Border Protection, and any agencies or companies working on their behalf in making arrests, detaining and transferring individuals to ICE custody, or notifying ICE of inmate release information. Specific recommendations for policy provisions and an effective manner of implementing this ordinance are included in the final recommendations section of this report.

2. Review the Sheriff's Office Inmate Release Process for Individuals with ICE Detainers

In line with the California Values Act (SB54), ACSO policy states that staff may not hold individual inmates beyond their point of release for the purpose of holding someone for immigration enforcement purposes. To assess the release process and the implementation of this ACSO policy, this review sought the movement logs for individuals in ACSO jails who had received ICE I-247A notification requests or detainer request forms. Despite repeated requests for these logs, the ACSO did not provide them to the office of Supervisor Richard Valle or to the author for review. Nonetheless, oversight and verification of the release process of inmates for whom ICE has lodged an I-247A detainer or notification of release request is crucial. Immigrants held beyond the point of release on their criminal charges by other county sheriff's offices on account of a detainer request have sued and won significant settlements for violations of their constitutional rights. As recent as mid-November 2021, the ACLU sued the Sacramento Sheriff on these grounds.[3] This report recommends that the Board of Supervisors directs the Sheriff to provide the movement log records to the County Administrator's Office. It is further recommended that the Board of Supervisors directs the County Administrator's Office to conduct a review of the movement logs. These logs records should include all individuals for which the ACSO has received I-247A forms and compare them to the movement logs for a subset of the inmate population released for similar charges after no I-247A form was lodged and report findings back to the Board.

3. Continue Funding for the Public Defender Immigration Representation Unit to Conduct Federal Impact Litigation and *"Padilla"* Consultations

The Public Defender Immigration Representation Unit provides counsel to non-citizens and their lawyers to understand the immigration consequences of their criminal cases. However, changes in state and federal law have made preparation for and the provision of these consultations, known as *Padilla* consults, much more involved. The need for *Padilla* consults is outpacing the unit's capacity to provide them. Currently, the *Padilla* attorney is a part-time position. The unit's managing attorney estimates that a 1.0 FTE position is needed to meet this need. This report recommends that the Board of Supervisors allocates funding to expand the *Padilla* position to a full-time Associate Deputy Public Defender position to allow the Immigration Representation Unit to carry out necessary *Padilla* consult services.

Further, the Immigration Representation Unit provides direct representation in federal courts to clients facing detention and deportation after contact with the criminal legal system. The Board should consider utilizing local funding to create an Associate Deputy Public Defender position in the unit for federal litigation. This position would advance the unit's pathbreaking work to set new legal precedent through cutting edge "impact litigation" in federal court. This litigation takes ICE to court to systematically to stop ICE from carrying out expeditious practices all over the nation that deny immigrant rights, deny immigrants access to legal counsel, and make it harder for immigrants to

win in their removal cases. The unit currently supports federal litigation work through the work of a fellow who is supported by two years of foundation and grant funding.

This report recommends that the County fund a full-time Associate Deputy Public Defender solely dedicated to focusing on and carrying out federal impact litigation related to the defense of individuals facing detention and deportation.

It is estimated that fully funding this recommendation of 1.5 FTE additional Associate Deputy Public Defender positions would require up to an additional annual allocation of $360,222.00 in 2021 dollars.[4]

4. Expand Funding for Community-based Organizations to Provide Immigration Legal Services

Funding for immigration legal advice, removal defense, Know Your Rights training, and network building between county agencies and local immigration legal organizations stabilizes the immigrant community that might be otherwise untrusting of local government institutions and staff. Expand funding for a community-based legal organization or group of organizations such as Alameda County Immigration Legal and Education Partnership to provide additional legal services in Alameda County immigrant and refugee communities, with a particular focus on Fremont, Tri-Valleys, Newark, and Livermore.

5. Increase Earmarked Funding to the District Attorney for Immigrant Community Outreach and Assisting Immigrant Victims of Crime

Allocate greater resources specifically earmarked for the purpose of conducting community outreach to let community members know what the District Attorney's Office's capacity is and what it can do with and for immigrants. Allocate additional funds for immigration lawyers to help victims of crime by expanding their functions to include carrying out investigations in the community with victims of crime in private settings. The estimated cost to implement this recommendation is approximately $563,172.00 to fully fund one FTE Deputy District Attorney and two FTE victim advocate positions.

6. Create the Alameda County Office of Immigrant and Refugee Affairs

Create a central county agency under the authority of the County Administrator's Office tasked with providing support to the Board and to the various county agencies on immigrant issues, education, training, informational resources; work with agency leaders and county counsel to investigate and mediate in cases of an alleged violation of immigrant rights in county agencies; monitor immigrant and refugee access to services; assist immigrants with language access and access to county agencies; provide support in census data collection and other outreach efforts in the many immigrant communities of Alameda County; work with community-based organizations to educate the community about county benefits, services, and changes in not only federal immigration policy but also changes in county policies and programs. This office might also assist the Board in drafting new immigrant-supporting policies responsive to changing immigration enforcement practices and programs at the federal level. The agency may also serve as a knowledge resource for immigrant and refugee community members. Further details of the recommended activities and roles of this office can be found in the final recommendations section of this report.

7. Work with Immigrant Community Leaders to Address the Need for Post-Immigration Detention Re-entry Services

Toward the completion of this report, immigrant community advocate leaders reviewed the final draft of the report and informed the author of the need for re-entry services for individuals exiting immigration detention and who reside in Alameda County. The author recommends that the Board of Supervisors works with immigrant and refugee organization leaders to specify the need for re-entry services for immigration detainees and develop a plan for funding and administering the needed services.

8. End Contracts with Companies That Assist ICE with Data Collection

The county should work with Alameda County community-based organizations trying to end the contracting of cities and counties with companies that assist ICE with data collection. One such organization that does this work is

Oakland Privacy. This work could guide the County in divesting from such companies and to further disentangle the county from assisting immigration enforcement through their financial agreements with these immigration-enforcement assisting companies.

9. Advocate with the State and Local Government for Immigrant Integration and Anti-Deportation Laws, Programs, and Benefits

Alameda County should continue its work to voice its position in favor of immigrant rights, integration, and an end to immigrant detention and deportation in state and federal policy arenas. It should continue to advocate for pro-immigrant policies in the California legislature, for greater funding for immigrant integration programs and services that are not restricted by immigration or citizenship status, and for laws that reduce deportations in Alameda and throughout the country.

10. Undertake a Public Messaging Campaign to Communicate Actions Taken by the County to Implement the Recommendations of this Report

Increase immigrant and refugee trust in the county by communicating actions taken to implement the critical recommendations made by this report to the immigrant and refugee community. Further details of the recommended messaging activities for this campaign can be found in the final recommendations section of this report.

For additional information on each of these recommendations to the Board of Supervisors, see Section Eight of this report titled “Recommendations for the Board of Supervisors.”

About the Data

To conduct a complete review and analysis and to make recommendations for this report, the author examined videos from all recorded Ad Hoc Committee hearings, and materials from presentations that county agencies gave to the Ad Hoc Committee. Supervisor Richard Valle's office subsequently submitted a request to all participating county agencies for records related to their efforts to integrate immigrants in Alameda County and provide them access to county services; records related to how the agency might have been assisting immigration enforcement agencies over the previous two years; records regarding any agency clients who had been targeted by U.S. Immigration and Customs Enforcement or the Customs and Border Protection; policies and training materials pertaining to department assistance to immigrants and refugees; and incident reports, investigatory reports, and disciplinary reports for any violations of policies pertaining to the treatment of immigrants or in providing assistance to immigration authorities. This request yielded presentation materials, public relations materials, reports, communications materials, emails, faxes, letters, policies, protocols, regulations, memorandum, guidance letters, and forms. It also yielded documents summarizing data on immigration enforcement including summary tables and charts as well as raw data contained in spreadsheets, scanned records, and professional white papers commissioned by a particular agency. This review amounted to thousands of records that the author reviewed.

From this review, the author then conducted interviews over Zoom with representatives of each county agency to ask outstanding questions. Data from the review of the hearing videos, the records, and the interview responses were included in the report. Initial drafts of the report were then provided to the county agencies and to community-based organizations for their feedback. Multiple rounds of revisions were conducted to incorporate the edits suggested by key staff in certain county agencies as well as after review by the County Counsel. Source videos, audio files, documents and records referenced here can be identified in the notes section at the end of this report.

About the Preparers of the Report

UNIVERSITY OF OXFORD CENTRE FOR CRIMINOLOGY

The Centre for Criminology at the University of Oxford is part of the Faculty of Law within the Social Sciences Division and enjoys a reputation as a world-leading research and teaching institution. The center is dedicated to pursuing an innovative program of criminological and criminal justice research and to delivering the highest quality undergraduate education on the university's undergraduate Law FHS degree and graduate education at both the master's and doctoral level. The center's members are committed to connecting criminological work to the broader concerns of the social sciences; to thinking comparatively about crime and punishment; to bringing together sociological and normative approaches to the analysis of crime and justice; and to working at the intersections between criminology and public policy.

BORDER CRIMINOLOGIES

Based at the Centre for Criminology at the University of Oxford, Border Criminologies is an international network of researchers, border control professionals, and those who have experienced border control. Border Criminologies explores the growing interconnections between border control and criminal justice and maintains the first open access scholarly journal on migration, criminal justice, and borders research.

THE AUTHOR

Dr. Peter Mancina is Research Associate in Border Criminologies at the Centre for Criminology of the University of Oxford; Researcher in the Department of Social Anthropology at the University of Stockholm; and Research Fellow in the Center for Immigration Law, Policy, and Justice at Rutgers Law School. His work has examined the history, development, and implementation of sanctuary policies at the city, county, and state level, with a particular expertise on the creation and implementation of sanctuary policies in California. He has a Ph.D. from Vanderbilt University and is the author of various publications examining the topic.

CONTRIBUTORS AND THOSE WHO PROVIDED FEEDBACK AND ADVICE

This report was made possible through the leadership, vision, guidance, and editorial feedback of District Supervisor Richard Valle and District Supervisor Wilma Chan; former Legislative Director Cinthya Muñoz Ramos, Chief of Staff Christopher Miley, and Supervisor's Assistant Gabriela Christy in the Office of District Supervisor Richard Valle; and former Deputy Chief of Staff and Policy Director Vanessa Cedeño and Policy Advisor Marjon Saulon in the Office of District Supervisor Wilma Chan. Special thanks are additionally due to the many Alameda County agency directors and staff who spent ample time collecting agency records and other materials for review, for making time to be interviewed by the author, to seeking out answers among other agency staff regarding outstanding questions and issues identified during the review, and for providing feedback on various drafts of this report. In particular, this included the following individuals: Raymond Leung from the Office of the County Counsel; District Attorney Nancy O'Malley; Alameda County Office of Education Superintendent L. K. Monroe and Communications Specialist Laura Forest; former Chief Probation Officer Wendy Still and Assistant Chief Probation Officer Marcus Dawal; Supervising Immigration Defense Attorney Raha Jorjani of the Public Defender's Office; Assistant Sheriff Thomas Madigan, Commander Yesenia Sanchez, Deputy Sheriff Jon Rudolph, and Captain Donald Mattison of the Sheriff's Office; Director of the Public Health Department Kimi Watkins-Tartt and Management Analyst Andrew Nelsen; and former Policy Director Anissa Basoco-Villarreal, Eligibility Service Technician Elaine Jackson, Management Analyst Sabrina Jean, and Supervising Program Specialist Alisa Loveman of the Social Services Agency.

Legal experts and benefits specialists also aided the drafting of this report by providing clarification to the author's questions and editorial review. These individuals include Mark Robinson of Justice Benefits Inc.; Lena Graber, Krsna Avila, and Rose Cahn of the Immigrant Legal Resource Center; and Reverend Deborah Lee of the Interfaith Movement for Human Integrity.

Editorial review of this report was conducted by Wendy Theodore, Ph.D. and graphic design was conducted by Petur Farkas of Iconica Bt.

In memory of Supervisor Wilma Chan,
advocate for immigrant and refugee rights.

Profile of the Immigrant and Refugee Community in Alameda County

Alameda County is home to over 540,000 immigrants or one in three people out of the total population of 1.6 million.[5] Almost half of Alameda's residents—46.4 percent or over 773,000–speak any number of Alameda's 120 languages other than English at home,[6] and 54 percent of Alameda's children, or almost 180,000, have one or more immigrant parents.[7] Thirty-two percent of Alameda County's immigrant residents are 25 to 44 years old, 29 percent are under 24 years old, and 39.4 percent are older than 44 years old. Most immigrants residing in Alameda County have immigrated from Asia (65.6%), followed by Latin America (22.4%), Europe (5.9%), Africa (3.5%), and Oceania (1.5%).[8] This background all contributed to Alameda County as the fourth most ethnically and culturally diverse county in the United States.[9]

However, through the process of the ad hoc committee meetings, the committee found that these immigrant residents have been under attack by federal immigration enforcement authorities, private individuals and groups, national media outlets, and the Trump Administration, all of which are scapegoating immigrants as a problem for American society.

The health status of immigrants in the county has also been greatly affected by the anti-immigrant political climate as reported to the committee by the county Public Health Department.[10] Immigrants increasingly live in fear that one or more of their family members will be detained by federal immigration authorities and deported. Immigrant children's fear of instability from losing a parent can develop into a sense of dread over such a significant potential familial loss. The Public Health Department reports that their immigrant clients exhibit signs that their fear, stress, anxiety, mistrust, and trauma have compounded in this new political environment where they now experience "toxic stress"—a health state when individuals live through prolonged periods of chronic stress. This toxic stress leads to adverse birth outcomes, immigrant women and American-born Latina women experience low birth rates, and children have brain development issues and decreased emotional well-being, which in turn can also affect school performance. At school, immigrant children experience stress from bullying related to being immigrants or children of immigrants.[11] The department has seen increases in depression, post-traumatic stress disorder (PTSD) symptoms, other mental health issues, and chronic diseases among the Alameda County immigrant population. According to the Alameda County Office of Education, immigrant families in Alameda schools have shared a deep sense of depression, anxiety, and detachment with school staff, which has directly affected immigrant students' rates of absenteeism, especially in the cities of Alameda, New Haven, and Hayward.[12] In Union City, in the New Haven school district, the parents have been arrested by the federal immigration authorities (Immigration and Customs Enforcement [ICE]), leaving students in the district alone, albeit under the guardianship of other adults.

> **I spoke with a mom who had dropped off her kid at school and was too frightened to go grocery shopping, an Oakland Unified School District official needing advice on what to say to parents, and countless community workers reporting ICE sightings all over my neighborhood. I talked to a father too scared to pick up his kid after school because he heard ICE was nearby, another dad who did pick up his kid but didn't want to leave the school, too scared to walk his streets back home. It's terror, panic and trauma.**
>
> *Testimony of Alameda County Immigrant Legal and Education Partnership Rapid Response Network staff working a hotline for immigrants in need of emergency deportation legal defense describing her eight-hour hotline shift*[13]

Most immigrants who are arrested and detained by ICE and who are facing legal proceedings regarding their removal from the country are not represented by a lawyer in immigration court. According to the Stanford Immigrant Rights Clinic, only 11 percent of people arrested and detained by ICE who are not represented by a lawyer are successful in challenging their deportation.[14] As a result, an ICE arrest and detention of family members in most cases leads to some form of family separation and in many instances, reunification can take an extremely long time to achieve.

According to the Alameda County Public Health Department, as a result of the fear of detention, deportation, and family separation, immigrants have been withdrawing from seeking healthcare services. People are afraid of accessing non-urgent care and delaying getting services until they become dire emergencies. In their communicable disease program, they are seeing mothers delay getting care that they usually would get early on and that could have impacts for pregnancy.[15]

This sentiment was echoed by leaders in non-profit organizations that work directly with immigrants and refugees. Nwe Oo, Health Equity programs director for Alameda and Contra Costa Counties, Community Health for Asian Americans, a non-profit mental health service provider for 20 linguistic communities in the underserved and unserved Asian Pacific Islander immigrant community, told the committee that,

> Working with refugee families, documented and undocumented, I can say people are living in fear because Muslim community members, they stay sick in their house because they emotionally and mentally are not ok. Their children are afraid to go to school or seek county services, families want to get county services but believe they can only if they get legal immigration status. Because if they don't have that status, they fear they will be deported on the way to or as a result of seeking those services.[16]

Bay Area Legal Aid, an organization focusing on housing, domestic violence, youth justice, public benefits, and access and re-entry services reported that immigrants are now more afraid to access public benefits or challenge improper actions by the Alameda County; college applications from Deferred Action for Childhood Arrivals (DACA) students are drastically down; and the rumors of ICE raids and other enforcement actions are having a detrimental effect on the well-being of immigrants.

As the District Attorney's Office reported to the committee, the office's Labor Trafficking Unit has found all too many individuals in need of the office's assistance who are "both with and without legal status, and are trapped in situations where traffickers have taken away immigrants' passports, threatened to call federal immigration enforcement, or have forced them into debt."[17] The DA's office sees immigrants that work mostly in domestic service, janitorial services, construction, car wash, restaurants, beauty salons, massage parlors, and manufacturing.

To make matters more complicated, many immigrants living in the county experience housing insecurity or are homeless. According to the South Alameda County Unaccompanied Minor and Migrant Families Collaborative 18 percent of all homeless youth 0–24 years of age in 2017 were unaccompanied immigrants.[18] Unaccompanied immigrant youth (UIY) and transitional age youth (TAY) report significantly higher percentage of psychiatric/emotional issues including PTSD (50% v. 31%). Without stable housing, immigrant youth drop out of school and suffer all of the privations of limited schooling. If they lose their housing, they drop out so that they can go to work, never finish their high school education, and can become trapped into a life of poverty.

The Federal Context

During the Trump administration, immigrant communities were subjected to an onslaught of immigration law enforcement attacks with the effect of spreading fear, distrust, and trauma into every corner of the country's cities and towns. Across the U.S. interior, the administration revived the use of home and worksite immigration raids, and even arrests at formerly de-prioritized zones such as schools and childcare centers where parents drop off children, and targeted immigrants in major cities. Under the pretext of targeting "criminal aliens," federal immigration agents were empowered to use a vast surveillance system that draws upon social media and other sources of publicly and privately available digital data to aggressively find and arrest anyone who has entered the United States illegally or overstayed the terms of their visa.[19] They prioritized deporting anyone charged with any criminal offense, including

- people charged with littering and jaywalking;
- people who "committed acts that constitute a chargeable offense," including using a false social security number and otherwise, anything that a person might have done that one has never been charged for but that may be illegal;
- people who were ordered deported even if they did not know that they had been ordered deported in the case that they never received a notice;
- anyone who had contact with the immigration system before;
- and anyone who was "a threat to public safety and security" a catch-all category given that the administration framed undocumented immigration as a public safety problem from the outset.

In effect, all undocumented immigrants young and old were considered "criminal aliens" by the administration and are being targeted.[20]

The Trump administration penalized their use of needed public benefits programs through a transformation of the U.S. Citizenship and Immigration Services (USCIS) "public charge" rule to vilify immigrants and make life so inhospitable for them that they might leave the United States. The Alameda Department of Social Services estimated a 13 percent disenrollment from public benefits and programs in Alameda due to the proposed public charge rule: 26 percent of the service population are non-citizens

In Oakland in February 2017, ICE officers surrounded a home of an Oakland family from the early morning until 11 am until the father for whom they had a warrant and who was not home at the time, returned. The mother barricaded herself and her child into the home and did not send the child to school. In a second case, ICE came to an Oakland home with a warrant looking for a father who was not home. However, his two sons who had DACA were home and ICE began to question them. One of the sons refused to speak to them but the other spoke with ICE and was taken into ICE custody and detained for over a month.[21]

(foreign born, Legal Permanent Residents [LPR], temporary protected status, and so forth). If half of the total non-citizen population disenrolled, the county would lose an estimated $34 million in services and benefits to immigrants and the loss of economic revenue. If every non-citizen disenrolled, it would be a loss of $68 million dollars.[22]

To accomplish its goals of deporting as many undocumented immigrants as possible, the Trump administration, like the Obama administration before it, pushed very hard to include local, county, and state government workers in immigration enforcement. They have particularly pushed hard to obtain the cooperation of probation departments, sheriffs, and police departments. Typically, how counties interact with federal immigration enforcement has included the following:[23]

- Sign a 287g agreement with ICE under which local officers are delegated with authority for certain immigration enforcement tasks
- Create a contract with ICE to detain immigrants in county detention facilities
- Transfer people directly from local custody to federal immigration officials
- Jails and juvenile detention centers agree to voluntarily hold individuals after their release dates and times (on criminal charges)
- Provide ICE with information about inmates to help ICE find, arrest, detain, and deport them, including release dates and

case data, ID numbers, home addresses and contact information, employment information, or other personal details
- Allow ICE agents to interrogate inmates while in custody
- Local law enforcement officers ask about immigration status and place of birth
- Patrol borders under the pretext of fighting criminal offenses rather than mere border crossing
- Provide backup in immigration enforcement activities or emergencies at immigration detention centers
- Participate in joint task forces where immigration enforcement is one aim among others
- Provide ICE access to county databases and law enforcement databases
- Provide ICE office space in county jails
- Probation officers may inform ICE that a person is coming in for an appointment, share probationers home addresses and contact information, schedule irregular and unneeded appointments to bring a probationer in for ICE to arrest them.[24]

The Immigrant Legal Resource Center has found that as of December 2019, 83 counties throughout the country have some form of affirmative agreement to conduct immigration enforcement under the 287(g) Program and 190 have contracts to rent bed space to ICE for immigration detention. Most counties do not actively partner on immigration enforcement in this manner.[25]

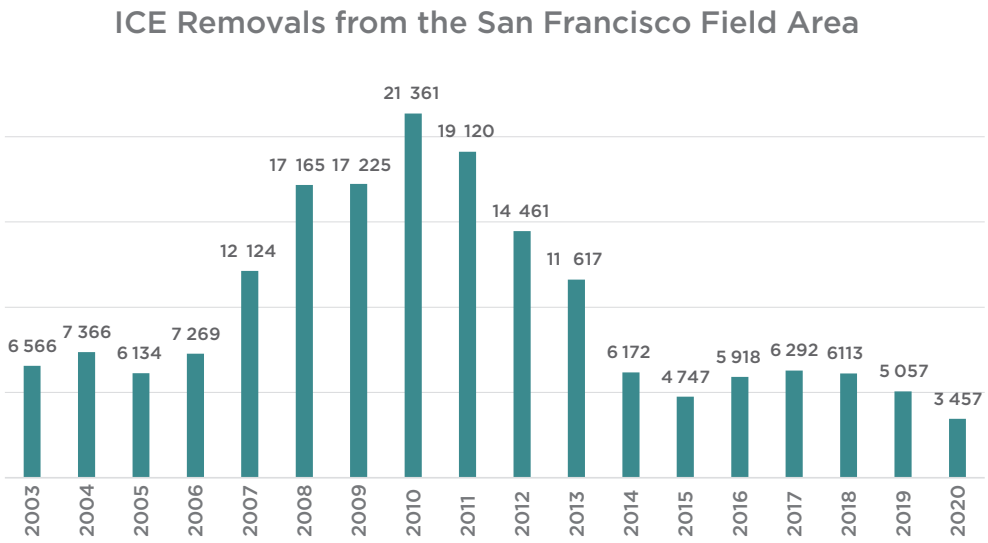
Secure Communities

The Trump administration also made use of the program Secure Communities, originally created by the George W. Bush administration, maximally used by the Obama administration, and currently used by the Biden administration. Secure Communities is a program in which local law enforcement agencies automatically send fingerprints of the individuals they book in jails to ICE for an immigration status background check. ICE then requests that local law enforcement voluntarily hold detainees it wants to potentially deport after the time when they would be released and to transfer custody of them to ICE.[26] If that is not an option—for instance, due to the locality or state having laws prohibiting local law enforcement from holding people for ICE because this violates their constitutional rights and costs the county money—ICE asks the local agency to provide ICE information about when and where the person will be released to the public so that ICE can arrive to arrest them. Further, in many cases ICE requests access to the jail and to interrogate the detainee prior to obtaining custody of them. In some cases, ICE has interrogated inmates in local custody without identifying themselves as immigration officers or providing any *Miranda* warnings, eliciting admissions of the person's place of birth, manner of entry into the United States, and immigration status in order to use that against the person in removal proceedings. This method of enforcement saves ICE time in locating individuals or capturing them at large, and therefore allows them to use local agencies as a "force multiplier" for the federal government if they cooperate. It also allows them to further frame immigrants that they capture as hardened criminals.

According to the Syracuse University Transactional Records Access Clearinghouse, which maintains a data monitoring system of ICE arrests and detentions, people with serious criminal convictions in ICE custody has dropped to just above 6,000 in April 2019 from 8,000 in 2017, while people convicted of at most a misdemeanor climbed to nearly 9,500 in 2019 from just over 6,000.[27] The growth in detentions of people with low-level convictions is due to driving under the influence convictions, other traffic offense convictions, and illegal entry. Among ICE's 500,000 total records of detainee convictions in October 2016–April 2019, only 82 (0.0149%) had been convicted of gang activity, 15,557 (3%) for assault, 6,788 (1.3%) for burglary, and 5,741 (1.1%) for drug trafficking. By contrast, 27,210 (5.4%) were convicted of a DUI, 23,783 (4.7%) were convicted for illegal entry, and 10,567 (2.1%) for traffic offenses.[28]

Local city and county jails cooperating with ICE make possible the largest number of ICE arrests among all possible methods for arresting, detaining and deporting people. ICE arrests in local and county jails make up 47 percent of all ICE arrests nationwide. This is more than three times the amount made in federal custodial environments, eight times those made in state prisons, and five times made by ICE officers in non-custodial environments such as in home or worksite raids.[29]

Once the federal government has found and arrested an immigrant, they are then placed in a detention facility counts as part of the world's largest immigration detention system.[30] In the United States, immigration



*San Francisco Area of Responsibility includes Northern California, Hawaii, Guam, and Saipan
Source: ICE Statistics, 2013-2020[32].

is used primarily as a punishment in of itself so as to be a deterrent for future immigration rather than detention for the purpose of holding people who are a flight risk. On any given day, over 40,000 children and adults are in immigration jails and prisons, in stark contrast to the mere thirty people in immigration detention on any given day in the 1980s. Two-thirds of people in U.S. immigration detention are in private prisons and the rest are locked up in county and city jails. The Contra Costa jail housing ICE detainees, and open since 2011, makes $6 million per year to house ICE detainees.[31]

Immigration Control Under the Biden Administration

Under the Biden administration, federal immigration enforcement has continued to target immigrant communities, albeit with some significant changes. While the Trump administration targeted all undocumented immigrants for deportation, the Biden administration, has in many ways sought to limit deportations for some immigrants, all the while moving rapidly forward with detaining and deporting others. For instance, the Biden administration issued an executive order declaring that ICE would temporarily only target individuals who had entered the United States since November 1, 2020, and those with certain felony convictions. ICE issued a memo in February 2021 stating that its enforcement priorities would be anyone suspected of terrorism or espionage, anyone whom ICE suspects should be targeted "in the national interest," anyone not physically present in the United States before November 1, 2020, anyone who has been convicted of an "aggravated felony," anyone convicted of a crime for which gang-related activity is part of the crime, and anyone ICE believes to have participated in a gang and who is 16 years or older.[33] In September 2020, the Biden administration issued further enforcement guidelines removing the aggravated felony factor and defined enforcement priorities broadly as individuals who were a threat to national security, a threat to public safety due to their "serious criminal conduct," or who are a threat to border security.[34]

The Biden administration however has broadened the definition of "sensitive locations" that are exempted from enforcement and removal operations under policies put in place in October 2021, known as the "Protected Areas" policy. These areas include schools, medical and healthcare facilities, places of worship, places where children gather such as playgrounds, recreation centers and childcare facilities social services establishments, places where disaster or emergency relief is administered, places where religious ceremonies take place,

and places where there is an ongoing parade, demonstration, or rally.[35] Additionally, ICE does not conduct arrests at clinics providing COVID-19 vaccines.

The Biden administration has also decided to continue to the use of contracts with private prison companies that manage immigration detention facilities and continued the Trump administration's lawsuit against California's law banning private prisons, AB 32.

When assessing ICE's statistics on arrests, detentions, and removals, under the Biden administration, all have dropped below Trump administration-era figures. Nonetheless, since the beginning of the Biden administration, immigration detention numbers have increased by 50 percent from 15,415 people in ICE custody to 22,129 individuals in ICE detention on October 1, 2021.[36] For 75.6 percent of these detained individuals, they have no criminal record.[37] In fiscal year (FY) 2020, under President Trump, the average daily inmate population in ICE detention facilities was 33,724 individuals and roughly the same amount of daily average detainees in July 2020 as in July 2021.

Also, in continuation from the Trump administration, the Biden administration is continuing the Secure Communities program to target immigrants in local jails, including the issuing of immigration detainers and notification requests. For this purpose, it is crucial that counties like Alameda continue to maintain clear policies and protocols for handling situations in which ICE attempts to seek county assistance in obtaining information about and custody of county residents, county agency clients, and inmates in county custodial facilities.

Refugee and Immigrant Rights at the Local, County, and State Scales

Since Donald Trump was elected in late 2016, at least 475 counties or roughly 16 percent of all counties in the country, have increased their "sanctuary" or "welcoming" policy protections and further limited their cooperation with federal immigration authorities to varying levels.[38] This has included strengthening non-cooperation and limited cooperation policies in Humboldt County, California, Baltimore County and Montgomery County, Maryland, Milwaukee County, Wisconsin, Denver County, Colorado, Bernalillo County, New Mexico, and Bernalillo County, New Mexico as well as in Philadelphia, Pennsylvania, Austin, Texas and Providence, Rhode Island.[39] More than 700 counties have policies limiting ICE detainers. And as of September 2019, approximately one quarter of all counties in the country—at least 715 counties—no longer comply with ICE's detainer requests. Further, 196 counties have stopped notifying ICE each time they release someone for whom they have received a detainer from ICE; at least 240 counties have instituted policies limiting ICE agents' ability to interrogate people who are detained in local custody; and at least 169 counties have prohibited officers from asking people their immigration status at all. Finally, at least 176 counties have policies that establish a general prohibition against using local resources to help with immigration enforcement or participate in joint operations with ICE. Many more localities have taken other steps such as ending data sharing agreements with ICE, preventing ICE from entering municipal facilities without a federal warrant, and reducing arrests and prosecutions by linking local criminal justice and policing reforms.

Additionally, many school districts have created or reaffirmed policies of non-cooperation with immigration enforcement. In California, unified school districts in San Francisco, Riverside, San Bernadino, Santa Ana, Los Angeles, and Ravensworth have such policies, while the Alameda County Office of Education and twelve of the eighteen school districts within the county have sanctuary district policies, as does the Santa Clara Office of Education.[40]

Local Advocacy and Immigrant Rights Networks

In Alameda County, as in many parts of the country, this local and county policy shift toward limiting cooperation with federal deportations has been the result of a huge effort of the immigrant rights movement, immigrant advocacy organizations working on the ground, and local legislators and department directors. These organizations have been responding to immigration enforcement activities by ensuring that networks and systems are in

place to help facilitate and guide individuals when they are the target of raids and enforcement attacks.[41] Immigrant advocacy and legal aid organizations at the local level have formed county-based coalitions to provide non-profit, linguistically competent deportation legal defense and Know Your Rights education for all immigrants and refugees in their area regardless of immigration status or income level.[42] Twelve counties in the San Francisco Bay Area are covered by such rapid response networks. In Alameda County, the Board of Supervisors has funded the formation of the Alameda County Immigration Legal and Education Partnership (ACILEP).

ACILEP's reach is county-wide, comprising ten community organizations, including Arab Resource Organizing Center, Black Alliance for Just Immigration, California Immigrant Youth Justice Alliance, Causa Justa/Just Cause, Filipino Advocates for Justice, the Interfaith Movement for Human Integrity, Mujeres Unidas y Activas, Open Community Organization, Street Level Health, and Vietnamese Community Center of the East Bay. And as part of the partnership, Centro Legal de la Raza and the Alameda County Public Defender's Office provide frontline legal services.

ACILEP coordinates the county's rapid response network, offering a multi-lingual toll-free emergency hotline number that allows community members to report immigration enforcement actions in progress and to activate a network of first responders to the sites of immigration enforcement actions. ACILEP's hotline became active on February 25, 2017. ACILEP organizations staff this hotline twenty-four hours per day, seven days per week, and work with on-call volunteer interpreters. When rapid response is triggered by a call, ACILEP's rapid response coordinator informs the caller of their immigrant rights during enforcement actions, assesses their needs, and contacts one of the network's seven individual community responders who then go to the site to verify the enforcement action. They document the immediate aftermath of an enforcement action, collecting video, photos, and notes of the incidents, and connect immigrants targeted and their families to legal services, including deportation defense, social services, and health services. ACILEP also works with local organizations to publicize the cases of detained individuals.

If there is a particularly large enforcement action, ACILEP's community-based responders lead teams of additional, trained rapid responder volunteers who conduct intake interviews, work with families, and provide interpretation. In addition to stopping deportations, the presence of immigrant advocate first-responders on the scene of an enforcement action sends a powerful message to the community that they are not alone. After confirming an enforcement action and documenting information from the action, the rapid response coordinator contacts one of eight attorneys on call to "file an appearance" for the affected individual to prevent their deportation. When no enforcement action is happening, the eight attorneys work on removal defense throughout Alameda County for individuals who are either detained in an immigration detention facility or those in a non-detained context. During the program's first year, ACILEP attorneys provided legal representation to 681 Alameda County residents facing deportation and gave free legal consultations to 2,784 individuals.

"It would have been impossible to support our family during my husband's detention without the support of ACILEP. They gave us a lawyer, visited with my kids, brought meals to us, and kept us laughing during the most difficult times."

Wife of ACILEP client detained for six months before ACILEP was finally able to get him released, 2018

ACILEP's rapid response coordinator also works with its partnering community groups to create up-to-date immigrant and refugee Know Your Rights materials to distribute to community members and to conduct trainings. ACILEP holds weekly Know Your Rights trainings at schools, places of worship, health clinics, and community locations throughout Alameda County. They formalize partnerships with schools and clinics that immigrant community members trust, including with the eight community clinics that form the Alameda Health Consortium, which is funded by the county.[43] Part of this outreach includes talking to people about knowing what would happen when the administration's new public charge rule became active and knowing how to safely access vital services, setting up emergency guardianship plans for children in the event of an immigration enforcement action, making contingency plans in the case that the family's main salary earner is detained, and knowing that there is community financial support for them. These trainings include community responders and an attorney. ACILEP also holds monthly legal clinics in Livermore that have drawn as many as 400 people in a single clinic, Union City, Fremont, and Pleasanton as well as weekly clinics in the Oakland Unified School District and the Hayward Unified School Dis-

trict. In the first year of the program, ACILEP organizations conducted 209 Know Your Rights workshops throughout Alameda County, reaching over 8,759 community members.

ACILEP was first funded in 2017. It received $750,000 per year over a two-year period from the Alameda County Social Services Agency (SSA), and gets additional funding from the city of Oakland, and the San Francisco Foundation. The advocacy organization El Centro was the non-profit fiscal sponsor for the project.[44]

Statewide Landscape in Immigrant and Refugee Rights

At the state level, a great proliferation of policy efforts and grassroots mobilizations developed to disentangle state, county, and local government workers from federal immigration enforcement and to stop deportations. In California, a significant number of important policies and laws have been passed at the state level that affect the degree to which local, county, and state government may cooperate with ICE or refuse their voluntary requests.

Much of this policy has come as the result of collaborative work between immigrant and refugee rights advocacy organizations and legislative offices at the state level. Convened by the California Immigrant Policy Center, immigrant advocacy organizations have participated in a statewide coalition called the ICE Out of California Coalition, which meets weekly by phone, discusses updates in immigration enforcement and policy and what they can do to make sure immigrants and refugees are safe and have access to services that they need. They coordinate grassroots campaigns targeting local cooperation with federal immigration enforcement as well as state-wide local, county, and state policy advocacy oriented mobilizations and media work. They have worked to establish rapid response networks in each region of the state that maintain phone hotlines.

Most significantly, as a result of their policy advocacy work, in January 2018, the state began implementation of the most wide-sweeping sanctuary law in the country—SB 54, the California Values Act. This law forbids all city, county, and state agencies, including law enforcement but also social service agencies and benefits provision agencies, in the state from using agency money or personnel to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purposes. This prohibition included inquiring into an individual's immigration status; detaining an individual on the basis of an ICE hold request; providing information on a detainee's release date to ICE; providing personal information of a detainee like their home address or work address to ICE; making arrests based on civil immigration warrants that ICE places in local law enforcement databases; attempting to prevent illegal entries by boarding or searching any vessel, railway car, aircraft, conveyance, or vehicle, or having access to private lands near the border. It forbids local government agencies from entering into any agreement with ICE or U.S. Customs and Border Protection (CBP) such as a 287g agreement in which local law enforcement is supervised by ICE agents or where they investigate, apprehend, or detain undocumented immigrants, or transport them across state lines to detention centers. And finally, SB54 forbids local and state government agencies from using ICE officers as interpreters for police work transferring people in local law enforcement custody to ICE, providing office space in local government buildings that is for ICE's exclusive use, or creating new or expanded contracts with ICE to house immigrant federal detainees prior to their deportations. SB54 reaffirms provisions in the 2016 state law, AB 2792, also known as the TRUTH Act, which establishes *Miranda*-type advisals prior to ICE interviews in local and county jails and requires local law enforcement to notify a detainee that they will be sharing information with ICE in response to a detainer request.

These kinds of provisions are what the media focuses on and what the Republican Party and its base amplifies in electoral campaigns and legislative initiatives to produce anti-sanctuary policy. However, also embedded in SB54 and other sanctuary policies is policy exceptions also referred to as "carve-outs," instances when law enforcement can work with ICE to enforce federal immigration law or to participate in joint task forces with ICE. And SB54's exceptions are significant. Under SB54, local law enforcement may transfer an individual to immigration authorities when presented with a judicial warrant or judicial probable cause determination, or when an individual meets certain criteria based on their criminal convictions. For instance, if a person has been convicted of a serious or violent felony, a felony punishable by imprisonment in state prison, or if they were convicted in the past five years of a misdemeanor for a wobbler crime, that is, a crime that could be punishable as either a misdemeanor or a felony, or if they have been convicted within the last fifteen years of a felony for any one of the almost 800 crimes listed in SB54's policy text. Law enforcement may also transfer to ICE anyone who is a current registrant on the California Sex and Arson Registry, and someone convicted of

"felony re-entry" crime, which occurs when an immigrant re-enters the country without authorization after previously being deported.

Local law enforcement may provide information regarding any person's detention release date or an individual's private information to ICE if it is already public information, for instance, if it is on the jail's website. This includes people who might have been booked into jail after being accused of a crime, but whose charges are dropped for lack of evidence or other errors, and people who have been charged with very low-level crimes. Keep in mind, since 2011, California law enforcement has been using fingerprint technology that sends all fingerprints of everyone booked in local facilities to ICE and then ICE does a preliminary immigration status background check. This SB54 policy exception, which allows for the sharing of publicly posted information, has led local Sheriffs throughout the state to post detention release information and other private information on all inmates in local jails on their public website with the expressed intent to facilitate ICE more easily attending releases of anyone they suspected of being undocumented no matter the level of the crime.[45]

Among other provisions, allowing local law enforcement to cooperate with immigration enforcement officers, local law enforcement also is permitted by SB54 to let ICE enter jails and interview anyone they want if that detainee has provided written consent.

Given this extensive allowance for providing deportation assistance under the California Values Act, it is important that localities and counties throughout the state, including Alameda County, go further than SB54's requirements and allowances, and take further steps to integrate refugees and immigrants and reduce their cooperation in immigration enforcement assistance activities.

Alameda County Immigrant and Refugee Rights Efforts

This section will provide summaries of the work of frontline Alameda County departments to ensure the effectiveness of immigrant rights, to minimize county assistance in immigration enforcement, and to provide county services to all people regardless of immigration status.

The Board of Supervisors

The Alameda County Board of Supervisors has taken crucial steps to ensure that the rights of immigrants and refugees are upheld and that county assistance to ICE and CBP for deportations is minimized in this time of increased immigration enforcement. In addition to convening this ad hoc committee and providing funding for the completion of this report, the board has provided funding for legal staff to hold Know Your Rights trainings for undocumented immigrants and refugees at ad hoc committee meetings and to provide free follow-up legal services for meeting attendees.

Legislative staff in the office of Supervisor Richard Valle have worked with the City of Fremont to do outreach to employers to educate them on their rights to refuse ICE and CBP to conduct workplace raids. As part of this work, they have been in communication with the Fremont Chamber of Commerce, a network of employers in New York City who have joined together to resist workplace raids, and with the mayor of New York City.

At the Ad Hoc Committee meetings, legislative aides have distributed wallet-sized "red cards" to immigrants in attendance for them to present to ICE and CBP agents. The red cards outline that during an immigration enforcement action, the individual is asserting their right to remain silent and their right to privacy. The cards also include the phone number for the rapid response hotline in Alameda.

The board has provided funding for the Public Defender's Office to hire immigration lawyers to both advise public defenders on immigration consequences when defending their clients in criminal proceedings and to provide subsequent deportation defense. The board has also provided $1.5 million in funding for non-profit legal organizations serving immigrants to allow them to provide rapid response immigration legal defense.[46] This legal defense funding has primarily been granted to Centro Legal de La Raza to be distributed to eight different legal organizations serving various immigrant communities participating in ACILEP.

The board has fought for DACA and a path to citizenship. And the board has passed various pieces of legislation supporting immigrants and refugees. This board action has included language access laws, which allow county documents and services to be provided in six threshold languages, and resolutions "Regarding Civil Immigration Detainers Request" (April 2013), "Supporting Comprehensive Immigration Reform" (July 30, 2013), "Upholding Due Process and Protecting Civil Rights of Immigrant Residents" (September 2016), "Designating Alameda County a Welcoming County for Immigrants and Refugees" (September 2016), and "Opposing the Recission of the DACA Program and Calling for a Path to Citizenship for Undocumented Immigrants" (September 2017).

The board has also worked with sheriffs to monitor ICE's activities in the Santa Rita Jail,[47] and assisted immigrant advocacy organizations to ensure their visitation of detainees and independent monitoring of the conditions in the jail[48]

Finally, the board has used $9 million of General Fund money per year to fund the Health Program of Alameda County (HealthPAC), which provides comprehensive health care services to low-income, uninsured residents of Alameda County regardless of immigration status. Read more about this program in the Healthcare Services Agency section later in the report.

The District Attorney's Office

The District Attorney's Office has attempted to integrate provisions for disassociating with immigration enforcement agencies in a variety of ways.

I. Designated Family Justice Center as a Safe Place for Undocumented People

In 2004, the office created the Family Justice Center that aims to serve all victims of interpersonal crime and to create a safe environment for all people regardless of immigration status. Part of building this environment includes implementing a policy of not asking for the immigration status of clients and displaying a letter in their facility that states their commitment to serving all people regardless of immigration status. Half of the center's staff are Spanish speakers and the office estimates that 45 percent of people who seek their services are monolingual Spanish speakers, and 25 percent or 3,750 of the 15,000 visits they receive per year are with undocumented immigrants. To ensure that language is not a barrier to accessing District Attorney services, the office and the center create materials for crime victims in Spanish, Chinese, and Farsi, and make the language services available online.

As part of the Family Justice Center's Step-Up program for crime survivors to gain training in employment empowerment, the office has created a group specifically for Spanish speakers. In this group, they have added a new Know Your Rights component that focuses on immigrant rights during enforcement actions. The Family Justice Center partners with Laney College to offer English as a second language course and contracts with immigration lawyers to provide clients immigration-related legal services. As part of this effort, the office and their non-profit legal partners assist clients in seeking U visas or T visas for victims of certain crimes such as domestic violence or assault. The office assists with filing 100 U and T visa applications per year. The office also partners with the International Institute of the Bay Area to provide an immigration legal clinic at the Family Justice Center every other week, providing advice on visas, deportation defense, and T and U visas. The center also partners with the non-profit organization La Familia, which provides counselling to Hispanic victims as part of La Familia's Trauma Recovery Center.

II. Minimized Immigration Consequences through Plea Bargaining

In the process of prosecuting crimes, the District Attorney's Office has made a commitment to "the avoidance of adverse immigration consequences in the plea negotiation process."[49] This process is regulated by California Penal Code Section 1016.3 (b), which holds that "The prosecution in the interests of justice… shall consider the avoidance of adverse immigration consequences in the plea negotiation process as one factor in an effort to reach a just resolution."[50] To implement this policy, the district attorney consulted with an external legal expert from the University of California, Davis to create a guidelines document for plea negotiations titled, "Immigration Policy: Consideration of Collateral Immigration Consequences in Review and Charging cases, in Plea Negotiations and Post-Conviction Review."[51] The district attorney then further partnered with the Immigrant Legal Resource Center to revise and amend the policy and to conduct trainings on the policy.[52]

Among the guidelines this document provides to prosecutors, it advises that while it is rare for a prosecutor to know the immigration status of a defendant, if it is known, immigration status shall be considered when evaluating if charges should be filed if alternatives to filing charges would have negative immigration consequences such as deportation. It also advises that prosecutors consider immigration status to determine what charges are filed.[53] In plea negotiations, prosecutors are advised to consider the potential collateral consequences of a criminal conviction and to make a negotiated offer and disposition if the collateral consequences are disproportionate to the crime and sentence under law.[54] The decision to factor in collateral consequences are to be openly made and noted in the case file as well as any rejections of such offers. During the post-conviction review process, in those cases with a "prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty of nolo contender," prosecutors are advised to respond quickly, conceding the motion. Prosecutors are advised to have informal discussions with counsel about the district attorney's position on a motion before it is written and to have a prompt response conceding motions when warranted. Among many factors that District attorney prosecutors should consider when conceding a motion is immigration status.

Additionally, the district attorney works with the public defender and the public defender's immigration lawyers to reach fair and just dispositions given the immigration consequences and the crime committed.[55]

To implement this guidelines document, the district attorney has created a training for the attorneys and other staff of the office and provides subsequent training when there are any updates to the guidelines.[56]

III. Opposed Courthouse Arrests

As a general rule, beyond plea negotiations, the District Attorney's Office does not work with ICE or CBP. District attorney witnesses in other counties have been targeted by ICE agents who have come into court and removed people from their proceedings to detain them, including domestic violence victims. While this has not happened in Alameda County, the Alameda District Attorney has protested this type of enforcement action and has pledged to combat these actions going forward.

In April 2017, the District Attorney signed a letter authored and supported by the District Attorney herself and several other elected California District Attorneys that was sent to the U.S. Attorney General Jeff Sessions regarding the issue of courthouse arrests. The district attorney also joined in a protest letter to the United States attorney general and Homeland Security Secretary John Kelly. The district attorney had subsequent conversations with federal officers reminding them that crime victims and domestic violence victims and witnesses all go to the courts seeking justice and due process of the law. The district attorney also participated in discussions with members of the California Judicial Council, Criminal Law Advisory Committee on which she serves, regarding the protections all should have when entering into California's courthouses. Further, she gave interviews on the subject and spoke extensively on the issue publicly. At the Family Justice Center, the district attorney led a "talking circle" to assure community influencers and victims themselves that the courthouses were safe for them. She also supported the actions by the chief justice of California who sent a letter to the attorney general demanding that ICE refrain from entering state courthouses and refrain from arresting individuals as they sought the services of the justice system through the courts.

IV. Convened Labor Trafficking Task Force

The district attorney has convened a task force focused on labor trafficking which in many cases focuses on trafficking undocumented immigrant laborers. More than fifty participants are in this task force, including legal providers and immigration advocates. As part of this effort, the office has dedicated one prosecutor to the role of "victim-witness advocate" trained to hear and prosecute labor trafficking cases. This work is supported by the office's Human Trafficking Unit and the Consumer, Environmental Protection Unit. This task force brings various agencies together to run collaborative outreach projects to prevent vulnerable workers from exposure to exploitation and human rights abuses. Together, participant agencies discuss common issues, develop inter-agency trust, and design best practice protocols. The task force partners with Ruby's Place, St. Anthony's Catholic Church, Oakland Unified School District, and the Consul General of Guatemala and Mexico to gather the immigrant community together to discuss labor and immigrant rights. They conduct trainings for city employees in Oakland on human trafficking and have hosted two hotel/motel trainings in Alameda County since 2016 to train over 100 hotel and motel workers on worker's rights and human trafficking. Relatedly, the office's Human Trafficking Institute has done outreach to medical professionals in Kaiser Hospital Oakland, Highland Hospital, and Alta Bates Hospital.

V. Created a Diversity and Shared Community Committee

To counter immigrant distrust in law enforcement, the District Attorney's Office created a "Diversity and Shared Community Committee." The committee is made up of individuals who are employees of the District Attorney's Office and who are either immigrants to the United States or represent the diversity of the Alameda community. Through the committee, the District Attorney's Office has created office materials in multiple languages, participated in street fairs and community events, provided information to the diverse population about what the District Attorney's Office actually does and how it can serve victims of crime. Members of the committee serve on various boards that represent the diversity of the county. The committee has reviewed, and in some cases, re-written policies that they then speak about at community events and to community leaders.[57]

VI. Created a Special Response Team

With the increase in crimes and hate motivated speech against Asian Americans that occurred in 2021, the District Attorney created a Special Response Team with members of the office, including prosecutors, inspectors, and victim advocates, some of whom are immigrants, and all speak Cantonese, Mandarin, Vietnamese, Korean, Farsi, and other languages. The team has created posters in five languages to distribute to businesses throughout the county to provide information, and by July 2021, more than 700 posters had been distributed.[58]

VII. Created a Hate Crime Hotline

To respond to an increase in hate-motivated behavior, some verbal and some physical, against Muslim

individuals living in the county, the District Attorney's Office created a Hate Crime Hotline. The Hate Crime Hotline receives fifty calls per year. Most of the calls report hate motivated conduct against an individual who the hateful actor assumes to be an immigrant based on appearance, including clothing, language and other factors. The office responds to the calls through the creation of public education programs addressing the hateful behavior. The office has supported and provided resources for a program called "Meet a Muslim," which has educated thousands of individuals about Muslim culture and religion. And from information the hotline has received, the office produced public service announcements that have played on Chinese language television, Farsi language television, and Spanish language television and radio.

VIII. Performed Community Outreach

Additional work to integrate immigrants in the office's programs and disentangle the office from immigration enforcement has included organizing speaking engagements in immigrant communities and holding information booths at community fairs and festivals. The district attorney has also appeared in the media to communicate to Alameda community members that the office is a safe haven for them. Representatives from the district attorney's Victim-Witness Program have done outreach in the community to assure people who may be victims of crime that the office does not ask, nor will it deny a victim of crime services based on their immigration status.

The District Attorney's Office is also invited to speak in town halls and public meetings, many of which are hosted by community members or mayors. The District Attorney's Office also speaks in schools throughout the county to very diverse groups of students and through the DA Justice Academy, which comprises more than 100 juniors and seniors in high schools throughout the county, many of whose parents are immigrants to the United States.

IX. Creating a Diverse and Pro-Immigrant Workforce

The district attorney has intentionally hired a diverse workforce that includes immigrant staff, including employees with active DACA status, who speak multiple languages, and who are sensitive to the needs of many of Alameda's immigrant populations.

X. Advocacy and Support for Pro-Immigrant Policy and Legal Action

The District Attorney's Office supports the Alameda County Board of Supervisors' resolution upholding the due process and civil rights of immigrant residents; supports making California State Courthouses "safe havens" from immigration enforcement tactics.[59] District Attorney Nancy E. O'Malley also filed a declaration of support for California State Attorney General Xavier Becerra's lawsuit against the Trump administration in its attempt to end the DACA Program.

Alameda County Office of Education

The Alameda County Office of Education (ACOE) provides support to the eighteen school districts in the county from Albany to Mountain House with academic and social-emotional-behavioral intervention services. As such, this office affects the educational experience of over 220,000 students.[60] Additionally, the office convenes networks focused on family engagement and English language learners, covering such topics as migrant education programs for families affected by immigration enforcement policies.

I. Sanctuary Policies

ACOE adopted a sanctuary resolution in December 2016 and has modified a variety of sanctuary provisions in various sections of its Education Code. In its admissions policies, ACOE forbids office staff, including the superintendent, from inquiring into or requesting documentation of a student's social security number or the citizenship or immigration status of the students or their family members.[61] Beyond the admissions process, no information or documents regarding the citizenship or immigration status of students or their family members may be collected, except as required by state or federal law or as required to administer a state or federally supported educational program.[62] If a county employee receives a request from immigration authorities for information about a student, he/she shall immediately report the request to the superintendent.[63] The superintendent shall report the request to the board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information (Education Code 234.7).

The Education Code also prohibits at any county office, school, or school activity, discriminatory harassment, intimidation and/or bullying, against any person based on his/her actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.[64] The office may not deny a student enrollment in a county school on the basis of the citizenship or immigration status of the student or his/her parents/guardians. Office staff may only ask for documents proving the child's age that are freely available to undocumented immigrants and that do not require them to reveal information about citizenship or immigration status.

Finally, teachers, school administrators, and other school staff are required to receive training regarding immigration issues, including information on responding to a request from an immigration officer to visit a school site or to have access to a student.[65]

Twelve out of the eighteen school districts in Alameda County have passed "sanctuary district" resolutions or plan to vote on one. The six remaining school districts, some which are in remote suburban contexts when they have no immigrant students, are in the process of having conversations with their boards about sanctuary school policies. There is continuity between the resolutions adopted in the various districts and some districts go further to include language about their specific immigrant populations.

II. Mental Health Services in Schools

To combat the depression, anxiety, and subsequent absenteeism of immigrant students, depending on the funding, some schools have allocated funding for specific mental and social health, and emotional support programs for immigrant youth, specifically UIY. However, the ACOE has identified a gap to getting these services to non-Spanish speaking immigrant youth, such as Arabic, Mam, and Farsi speaking students, from a few school districts. Schools have provided training to staff in professional development to provide culturally relevant ways of supporting immigrant students specifically and to identify the best manner to refer youth to social health, mental health, and emotional health services in the school district and in the community.

Some schools have convened safe spaces for students and adults that provide a support group structure, with the intention of improving the emotional and social well-being of immigrants but also with citizens who they interact with in the workplace, at school, and in the community.

III. Immigrant Legal Services in the Schools

The ACOE reports that schools in the county have out-of-date legal resources for their families since the immigration enforcement legal landscape is changing so quickly. Leaders of schools throughout the county, including in Fremont, Newark, and Livermore, have received many questions from families about what is going to happen to their children if their parents are detained and deported. These leaders have been unable to answer the families' questions and have expressed to ACOE that they need lawyers who can provide legal advice to families about their individual situations.[66] The ACOE has reported that many school families are uncertain about the status of their children who have DACA as well as individuals who need to renew their DACA.[67] Some districts, includ-

ing those in Hayward, Oakland, and New Haven, are partnering with community groups to do Know Your Rights workshops and legal aid workshops.

IV. Public Communications to Families

The ACOE has conducted community meetings with families from the school districts and many immigrant families expressed that they want reassurance from district officials and school leadership about their support for immigrant, refugee, and asylee families and that these families and students are safe and protected. In response, the ACOE has worked with the communications department and public officers to put together videos about specific support services that the schools are providing immigrant families and students and how to access those services.[68]

V. Using General Funding to Address the Needs of Immigrants and Refugees

The ACOE has worked with school districts to leverage some of their resources obtained through the local control funding formula, money for education, to better communicate information about support services for immigrants. Schools also have examined how they might be able to use "supplemental and concentration grants"—money earmarked for low-income students, English learners, and foster care youth—for immigrants and refugees. Schools need to show that this money would principally benefit low-income students, English learners, and foster care youth through providing evidence that is measurable. In particular they have examined to what degree these grants could improve immigrant and refugee student attendance, social and emotional health, and access to academic content to be able to perform on exams. [69]

RECOMMENDATIONS TO THE DIRECTOR OF THE OFFICE OF EDUCATION

1. Support all unified school districts in removing law enforcement from of all schools in the county. While the Oakland Unified School District has removed law enforcement officers from schools, many Alameda County Unified School Districts have yet to take such an action. Juvenile arrests by School Resource Officers (SROs) in K–12 schools and adjudications can increase the likelihood of deportation, creating a school-to-prison-to-deportation pipeline. Work with unified school districts throughout the county to review and revise their safe-haven and sanctuary school policies and school disciplinary policies to minimize the involvement of local law enforcement in school matters. Support the districts in creating restorative justice, peer mediation, and positive behavior support programs instead of suspensions and arrests.[70]

2. Expand mental health, social health, and emotional support services to Mam, Farsi (Persian), and Arabic speaking immigrant youth in schools. The Office of Education shared with the ad hoc committee that non-Spanish speaking students are having a difficult time accessing mental, behavioral, and social health programs designed to combat the depression, anxiety, and subsequent absenteeism of immigrant students. In particular, the office has heard that Farsi-speaking students need more of these services and are not receiving them. Work with school districts to expand existing programs to all schools with immigrant populations for greater access in languages including but expanded beyond Spanish, and especially, including Mam, Farsi, and Arabic.

3. Work with legal counsel and immigration counsel to amend Policy No: 300-1-1: Consumer Grievance and Appeal System (revision date 6/5/2018) to explicitly state that grievances may be lodged by anyone regardless of immigration status and that the grievance will not lead to any negative immigration consequences. Verify the truth of this fact and that there are no possibilities for immigration consequences because sometimes the appeal process takes a client to state court.

4. Amend the "Nondiscrimination Notice" (Attachment J mentioned on p.10 of the "300-1-2 NOABD P&P" document) to prohibit discrimination on the basis of immigration status or refugee status.

5. Support all school districts in hiring an immigration legal point person to assist district families. Schools are for many immigrant and refugee community members, the first point of contact with public institutions and one of the only that they are routinely visiting. Work with districts to identify funding to hire a legal staff member that can serve as a "central point of communication" in schools regarding immigration legal issues. This individual could coordinate work with the Health Care Services Agency's (HCSA) Unaccompanied Immigrant Youth Care Team" which, since early 2017, has been working in school settings to build UIY care capacities in schools. A legal staff person could work with other school staff, the care team, and families in schools to answer questions about what happens to children when parents are detained and deported, what to do about a child's DACA status, and to provide individualized legal advice for immigrant and refugee families. This point person would continually monitor changing immigration policies and work with community-based immi-

gration-focused legal organizations to maintain an up-to-date toolkit for immigrant and refugee families translated in the languages spoken by the families of the district.[71] Such a tool kit should include information on the process for identifying an individual who has U.S. citizenship and who can be a guardian for a child in the case that the parents are detained and deported. Further, this immigration legal point person could coordinate trainings for school staff in professional development to foster culturally relevant ways of supporting immigrant students specifically and to identify how a warm handoff is made to social health, mental health, and emotional health services in the school district and in the community.

Health Care Services Agency

The Board of Supervisors has directed significant resources to safety-net programs for immigrant populations. In January 2019, the board approved budgetary base allocations to the Health Care Services Agency (HCSA) for a total of $627,420 to be used for immigrant populations for FY2019–FY2022.[72] This consisted of $191,324 for health services for Day Laborers, $350,000 for UIY, and $86,096 for mental health services for newcomers and immigrants.[73] In addition to providing these critical health services, the HCSA and its various departments completed an incredible amount of immigrant integration work and took protective action to minimize the impact of immigration enforcement and the fear of it for their immigrant clients.

HCSA Office of the Agency Director

Under the direction of the Office of the Agency Director (OAD), the HCSA focused on immigrants through the following programs.

I. Alameda County Care Connect

The OAD manages the program Alameda County Care Connect, which connects county residents to various county administered benefits programs such as CalWorks, CalFresh, General Assistance, Medi-Cal, Medicare, Unemployment Insurance, CA Disability Insurance, Social Security Disability Insurance, and Supplemental Security Income.[74] The staff of this program have been trained to understand how a person's whole health includes their immigration background. Through this program, they also provide immigration legal referrals to stabilize health situations. In the process of educating the public about these various benefits, HCSA Care Connect staff provide members of the public with information explaining who is eligible for U and T visas for victims of crime and trafficking and how to apply for them and about the federal government's public charge rule change that sought to deny certain immigration-related legal statuses and benefits following an immigrant's use of certain public benefits.

II. Home Stretch Alameda

Home Stretch Alameda Housing fund managed by the HCSA provides a flexible source of funding to help Alameda County eligible consumers and their families obtain and maintain long-term stable housing of their choice. As part of the eligibility screening process, applicants are asked "Hay alguien en su grupo familiar que no tenga un estado inmigratorio legal en los Estados Unidos?" / "Is there someone in your family group who doesn't have a legal immigration status in the U.S.?" The individual is supposed to answer for themselves with "Yes," "No," or "No response," and then to also answer for the proposed members of their family group. They are also supposed to explain the "yes" responses in more detail.[75]

III. Center for Healthy Schools and Communities

To meet the physical, social, and emotional needs of UIY in Alameda County, the HCSA has worked with other county agencies and community organizations to create an "integrated system of care" so that UIY attend school ready to learn.[76] Behavioral health consultants and UIY specialists at the school district level link UIY to services and build and monitor support for them. The activities of this system of care consist of facilitating capacity building with educational institutions and educators; conducting broad outreach to educators, school staff, students, and families; and providing direct services to UIY and their caregivers. The HCSA through the Behavioral Healthcare Department and with the Center for Healthy Schools and Communities (CFHSC) also participates in the County-wide UIY Care Team, which is a partnership between La Familia Counselling Services and Alameda County to provide comprehensive, school-based mental health and case management services to UIY and caregivers. To read the full details of the UIY Care Team, see the overview of the program below in the HCSA Behavioral Healthcare Department section.

The CFHSC has supported the documentation of a peer-to-peer mentoring model created at Madison Park Academy in Oakland so that it can be shared and replicated in other schools and youth-serving organizations throughout Alameda County. The model, developed by Robin Noel Morales, a licensed marriage and family therapist, addresses the challenges faced by the students in Sobrante Park, including violence and poverty, systemic racism, deportation, and living through financial and health challenges, with the supportive factors designed to empower youth. The mentoring program focused on promoting behavioral and academic and community engagement skills and is designed to fill a gap in lower-level school services. Assessment measures demonstrated increased self-esteem and resiliency among participants, leading to a more positive school culture and democratic participation in the community. Part of the mentoring training involved training in understanding the process of acculturation to life in Alameda County following immigration, and the risks associated with being an immigrant in the county.

The CFHSC also hosts a thirteen-week discussion and activity group for UIY in which participants discuss where they have come from, how they traveled to the United States, their transition to life in the United States, including challenges, coping skills, and stress management, and utilizing various forms of support. Such forms of support include those useful for overcoming language barriers, understanding social norms, fitting in socially at school, addressing their immigration concerns, and coping with the new life in Alameda County. They also discuss resources for support on their school campuses and in the community.[77]

As part of their work in county schools, staff of the center who focus on UIY created a *Guide for Teachers, Administrators, and School-Based Providers about Unaccompanied Immigrant Youth and Children of Migrant Families in Alameda County Schools*.[78] In the guide, they called for schools to identify UIY by conducting a "review of such factors as their country of origin, arrival date, manner of arrival, and if student or family has any unmet needs such as legal support or health care. However, by law, information on a student's legal immigration status should never be requested directly. If students are reluctant to offer information and you suspect they are a UIY consult with a school counselor or other school-based mental health professional." The guide advises them to create a welcoming environment by supporting youth in developing authentic, positive relationships with peers and adults and linking them with services and supports that the UIY themselves identify a need for. The guide also advised schools to support UIY caregivers, to help UIY express themselves and their experiences in school projects, and to attend to their learning gaps.

The center also commissioned a report from the Bright Research Group regarding "Unaccompanied Immigrant Youth in Alameda County." Among the recommendations from this report were for the county to meet the basic needs of UIY through investment in case management, housing, and legal services. Providing funding for case management would help UIY and families resolve their basic needs. Further, the report authors recommended that educators be provided with mental health consultations to help school systems be more responsive to UIY. They also recommended designing programming to foster youth connection to family, peers, and employment as a strong protective factors and motivators for UIY. And lastly, the report recommended that the county invest in programs fostering peer support, gang prevention, and mental health consultation to create welcoming schools for UIY.

IV. Other School-Focused Immigrant Supports

The CHSC partners with the Oakland Unified School District (OUSD) Central Family Resource Center (CFRC) and Social Services to help OUSD families to access county resources and interact with institutions as well as design programs meeting the needs of OUSD families. Part of this work is making families who do not have legal presence in the United States "feel included, safe and central."[79] As part of this partnership, they held an "acculturation" discussion group that allowed participants to explore their migration experiences, tell their stories, find common ground with other participants as well as differences, and create space to reflect on "what we've lost and what we've gained by moving to the US."[80] They also reflect on their current situation, envision their future, express their dreams, and discuss their emotions about these reflections.
Through the CFHSC, the HCSA has participated in the Family Partnerships program, and they made a presentation in May 2018, which included informing participants of the passage of SB75, a law passed in the 2016–17 legislative session that made full scope Medi-Cal available to all children under 19 years of age regardless of their immigration status. This law passage brought in 2,100 new participants into the program.[81]

V. HealthPAC

Perhaps the most significant immigrant integration and stabilization program that the Board of Supervisors directs and the HCSA manages is the Health Program of Alameda County (HealthPAC), which provides comprehensive health care services to low-income, uninsured residents of Alameda County regardless of immigration status. By 2019, eight years after the program started in July 2011, there were approximately 25,298 enrollees.[82] These health services are provided through a contracted network of health care providers, the HealthPAC Provider Network, which includes Alameda Health System (AHS), Alameda County Behavioral Health Care Services, and community-based organizations (CBOs). The program's objectives are to (1) optimize patient health and well-being by focusing on prevention and proactive health management, (2) control health care costs through a variety of means including reductions in the inappropriate utilization of crisis and emergency services, (3) provide an equitable and uniform method of payment for health services, (4) provide consistency in application of eligibility

standards, (5) develop a standardized and coordinated demographic and service database, and (6) more fully empower patients to take a more active role in their own care.[83]

This program provides services to residents of Alameda County who are 19 years of age and older, have a gross monthly household income level at or below 200 percent of the Federal Poverty Level, and are not enrolled in full-scope Medi-Cal, Covered California, or private health insurance. Primary care services will be provided by the medical home provider. Specialty, emergency room, and inpatient services will be provided by Alameda Health System and St. Rose Hospital (emergency room care and inpatient services only).

To apply for this program, an applicant must provide some form of proof of identity, which allows for various forms of identification that noncitizens and undocumented immigrants would be able to obtain as well. This includes not only a recent and valid California driver's license, or an ID card issued by the Department of Motor Vehicles, but also a Voter's Registration Card even from another country that has a picture, name and birth date; a Consular ID with photo; a school ID card with photo; or a work badge or building pass with photo. According to representatives of the HCSA Behavioral Healthcare Department in June 2018, HealthPAC had been underutilized by undocumented children because immigrant families were waiting to see if President Trump would target people using these kinds of benefits through the proposed public charge rule change.[84] When the U.S. federal government eventually did change the public charge rule, the HCSA made a public charge flyer notifying people that HealthPAC was not part of the public charge considerations.[85]

VI. Communications with Staff Regarding Public Charge and Immigration Raids

In July 2018, HCSA Director Colleen Chawla sent out information to all staff on the proposed public charge rule, reminding people that it had not yet gone into effect and no programs had been affected.[86] In August 2019, however, HCSA Director Colleen Chawla sent a memo to all staff about the Public Charge Final Rule Release, informing them that the rule would go into effect in October 2019, and that until then, services remained unchanged. She also informed them that a lawsuit was blocking it and she advised staff to refer clients to legal services for immigrants.[87]

In advance of announced ICE raids in Alameda County in July 2019, the HCSA Director Colleen Chawla emailed all staff to remind them not to give out client information without their consent; to forward any requests from law enforcement, subpoenas, or warrants to one's department director; and not to answer questions but rather to notify one's supervisor: HCSA leaders and county counsel would respond. They were also to notify supervisors if any law enforcement agencies sought client records; to not give clients legal advice; to refer them to immigration resources offered by community organizations; to report ICE activity to the immigration enforcement focused rapid response hotline; and to obtain Know Your Rights information from the ACILEP website.[88]

HCSA Behavioral Healthcare Department

The HCSA Behavioral Healthcare Department (ACBH) presented to the Ad Hoc Committee for Immigrant and Refugee Rights on February 16, 2017.[89] In the presentation, they stated that in early 2017, the department updated their Mental Health Services Act plan to allocate $2.5 million for school-based, school-linked services in community settings for unaccompanied youth and is the main HCSA department to staff and manage the UIY Care Team as well as hold the contract with La Familia Counselling Services for this work. The department established a "no wrong door" policy for Medi-Cal services so that if a person seeking department services is not on Medi-Cal or eligible for Medi-Cal, the department will find another funding source for those services and provide them to the requestor.

I. Child and Young Adult Systems of Care

Upon review of the ACBH's records, the author assessed the social worker intake questionnaires and found that the department asks new immigrant clients about immigration history, acculturation to life in the United States, accessing the HCSA's services, and the client's spiritual practices.[90] For instance, the social workers ask, "How was the journey in migrating to the U.S., if you are willing to share? *¿Cómo fue el viaje migrando a los Estados Unidos, si están dispuesto a compartir?"* [91] The LCSW assessment includes assessing in a client-led manner whether the client has undocumented status in order to identify a need for resources.[92] For instance, they seek to provide clients referrals for California Disaster Relief Assistance for Immigrants (DRAI), which allows people impacted by COVID-19 to receive $500 in direct assistance and $1000 per household through the California Dept. of Social Services.[93] Intake workers assess the stress for adolescents related to legal

problems that they or their family are experiencing related to immigration enforcement.[94] The assessment includes if they are experiencing fear of being detained or deported, obtaining immigration status, having trouble finding work, paying a large amount of money to migrate, experiencing the aftermath when someone they know was detained, or feeling obligated to migrate. In the process of making their assessment they also utilize a National Immigration Law Center Know Your Rights fact sheet in English, Arabic, Chinese, Korean, and Spanish to inform immigrants of their rights when facing ICE.[95]

II. Crisis Services

Behavioral Healthcare Crisis Services is a county-wide field-based program designed to provide urgent mental health services, including prevention, early intervention, outreach, engagement, crisis intervention, de-escalation, assessment, post-crisis follow-up, and linkage to ongoing mental health care and other psychosocial services.[96] Crisis Services strives to provide culturally and linguistically appropriate services through the recruitment of staff from the communities they serve; the use of a language line for telephonic and video translation; and ongoing collaboration with the ACBH Office of Ethnic Services. Their information packets for clients are available in English, Traditional Chinese, Farsi, Spanish, Vietnamese, Simplified Chinese, Korean, and Tagalog, including information on how to access the language line.[97]

ACBH also made a poster in many languages telling clients to point at their language and the ACBH worker could assist them or get assistance in their language.[98] Of 5,931 total clients, 98.28 percent access services in English (5,829) (from 4/1/2019–7/1/2020); 0.67 percent (forty people) in Spanish; 0.25 percent (fifteen people) in Cantonese; 0.19 percent (eleven people) in Vietnamese; and 0.13 percent (eight people) in Hebrew.[99]

III. Trainings

ACBH conducted thirty-three trainings from April 2018 to June 2020, with a total of 1,615 participants. These trainings included in linguistically responsive and trauma-informed care principles and interventions for Spanish speaking clients; "Immigration Trauma" for professionals working with Central American clients; cultural competency and mental health disparities among Asian Americans; cultural competency trainings, including understanding indigenous worldviews; understanding refugee situations; Afghan immigrant populations and gender, mental health, youth, identity crises, the family, and the psychological ramifications of immigration; trainings for interpreters in behavioral health; dismantling implicit bias and healing racial trauma; and understanding whiteness and moving away from color-blindness to cultural humility and competence.[100] The department has provided continuing education for staff in "Immigration Trauma" with a focus on Central American clients.[101] Participants reviewed risk factors and exposure to trauma that Central Americans experience in their country of origin as well as while residing in the United States. They were provided a general introduction to the LatinX American population, exploring the trauma and challenges specific to Central Americans, trauma caused by migration status, experiences of travelling to the United States, loss of connection with languages, traditions, and cultural history, and the barriers and mentalities that make accessing services difficult. Lastly, participants identified ways to engage and work with LatinX clients considered supportive and culturally responsive. This included therapeutic methods for helping them through things like storytelling and the narration of life histories. Other trainings included courses on "Migration and its Psychological Ramifications," "Human Trafficking," and how to work with an interpreter through the language line.

IV. Contracting with Community Organizations for Underserved Ethnic and Language Populations

ACBH in 2017 managed ten contracts with community organizations to provide preventive early intervention services for unserved and underserved ethnic and language populations (UELP), including immigrant and refugee populations, totaling $3,750,000.[102] The services included outreach and engagement, psychological education, prevention, mental health consultations, preventive counselling, and mental health referrals. The request for proposals (RFPs) considered a group "underserved" if it had not received services or was not receiving adequate services to meet its needs, which included populations defined by immigration status.[103]

V. Unaccompanied Immigrant Youth Care Team

The HCSA through the Behavioral Healthcare Department also participates in a County-wide UIY Care Team that is a partnership between La Familia Counselling Services and Alameda County to provide comprehensive, school-based mental health and case management services to UIY and caregivers. This team consists of a mobile coordinator, four mental health therapists, two case managers, a parent

partner, and a youth promotor who serve students at schools with the highest numbers of UIY. They conduct outreach to increase recognition of early signs of mental illness and so provide a variety of behavioral health supports that focus on prevention, early intervention, and treatment; outreaching and providing preventative linguistically appropriate and culturally sensitive counselling sessions for youth who immigrated to the United States without the accompaniment of a parent; a "Soccer without Borders" program; and Interpretation Services.[104]

Care team members link UIY to HCSA-supported School Health Centers for stabilizing physical and mental health supports, including screenings, assessments, and direct services. The team is particularly sensitive to the process of acculturation that UIY are going through and the challenges of navigating new institutional systems. To support the social and emotional needs of UIY, $2.5 million has been earmarked.

Nearly all support services are delivered at school sites in the school districts of Fremont, Hayward, Newark, New Haven, and Oakland, but care team members may also meet youth and families in the community or in their homes. UIY and children of migrant families who entered the country within the last three years are eligible for the UIY team's services.[105]

To build inclusive learning communities for UIY, HCSA assisted school districts to work to integrate UIY into the school environment; held legal clinics; coordinated with service providers, school-based health centers, and kinship support; conducted teacher consultations and trainings; provided support to UIY caregivers through café programs and served as liaisons to families; held eligibility events to discuss benefits such as Medi-Cal and food resources; and conducted peer support for groups, language clubs, and school tours.

A total of 5,950 people engaged with this team at different events and were trained to be first responders in agency organizations, faith settings, health centers, homes, offices, schools, and in other community settings. This number included 2,244 school staff, 1,970 youth, 847 family members, 565 community leaders, 144 local CBOs, 151 general community members, seven faith leaders, and eight law enforcement officials.[106]

The HCSA also provided trainings to school staff, registrars, and school counselors to increase school and district knowledge of UIY's unique needs and strengths and to assist districts in building a system of clinical and nonclinical supports to support their success. As a result, local school district staff have reported feeling more confident about identifying UIY, gaining a better understanding of UIY resiliency, and utilizing a strengths-based approach to support UIY. Oakland Unified School District built from this HCSA support to obtain outside funding for a dedicated UIY specialist at the district level, ten FTE clinician/case managers deployed to school sites to support all newcomer students, seven paraprofessional newcomer assistants, and two community navigators at the enrollment office who are trilingual in English, Spanish, and Mam. Hayward Unified School District has also dedicated resources to hire one FTE newcomer services coordinator.[107]

Finally, the UIY Care Team held a series of events for parents who were reunifying with their children after the federal policy of family of separation. Event themes included help to inform them about how a student completes high school and college, how to motivate students, understanding various perspectives of parents, understanding the various perspectives of children, communication and reunification, and technology and social media.[108] This information also helped parents to identify various symptoms in their children such as depression, post-traumatic stress, and hyperactivity, and to explain what resources were available in the school and those available in the community. They trained parents on how to request parent meetings with teachers and how to make them effective.

VI. Mental Health Paraprofessional Leadership Training Program for Refugees and Immigrants

During FY2016–2017, the Center for Empowering Refugees and Immigrants (CERI) implemented a pilot mental health paraprofessional leadership training program for unserved and underserved new and emerging immigrant and refugee communities funded by the Workforce, Education, Training (WET) program. To date, of the original thirteen interns that participated in the paraprofessional leadership training program, five graduates found employment in the Mental and Behavioral Health field at La Clinica Counselling Services, Lao Family Agency, CHAA, and a Bhutanese Community Program in Oakland.[109]

VII. Behavioral Health Medical Services Provided to Refugees

The ACBH in FY2018–2019, from July 2018 through the end of June 2019, provided behavioral healthcare services to 48 refugee clients over a total of 688 service days (total days all individuals received care

combined). Forty of these clients were provided outpatient services over 607 of those service days, and the remaining eight clients received acute and residential twenty-four-hour services (three clients over forty-one days); day treatment services (three clients over thirteen days); Medi-Cal Administrative Activity (one client over six days); and medical services (one client over one day).[110] During the following FY2019–2020, from July 2019 through the end of June 2020, the ACBH provided these same services to a slightly fewer amount of refugee clients (thirty-five clients) over a total of 472 service dates. Again, outpatient services were the most accessed services by refugees with thirty-two clients receiving care over 472 service days. The other three clients received day treatment services (two clients) over two days, and Medi-Cal Administrative Activity (one client) over one day.

VIII. Indigent Medication Program

The ACBH's Pharmacy Department operates an Indigent Medication Program for clients who are ineligible for federal benefits to receive necessary psychiatric medications. While this is not a program designed specifically for immigrants, in a post-Affordable Care Act (ACA) medical landscape, most consumers who are ineligible for federal prescription benefits are immigrants of varying immigration statuses. From July 1, 2018 through July 1, 2020, the budget for this program was $583,000 per year.[111]

IX. Language Access Policy

ACBH staff have internal policy No. 100-2-2 that requires ACBH staff to provide services in the beneficiary's preferred language with the use of an interpreter who is a staff member or non-minor family member in case of emergencies.[112] As of May 2019, language line services were also available to all contracted CBOs working with the ACBH.

X. Testifying for a Client in Immigration Hearings

ACBH staff have gone to client immigration hearings in federal immigration court to testify to the hardship that would befall their clients if a parent were deported and the child would need to leave the country and lose ACBH services after a client has granted consent and waived his or her privilege.[113]

RECOMMENDATIONS FOR THE DIRECTOR OF ALAMEDA COUNTY BEHAVIORAL HEALTH CARE DEPARTMENT

1. Consult County Counsel to explore amending Policy No: 300-1-1: Consumer Grievance and Appeal System (revision date 6/5/2018), so as to permit grievances lodged by anyone regardless of immigration status and assess whether grievance may lead to any negative immigration consequences. Amend the policy to allow for immigrants and refugees regardless of status to lodge grievances where no negative immigration consequences would result.

2. Amend the "Nondiscrimination Notice" (Attachment J mentioned on p.10 of the "300-1-2 NOABD P&P" document) to prohibit discrimination on the basis of immigration status or refugee status.

3. With counsel, review and revise the DMC ODS Member Handbook p.63, "Important Information about the State of California Medi-Cal Program," which states that an individual may qualify for Medi-Cal if they are "certain refugees, or Cuban/Haitian immigrants." The group of eligible applicants may now be broader given that full-scope Medi-Cal is now available to all youth regardless of immigration status who are under 21 years of age and limited scope Medi-Cal is available to certain undocumented immigrants.

HCSA Public Health Department

The Public Health Department's services are provided throughout the county regardless of ability to pay, or immigration status, and none of its programs require staff to ask about immigration status, nor do they ask about this information according to the department Director Kimi Watkins-Tartt.[114] None of its services exclude or specifically target immigrant patients.[115] The department is prohibited by the federal law Health Insurance Portability and Accountability Act or HIPAA from sharing information about patients and the services that the department provides them without obtaining the patient's permission except in certain circumstances.

Intensified immigration enforcement can pose challenges for the department's efforts to collect public health data if people are hesitant to share information in the effort to prevent communicable and preventable diseases. Soon after the 2016 presidential election, the department engaged in a variety of activities to mitigate the impact of increased immigration enforcement upon the department programs, activities, and services.

I. Establishment of a Cross-Division Committee Focusing on Immigration Enforcement

Department leadership convened a cross-division committee focused on addressing issues related to

immigration enforcement and public health. This committee, called the DPH Immigration Issues Committee, included one to two staff from each division in the department, which amounted to twenty-five staff total, including frontline staff who work with clients as well as staff that focus on administration and policy. The Immigration Issues Committee convened to discuss the impact of the Trump administration's public charge rule change on the Public Health Department's Special Supplemental Nutrition Program for Women, Infants, and Children or WIC, which saw reductions in program participants even in advance of the rule change when it had only first been announced. Further, the committee worked to address impacts of the anti-immigrant climate on the 2020 census count.

II. Educational Sessions for Staff

This Immigration Issues Committee also organized in-service educational sessions at three main department worksites, with presentations from department executive leaders and a staff member from Supervisor Wilma Chan's office. Management told staff about department values pertaining to immigration enforcement, reaffirmed existing directives, and provided clarity on the department's policies. These presentations provided explanations of what to do when faced with an inquiry from immigration enforcement agents and officials and what to say to clients wanting to know if it is safe to use the county's programs. Management reaffirmed that the department provides services to any resident of Alameda County regardless of their immigration status, services had not changed despite the federal administration's targeting of immigrants, and staff should encourage all people to seek the services. Management reminded staff of the department's HIPAA protections and informed them that if they were approached by immigration enforcement authorities, they were to direct the officers to the Office of the Director. Staff from Supervisor Chan's office shared the county's 2016 Welcoming and Due Process resolutions with the staff, and the 2017 $1.5 million Rapid Response Fund for defense, protection of, and service provision to immigrant and refugee communities.

III. Produced a Brief Focused on Immigration Enforcement and Public Health

Finally, they distributed a survey to ask staff for anonymized stories about what they were hearing from patients about how the immigration enforcement climate is impacting them as well as anonymized health data. With the stories and data that the department obtained from staff during the in-service sessions, the department produced a public policy brief "Immigration and Public Health" to educate the public on the change in health behaviors of immigrants and refugees due to the heightened immigration control climate. The brief also addressed the health impacts of the migration experience; the fear and stress related to immigrants' situation back in their place of origin; the potential family separation resulting from immigration enforcement; the process of acculturation in the United States; the harsh social situations immigrants face in the United States; and immigrants and refugees feeling unwelcome or even subject to hate crimes. The brief also provided local county data showing the integral role that immigrants play in our communities. The department shared the brief with policy makers, immigrant organizations, and the Board of Supervisors, and partnered with Supervisor Chan and Supervisor Valle's offices to conduct a press conference to share its findings widely to the public. They conducted an additional in-service session to share the findings of the brief with department staff.

IV. Created an Immigration Resources Intranet Page for Staff

To ensure that staff stay up-to-date on the changing immigration policy landscape and manners in which they can support immigrants and refugees, the department set up an "Immigration Resources Intranet" page on the staff's intranet. Through this page, staff can connect with immigrant advocates on the ground or experts around immigration law. This page has a list of legal resources and other service resources available to immigrants; information from the Know Your Rights wallet-size red cards; information about where staff can send their clients to attend Know Your Rights training; information on changing policy and legislation; and information on upcoming presentations and events related to immigrant issues that staff would be interested in or could share with clients. To produce the content for this intranet page, the department partners with immigration legal and policy focused non-profit organizations the Immigrant Legal Resource Center, National Immigration Law Center, and the California Immigrant Policy Center.

V. Referrals to Immigrant Legal Organizations

Making use of the information provided to staff on the Immigration Resources Intranet page, department staff routinely refer people that they engage with to immigration legal assistance organizations. They also distribute the Know Your Rights red cards and materials about the county's immigration enforcement rapid response resources to clients.

VI. Policy Advocacy

Lastly, the department monitors immigrant-related policy at the state level and immigration policy changes at the federal level and works with the Board of Supervisors to advise on policy statements regarding how immigration policy affects immigrant and refugee health. Department staff have worked with the board to prepare its resolution supporting DACA in September 2017.

The department's policy leadership and staff have also worked on cross-county workgroup led by Supervisor Chan's office focusing on the Trump administration's public charge rule change, which sought to discourage immigrants from using public services and benefits, to deny legal immigration status, and to demonize immigrants as a burden on American society. In December 2018, the HCSA sent a letter to Samantha Deshommes, chief of the Regulatory Coordination Division of USCIS Office of Policy and Strategy, stating that HCSA was seeing decreases in enrollments in various programs due to the proposed rule change and that immigrant families were in need of the services and should be allowed to continue accessing them in such an adverse economy and housing market not only to maintain their livelihood but also their health. She urged the chief to reject the proposed revisions to public charge because it would have significant health impacts.[116]

The Public Health Department also contributed to the drafting of a letter that the Alameda Board of Supervisors sent to the Office of General Counsel, at the U.S. Department of Housing and Urban Development (HUD) opposing proposed rule changes to HUD rules regarding verification of eligible status. They argued that the changes would lead to the eviction of mixed-immigration status families from HUD housing, with subsequent health impacts.[117]

VII. Contacts with the Department of Homeland Security and ICE and Sharing Immigration Status Information

While the Public Health Department does not have any specific policy regarding assisting immigrant clients with communicating with the Department of Homeland Security (DHS) when an immigrant patient needs to notify DHS or ICE that the patient is hospitalized and therefore cannot attend a scheduled in-person check-in with an immigration officer, in isolated incidents when needed, public health staff have assisted immigrant patients. In the only incident the author identified in the course of reviewing department records, the Alameda County Public Health staff in the Tuberculosis Unit in 2019 contacted the California Department of Public Health (CDPH) to notify them to contact ICE about a patient who participates in the ICE "Intensive Supervisions Appearance Program" and who would be unable to appear at an upcoming check-in due to his hospitalization for tuberculosis. CDPH contacted ICE and relayed information about the case. Alameda County Staff also contacted ICE directly to ask when the rescheduled check-in would take place, offered to provide evidentiary documentation that the immigrant was hospitalized, and notified them that the patient would likely be hospitalized for one month. The Alameda staff member also contacted the ICE officers who did the check-ins with the patient to assess whether they had been exposed to tuberculosis and determined that they had not been. As part of this communication thread, ICE provided Alameda staff with a detailed log of all immigration check-ins the patient had done, with whom, and with notes logged by the immigration officer. Alameda staff also assisted the patient and ICE by relaying a message from ICE to the patient that he needed to check-in with ICE as soon as his hospitalization ended. The Alameda staff member also completed paperwork verifying the patient's hospitalization and provided it to the patient who then gave it to ICE at his next check-in.[118]

VIII. Dispersing Immigration Policy Information via Existing Public Health Programs

The Public Health Department has undertaken many activities to communicate to patients and clients about immigration issues, including how new federal immigration policies affect their access to public health services and benefits that the department administers.

They printed and broadly distributed to their clients red cards with information about a person's rights when immigration enforcement targets them.[119]

The department's Community Health Services (CHS) division targeted beneficiaries and applicants of WIC. Staff shared flyers discussing the Trump administration's public charge rule change to WIC participants, explaining that the Public Health Department does not collect immigration status information and that WIC is not considered part of public charge determinations. In addition, they posted public charge information on their WIC Facebook page; provided participants with Know Your Rights red cards; texted clients that WIC is not considered under public charge; added the message "WIC is not considered as public charge" on all outgoing calls and on the message that clients hear before they are connected to a live person when they call the department;

shared public charge information at various community meetings attended; posted public charge info on City of Fremont Facebook page; wrote a short article for Fremont Resource Center newsletter on public charge; and shared public charge flyer with refugee organizations.[120]

The Public Health Department's Family Health Services Division's Child Health and Disability Prevention program sent a newsletter in January 2020 to staff that included resources for undocumented patients notifying them of the county's rapid response hotline for individuals detained by ICE to obtain legal services and to report ICE activity.[121] They also referred staff to the Alameda County SSA "Resources for Immigrants" webpage and to information about HealthPAC. In March 2020, the division sent another newsletter with talking points for staff on how to speak with immigrant families regarding coronavirus. Finally, in June 2020, they sent a newsletter to staff notifying them of the coronavirus-related Disaster Relief Assistance for Immigrants (DRAI) funds being dispersed by Catholic Charities East Bay. In February, March, and April 2017, the division's Maternal, Paternal, Child, and Adolescent Health Unit (MPCAH), in collaboration with Children's Hospital, East Bay Community Law Center, hosted three Know Your Rights forums: the first in Spanish, the second in English, and the third in Arabic. Staff registered clients, and dinner and childcare were provided.[122] These forums were in addition to Know Your Rights workshops that HCSA provided funding to the Alameda Health Consortium to hold in fall 2017, along with naturalization clinics. MPCAH's staff telephone list was updated to include instructions to call the county hotline for any ICE-related activity and the language line for any language assistance needs.[123] At the end of January 2017, the division's First 5 unit also hosted an immigration forum that included a Know Your Rights component and an overview of sanctuary cities.

Finally, the Public Health Department sponsored and coordinated a Know Your Rights community forum in late February 2017 in which immigration lawyers discussed rights of people when they are targeted by immigration enforcement actions, and presentations by professionals about accessing public benefits. The Public Health Department coordinated volunteers for the event and invited client families from the department's programs.

IX. Public Relations Materials

In October 2017, the Public Health Department created a flier for the public explaining who immigrants are in Alameda County, their numbers, and the value of immigrants to the county. The flier also expressed the concern that isolating and exclusionary immigration policies lead to immigrant fear and stress, family separation, crime underreporting and hate crimes, and their avoidance in seeking medical help. The flier also reaffirmed that the county prioritizes all residents regardless of immigration status and all can access the department's services and supports.[124]

X. Public Health Implementation of SB54-Related Policies

While the Public Health Department engaged in conversations with immigration advocate CBOs regarding the creation of a department-specific SB54-compliant policy for public hospitals and clinics, they did not end up creating or implementing one.[125]

XI. Town Hall Regarding Public Charge

The Public Health Department organized a community town hall in November 2018 titled "Defining 'Public Charge' Inadmissibility for Immigration." Speakers included representatives from the Public Health Department, Supervisor Wilma Chan and Vanessa Cedeño from Supervisor Chan's office, HCSA Director Colleen Chawla, SSA Policy Director Anissa Basoco-Villarreal, and representatives of Asian Health Services, Immigrant Legal Resource Center, and the East Bay Community Foundation. The town hall meeting brought together more than 125 local service providers and community members from across Alameda County and was held in North Oakland. It provided participants with the opportunity to learn about the proposed rule change to the federal public charge definition and how this change undermined efforts to economically empower families and promote public health. Attendees could ask questions about how the rule change would apply to families; how the rule change would impact the flow of federal funds for programs like Medi-Cal, CalFresh, Medicare Part D, and Section 8 Housing Vouchers to Alameda County and California; and what Alameda County and its partners were doing to respond to the proposed rule.[126]

RECOMMENDATION TO THE PUBLIC HEALTH DEPARTMENT CHIEF

1. Continue to work with immigrant advocacy organizations to create a department-specific policy to implement the provisions and prohibitions of SB54, the California Values Act, in Alameda County public hospitals and clinics.

2. Continue to monitor and document health and social impacts of the shifting immigration policy landscape and the changes in enrollment and utilization of health programs to promote future policy work.

Probation Department

The Alameda County Probation Department (ACPD) management has addressed the challenges presented from heightened immigration enforcement by informing staff about how immigration law relates to their job duties, how to follow laws without placing an "undue burden on our immigrant clients and community," and to fulfill their data reporting obligations to the Alameda County Board of Supervisors.[127] Much of this effort revolves around bringing the department into compliance with a variety of state and local laws that outline the manner in which the department may interact with federal immigration authorities, namely California AB 4, the TRUST Act; AB 2792, the TRUTH Act; SB54, the California Values Act; and Alameda County Board Resolution 2016-274 – Upholding Due Process and Protecting Civil Rights of Immigrant Residents.

I. Revising Department Policy on Detainers

Until 2014, when the TRUST Act was passed at the state level, the ACPD did not have a policy directing staff to cooperate with ICE or hold youth on ICE detainers. However, after this period, they implemented a policy in line with the TRUST Act.

II. Revising Investigations Practices for Preparing Probation's Recommendations Reports

In addition to addressing detainers, in August 2017, the department modified its policies to no longer investigate immigration status or include it as a factor in its recommendations to the criminal courts. Deputy Probation Officers or DPOs are prohibited from documenting in any court report that ICE has been notified about a client or whether a client faces ICE proceedings unless that information is necessary for the court to make a determination on the case such as when the client or defendant is not present in court because he or she is in ICE custody. To implement this new policy, the department removed such requirements in their template for presentence reports.

III. Policies for Adult Field Services Division

In February 2018, the department also finalized and revised immigration policies with county counsel for its Adult Field Services division and sent the policy to the labor unions representing this staff. In March and April 2018, they met with the labor unions representing their staff about the policy. The department issued two immigration video snapcomms wherein the Probation chief sent a video to all probation officers to reinforce the department's new immigration enforcement-related policy. In May and June 2018, the department published policies for the Adult Field Services Division and the Juvenile Field Services Division, issued another video that reiterated what these policies were, and in June, published the finalized policies.

Under the department's new policies, Adult Field Services Division Staff must comply with the Board of Supervisors' resolution R2016-274, the California Values Act and the California TRUTH Act. Under policy 290 "Immigration Issues," staff are prohibited from voluntarily cooperating with ICE immigration enforcement activities, providing information to ICE authorities, or transferring individuals to ICE custody unless doing so is pursuant to a judicial warrant or a judicial probable cause determination.[128] Employees are prohibited from responding to ICE civil warrants, ICE detainers, and release notification requests. Further, they are required to provide written notification to individuals subject to these ICE requests, as required by the TRUTH Act.

In accordance with the California Values Act, they are prohibited from inquiring into the citizenship or immigration status of individuals in any circumstance. And, as stated above, this includes in the pre-sentence investigation and the process of preparing a report for the court. In addition, they are prohibited from providing personal information such as home, work address, or social security numbers to ICE; assisting immigration authorities with warrantless arrests; performing the functions of a federal immigration officer or placing peace officers under the supervision of federal agencies for the purpose of immigration enforcement; participating in a joint task force organized solely for purposes of immigration enforcement; using federal immigration authorities as interpreters; transferring an individual to immigration authorities unless authorized by a judicial warrant or pursuant to a judicial probable cause determination; providing office space within ACPD's facilities exclusively for immigration authorities' use; granting immigration authorities access to interview an individual in custody; and providing information from the California Law Enforcement Telecommunications System or CLETS that amounts to information that is non-immigration status-related to the federal authorities. If department staff is contacted by ICE or CBP, they are required to consult their unit supervisor who then brings the issue to the division director. The unit supervisor and division director then assist the assigned probation officer in the application of Probation Department policy 290 "Immigration Issues." The DPO forwards the ICE requests and TRUST Act notifications to the division director

and the division secretary through their chain of command. The division secretary stores the notifications and requests in a centralized electronic file subject to disclosure under the California Public Records Act. The Probation Department does not currently have any such formal ICE request documents stored in this electronic file due to the fact that the department has not received any from ICE.[129]

In compliance with the TRUTH Act, sworn staff of the Probation Department who receive ICE hold, notification, or transfer requests for a client provide clients and their attorneys notification in writing through a standard form used throughout the state—ACPD Form 4—within two business days. The notification informs the client that Probation will not comply with the request and is provided in one of the following languages: English, Spanish, Traditional Chinese, Simplified Chinese, Tagalog, Vietnamese, and Korean.

DPO's are also instructed by the department's policy to classify and supervise clients and assist them in accessing services based on their offense and criminogenic risk and needs regardless of their actual or perceived immigration status. If ICE takes custody of a client and is later released, the DPO will still continue to supervise the client in accordance with their classification with the ICE detention having no bearing on their supervision plan.

IV. Contacting ICE to Confirm that a Client is in ICE Custody

In the process of preparing a court report and when the DPO cannot locate a client and believes that a client may be in ICE custody, department policy *requires* that the DPO attempt to determine the client's whereabouts. This attempt includes conducting a complete records check, including with California Criminal Identification and Information (CII) and the federal Bureau of Investigation (FBI), and then contacting ICE directly if a "CII Printout" notes ICE, the Alien Criminal Apprehension Program or ACAP, or DHS activity.[130] The Probation Department contacts ICE "solely to determine the defendant's deportation status" according to the policy. The DPO is permitted to contact ICE also in the case that such notes are not included on CII printouts or FBI reports and the resulting information obtained from contacting ICE may be included in the client's case notes. If the DPO confirms that the client is in ICE custody, the DPO is required to immediately determine the client's custody status and location using ICE's Online Detainee Locator System.[131] The DPO is required to re-confirm the client's current status and location every thirty days at a minimum and document the information in the appropriate case notes. This DPO's requirement includes the DPO contacting ICE to monitor the case and proceedings and to follow-up as needed and to document new information in the client's case notes.

V. Handling Failures to Report to the Probation Department following Release from ICE Custody

If a client fails to report to their DPO within five days of being released from ICE custody, the DPO first attempts to exhaust all reasonable efforts to contact the client. If these efforts fail, the DPO requests that a warrant be issued. For formal probation clients, the DPO files a revocation petition and requests that the court issue a bench warrant and the client is mailed a notice to all of their known addresses. For mandatory supervision clients, the DPO files a report and petition of revocation of mandatory supervision and also requests that the court issue a bench warrant. For clients with post-release community supervision (PRCS) there is a tighter timeline in which they have to report to the DPO following release from ICE within forty-eight hours. If they do not report, the DPO requests a warrant from the court by filing a petition for revocation and notifies the client of the motion by mailing a notice of a post release community supervision hearing to all known addresses of the client.[132]

VI. Allowing the Probation Clock to Continue After Probationers Are Deported

When it is confirmed that a probationer has been deported, the department places their case in a bank case load—the "Deported Max caseload (RR3Y)"—which allows the clock to continue to run. The department does this so that if the immigrant later tries to get a visa or to obtain citizenship, there is not a negative strike against them due to an incomplete or abandoned probation.[133] As the case is in the bank case load, probation officers nonetheless continue to run a regular check to make sure that the individual has not had a warrant for his or her arrest in the meantime. Similarly, if a client is found by a DPO to be in ICE custody not as a result of the department cooperating with an ICE request but from some other enforcement action, the DPO transfers the case to the Deported Max caseload. By late April 2021, ten clients were assigned to the Deported Max caseload.[134]

VII. Policies for the Juvenile Field Services Division

While the department does not have any inmates, which is the purview of the jails and the Sheriff's

Department, it does maintain custody of juveniles in Juvenile Hall. A policy that nearly mirrored the Adult Division policy was set for the Juvenile Division, policy 290 "Immigration Issues" in the General Policies and Procedures chapter of the Juvenile Field Services Manual. Probation officers in the Juvenile Division were told to not respond to ICE detainers and to notify their superiors of the requests. According to the "Juvenile Field Services and Juvenile Facilities Policy"

> A Juvenile's right to confidentiality supersedes any information request by ICE or any other entity. Staff shall not inquire as to any juvenile's citizenship or immigration status as part of any intake, investigation, or while conducting any other applicable interview or assessment. Should a Deputy Probation Officer (DPO) have reason to believe that a youth is undocumented and cannot be reunited with one or both parents due to abuse, neglect, abandonment, or similar basis; or the Court has directed the DPO to take action regarding the immigration status of a youthful offender; or the DPO has been contacted by INS; the DPO shall immediately consult with their supervisor up through the chain of command for the appropriate action. In the event that an ICE agent contacts the JJC or Camp Wilmont Sweeney to inquire as to the status of a youth in custody, that call shall be transferred to the Deputy Chief Probation Officer who will reaffirm the Probation Department protocol and will not release information. Staff are not to provide any information to ICE about our current or prior clients.[135]

VIII. Confidentiality of Juvenile Records

The policy also renders clear that federal immigration law does not pre-empt or supersede California juvenile confidentiality laws such as the Welfare and Institutions Code sections 831, 827, and 828 that control how juvenile information is shared.[136] According to Chief Wendy Still, under the Welfare and Institutions Code, state law, the department may never give information about Juvenile probationers or Juveniles in department custody in Juvenile Hall to federal immigration authorities.[137] As such, the department has never shared information with ICE.

IX. Obtaining Special Immigrant Juvenile Status

Certain department staff are to investigate immigration status information in relation to obtaining Special Immigrant Juvenile Status (SIJS) for certain youth. SIJS is an avenue for undocumented children to obtain legal status when they cannot be reunified with one or both parents due to abuse, neglect, or abandonment and it is not in their best interests to return to their home country. In some cases, a DPO will develop a reason to believe that a client who is subject to a juvenile petition (juveniles do not have "charges" for a crime but rather a "petition"), is undocumented and cannot be reunified with one or both parents due to abuse, neglect, abandonment, or similar circumstances; and it is not in the best interest for the client to return to their country of nationality or last habitual residence; the DPO consults with the unit supervisor for next steps. The unit supervisor evaluates the client and consults with the division director to determine if the client meets the criteria for SIJS and if notification to the court is warranted. The unit supervisor and division director may also consult with the client's legal counsel to assist in making a determination of eligibility for SIJS.

X. Training for Probation Policies

The ACPD has ongoing trainings for its officers in "Contemporary Diversity," which covers the subjects of diversity, inclusion, and non-discrimination. The chief considers this policy to be applicable to working with immigrants, refugees, and immigration issues. From the description it is about "people making conscious choices to work together, being a team, and forming real professional relationships with each other. This class explores that topic and offers skills and best practices for getting it done." As such, this training is not a training on non-cooperation with federal immigration authorities, how to handle requests from ICE, or how to follow ACPD's policy 290 "Immigration Issues," which governs these protocols. As such, education on policy 290 has been implemented in the form of two snapcomms videos sent from the chief to all staff when they were issued. While all staff must review their facilities manuals with the department's immigration enforcement-related policies annually, new employees have not and do not receive a training on them.

XI. Number of Contacts with ICE in the Adult Field Services Division

In 2017, ACPD's Adult Field Services division was in contact with ICE forty-three times, and twenty-one of those contacts were Probation Officer initiated while twenty-two were ICE initiated. When Probation Officer initiated, they were calling to see if their clients had been deported "so that they knew where to have that case supervised at."[138] Of the twenty-two ICE initiated contacts, they pertained to eighteen in-

dividuals, with ICE calling multiple times about four of those eighteen individuals. And of those eighteen individuals, only four were under ACPD supervision while the rest were under the Sheriff's supervision. Two of these requests from ICE were for booking information and probation status, and one was a request for a client's last known address.[139] According to Chief Wendy Still's presentation on June 28, 2018, to the Ad Hoc Committee, in these four cases, ACPD responded affirmatively, providing information to ICE such as "home address, personal telephone numbers, and other contact information" according to the chief. As this period was pre-SB54, ACPD was not required to document which information was provided to ICE or what the outcome of providing that information would be in terms of the immigration enforcement consequences for these individuals.[140]

By June 2018, ICE had contacted ACPD about only one individual. This individual was not an ACPD client and the department did not share any information with ICE about them.[141]

In 2019, the Adult Field Services Division received zero ICE detainers, hold requests, requests for a transfer, interview requests, or requests for probation or parole check-ins.[142] They did receive one request for information regarding a client who was a U.S. citizen however, the Probation Department did not provide any information to ICE in response.[143]

In 2020, January through October, no ICE requests were received, and no information had been provided to that agency by the Probation Department.[144]

XII. Number of Contacts with ICE in the Juvenile Field Services Division

In the Juvenile Field Division, for the period January 1, 2017, through March 30, 2018, the division received no contacts or inquiries from ICE, or any other immigration agency and Juvenile Hall staff had performed no detainer holds.

From July 1, 2018, through June 30, 2019, ACPD received two requests for information or assistance from ICE or CBP, one of which was for an individual who was not an ACPD client and the other was a request for additional information. In all cases, ACPD provided immigration authorities no information. From July 1, 2019, through June 30, 2020, ACPD received three requests from immigration authorities: one of the requests was for information about a client who was a U.S. citizen, two requests were for additional information, and no information was provided by ACPD.

In 2019, the Juvenile Field Services Division received zero ICE detainers, hold requests, requests for a transfer, interview requests, or requests for probation or parole check-ins.[145] They did receive two requests for information regarding clients; however, in both cases the Probation Department did not provide any information to ICE in response.[146]

In 2020, January through October, no ICE requests were received, and no information has been provided to that agency by the Probation Department.[147]

Further ACPD in both the Adult Field Services Division and the Juvenile Field Services Division has not detained immigrants pursuant to immigration-related warrants or requests from immigration authorities; released or directed detainees to public areas of county facilities or to offsite locations in which immigration authorities are waiting to arrest them; or interacted with or assisted private agencies or companies working on behalf of federal immigration agencies.

XIII. Contacting ICE When the Court Needs to Make a Determination

The Probation Department also contacts ICE when "the Court needs to make a determination and the client/defendant is not present because they are already in ICE custody."[148]

XIV. Communicating With the Public About the New Department Policies

To communicate to the public about the department's new policies, the chief was interviewed in 2018 by the *East Bay Express* and Telemundo. She also met with the California Immigrant Youth Justice Alliance or CIYJA, which informed her that the new policies are "model policies that counties in the state should implement."

RECOMMENDATION TO THE PROBATION DEPARTMENT

Create a full training for Policy 290 Immigration Issues in addition to the snapcomms videos already in use and require all new staff to enroll in the training in addition to the training provided in Contemporary Diversity.

Public Defender's Immigration Representation Unit

In 2009, the Alameda County Public Defender hired Raha Jorjani, an immigration attorney, to work one day per week to consult with the department's criminal defense attorneys on immigration consequences of their clients' criminal court cases. This advising includes cases of individuals who are legal residents as well as those who are undocumented people.[149] After spending years observing the need for the office to have a full-time embedded immigration attorney, Jorjani worked with incoming leadership in the department, Chief Public Defender Brendon Woods, to develop a first of its kind immigration legal defense unit. In January 2014, the Alameda County Public Defender's Office became the first county public defender's office in California and on the West Coast of the United States to launch a unit providing deportation defense to public defender clients. Implementing this groundbreaking immigration unit was part of a multi-pronged strategy employed by Woods, the county's first Black public defender, to provide indigent clients with holistic and interdisciplinary defense.

In 2015, the program hired a part-time attorney to assist in providing advice (also known as Padilla consultations) regarding immigration consequences of criminal convictions in currently pending criminal cases as well as juvenile and clean slate cases. In mid-2016, the program hired its first legal secretary with fellowship funding from the Rosenberg Foundation.

By May 2017, the Immigration Representation Unit consisted of four full-time "removal defense" attorneys, one part-time immigration attorney, one immigration legal fellow, and one full-time legal secretary.[150] Funding for the Public Defender's Immigration Representation Unit (the fellow excepted) was provided by the Alameda County Board of Supervisors as part of a larger grant to ACILEP all for the purpose of deportation legal defense and the promotion of immigrant and refugee rights. This grant was made in partnership with funding from the City of Oakland and the San Francisco Foundation. The portion of this ACILEP funding earmarked for the Public Defender and which lasted over a two-year period, was for $430,000 to hire the three immigration attorneys that joined the program in May 2017. In late 2019, funding from ACILEP and from the Rosenberg Foundation for the Public Defender's Immigration Unit was replaced by baseline Alameda County funding allocated by the Alameda County Board of Supervisors, and the unit's managing attorney position, the three removal defense attorney positions, the part-time attorney position, and the legal secretary position changed into permanent Public Defender's Office positions.

In 2019, the office raised additional funds to create the first Federal Litigation Fellowship position in the Bay Area: a fellowship focused on providing free federal litigation representation to immigrants facing detention and deportation. Under supervision, the federal litigation fellow files lawsuits against the federal government for legal and constitutional violations on behalf of indigent clients with the aim of remedying legal violations and challenging unlawful immigration practices by the Department of Justice (Immigration Courts) as well as DHS. The fellowship remains a year-by-year position funded primarily by Grove Foundation and Change Lawyers Foundation, and in smaller part by the Zellerbach Foundation and Firedoll Foundation. Funding for this position will end in 2022.

From 2014 through April 2017—before expanding and with only one deportation defense attorney in place—the Public Defender's immigration Representation Unit managed twenty-nine cases in immigration court, four were of individuals in immigration detention.[151] From May 2017 through March 2018, after the Immigration Defense Unit expanded to five immigration lawyers and program staff, they took on an additional ninety-seven cases, including the more intensive cases of detained individuals. Eighty-four cases were pending by March 2018 and the unit maintained a 75 percent success rate on motions and requests for relief. While cases slowed during 2020 through mid-2021 due to the COVID-19 pandemic, the unit currently represents from 90 to 105 individuals on average at any given time.[152] These cases can be highly complex in nature, requiring representation for individual clients in many courts that may include criminal proceedings, immigration proceedings, circuit court appeals, bond appeals, and lawsuits in federal court, each lasting for very extended periods of time, with most cases taking years to reach final adjudication.

I. Immigration Advisals to Clients in Criminal Proceedings

Under the Sixth Amendment of the U.S. Constitution, public defenders have a legal obligation to provide advice to their clients regarding immigration consequences of criminal convictions and charges.[153] The Immigration Representation Unit provides over 1000 *Padilla* consultations per year to criminal defense attorneys regarding the immigration consequences of their criminal cases.[154] Immigrants and refugees rep-

resented by the Public Defender's Office have criminal cases involving DUIs, theft, petty theft, possession of a controlled substance, and simple battery assault. The Immigration Representation Unit advises the lawyers of these individuals on the immigration consequences of their cases, and then may go on to represent these individuals in immigration court.

This work has been accomplished through a mix of hiring experts to conduct these consultations and the Immigration Representation Unit managing attorney covering additional and emergency department need for these consultations beyond what the experts are available to provide at current funding levels.

The public defender's *Padilla* position was initiated in 2015 as a part-time position, three days per week, based primarily on the availability of experts able to fill this position. If any rushed or additional *Padilla* consultations went beyond what the part-time Padilla attorney was available to do, Raha Jorjani, the unit's managing attorney, provided those *Padilla* consults. In 2015, when the unit created the part-time *Padilla* attorney position, the unit consisted of only one full-time employee, and no fellows and no interns. As the unit has grown, so have the managing attorney's supervision and administrative responsibilities, affording her less time to cover the additional and rushed *Padilla* consults.[155]

Several changes in law occurring since the dedicated *Padilla* position was created in 2015 have also significantly increased the demand for additional key analysis required to complete a *Padilla* consult. Specifically, the unit's *Padilla* attorney must now add a California Values Act (SB54) analysis to every consult, advising noncitizen clients on whether once in custody, they would be protected or not by California state laws prohibiting the ACSO from notifying ICE about them.

Separately, a new post-conviction relief statute, California Penal Code 1473.7, has created a new remedy for noncitizens convicted of crimes in California to allow them to vacate prior convictions upon a showing that they did not meaningfully understand the immigration consequences. Additionally, the growing number of 1473.7 motions filed before Superior Courts has meant that courts are increasingly tasked with judicial inquiries into whether or not an individual was advised of immigration consequences, whether or not that advice was competent and accurate, and what records demonstrate what the defendant might have meaningfully understood. This process has required the unit's *Padilla* counsel to engage in more thorough record keeping of exchanges with defense counsel and defendants regarding immigration consequences.

The *Padilla* lawyer has also needed to spend more time staying up to date on rapid changes in immigration laws during both the Trump and Biden administrations, and this vigilance is expected by the managing attorney to continue.

As a result of these various factors, *Padilla* consults take more time to prepare for and carry out, and there is now a shortfall in the unit's ability to address the need for *Padilla* consults at the current capacity and given the current level of funding for this work. The Immigration Representation Unit managing attorney estimates that to meet the need for *Padilla* consults each year, the unit needs at least one full-time employee dedicated to this work, as opposed to the current part-time nature of this position. This would bring the total FTE dedicated to this work to 1.0.

II. Representation in Immigration Proceedings and Other Federal Courts

The Immigration Representation Unit not only advises criminal defense attorneys and clients in criminal cases but also represents immigrant clients in immigration court to stop their deportations after their criminal cases are completed. This kind of legal representation exists in an extremely adverse legal environment for immigrants where there are no speedy trial rights, no discovery rights, no right to a lawyer, and no statute of limitations.[156] While criminal courts operate with the presumption of innocence, immigration courts do not. Migrant detainees appear by video and in most cases do not meet the judges who end up ordering their removals in person. Just as U.S. society has decided that clients in criminal proceedings should not be forced to appear unrepresented in adverse proceedings when the government is one's opposing counsel and when one's liberty is at stake, the Alameda County Public Defender's Office has decided that indigent individuals in civil proceedings in immigration court should not appear without counsel.

The Immigration Representation Unit, which is prepared to provide its clients with representation in every tribunal when they may face adverse proceedings related to deportation, appears on behalf of indigent clients not only before Immigration Courts but also before the U.S. Board of Immigration Appeals, the U.S. Court of Appeals for the 9th Circuit, in the U.S. District Court for Northern California, the California Court of Appeals, and adult and juvenile state courts. Such continuity is necessary for the successful and rigorous defense of an immigrant against deportation.

Criminal cases, whether they result in a conviction or not, are regularly used against clients in immigration court and the immigration attorney will need to piece together information from various stages of the case and from hearings in front of various tribunals.

III. Representing Youth in Juvenile Court to Obtain Special Immigrant Juvenile Status

In addition to providing advice to criminal defense attorneys and defending clients in their deportation and detention cases in federal courts, the Immigration Representation Unit regularly assists undocumented youth who public defenders represent in Juvenile Court with obtaining Special Immigrant Juvenile Status if they have been abused, abandoned, or neglected by a parent.

IV. Recognizing Mental Health Issues and Asylum

The unit has seen an increase in cases involving individuals with mental health challenges. Currently, 40 percent of the Immigration Representation Unit's immigration cases concern individuals with diagnosed and undiagnosed mental health issues, so the public defender covers the cost of psychological evaluations for clients for use in immigration cases.[157] However, it does not provide funding for evaluation of their immigration clients. This information may be used to obtain asylum in the United States if the client can prove that the government of the country to which they will be deported will specifically target them on the basis of their mental health issues.

V. Trainings and Advocacy

The unit conducts trainings for criminal defense attorneys and immigration attorneys on advanced topics at the intersection of criminal and immigration law. The unit also provides training for judges, including training for the juvenile bench in Alameda County, in the family court regarding the intersections between immigration and family law, and nationally for state court judges. The unit provides Know Your Rights presentations in other community venues so that in addition to educating community members about their rights, they also notify the public that individuals undergoing criminal cases can be referred to the public defender's immigration team for immigration representation. The unit maintains strong ties with community organizations, non-profits, and law school clinics who regularly refer individuals—both detained and not-detained—to the Alameda Public Defender Immigration Representation Unit for potential representation. Family members and individuals in immigration detention themselves also directly contact the team seeking representation. Unit members are also regularly invited to give guest lectures at universities and law schools as well as for national convenings, including of the American Psychological Association and the American Immigration Lawyers Association. The unit also regularly engages in policy and legislative advocacy and is consulted by experts working on expanding the legal rights of individuals facing deportation.

VI. Setting New Legal Precedent through National Impact Litigation

While most immigration legal work is carried out with a defensive strategy, the Alameda County Public Defender's Immigration Representation Unit has also developed an offensive strategy to reduce deportations locally and throughout the country.

To set new legal precedent that favors due process and upholds constitutional protections for immigrants and refugees, the unit initiated federal litigation challenging violations of the presumption of innocence by immigration judges for individuals with pending charges in criminal court. Very frequently, jails around the country will allow ICE to pick up an immigrant while they are waiting for their criminal court hearing, and this interferes with their ability to continue to litigate their criminal case. Though they have not been found guilty of that crime and in many cases may have been released on their own recognizance by criminal court judges, when local jails transfer noncitizens to ICE, and once they are in immigration proceedings, the immigration court judge regularly treats the person as if they have been found guilty of the charged crime. That immigration judge may deny that individual bail and order the person's detention and deportation on the basis of the mere presence of an outstanding criminal charge that by virtue of the person's detention, they are prohibited from returning to criminal court to challenge. The Immigration Representation Unit has brought these cases to federal district court, representing their clients in ICE detention, to assert constitutional challenges and in many cases, clients have been released as a result of the filing of these lawsuits.[158] The unit is also pursuing appellate litigation to challenge the broad use of police reports in immigration cases, which if successful, can help set new legal precedent and increase the due process rights of immigrants in immigration court and in criminal court.

As a result of the unit going to federal court to make these constitutional challenges on behalf of their detained clients, the unit also began to see releases of those clients. As such, the federal litigation can both stop the deportations of ACPD clients in the short term, and in the long term, win greater power and rights for immigrants around the country.

Testimony of the Immigration Representation Unit's Deportation Defense Work and Groundbreaking Federal Impact Litigation

We got a call last year from the wife of a resident of Alameda County of a loving father to two U.S. citizen children, ages 13 and 16. After four years of being in deportation proceedings and attending every single hearing on time, the children's father missed one immigration court date due to a number of factors. After being placed in removal proceedings four years prior, there was a serious medical disorder suffered by his child, there was an eviction suffered due to this housing crisis in the Bay Area so he had to move unexpectedly from the home where they had lived for years - many things were happening at the same time as his immigration court hearing. On the day that he missed his court date he was ordered removed. If you miss your immigration court date one time, you are ordered removed in your absence by the immigration judge. On that date that he was ordered removed, he was at the hospital with one of his children who suffers from a serious medical condition. A week later, he was cited for a DUI and he was set for release the next day, but because the Sheriff cooperates with Immigration and Customs Enforcement in our county, instead of being released to his family, ICE was notified, picked him up from Santa Rita Jail, and because of his recent in Absentia order, he ended up in Mexico just a few days later. At the time that the Public Defender's Immigration Representation Unit was contacted about the case, he was already ordered removed and was already in Mexico. We agreed to take the case and began to heavily gather facts and documentation that was required to do a motion to reopen. You only get one motion to reopen in your entire case so you don't get to put it together hastily. If you don't get enough information or put it together too quickly, and don't get what you need, you get denied and then don't get another one. We pulled the documentation together and filed a timely motion to reopen with the immigration court, and to our delight the immigration court granted our motion to reopen, rescinded the removal order, and scheduled a hearing for our client to appear on his now reopened proceedings. We contacted the Department of Homeland Security to let them know about the judge's decision and to ask for their help in facilitating our client's return back from Mexico to the U.S., we reached out to the Mexican Consulate. They were instrumental in getting our client a valid passport so that he could present himself at the port of entry. DHS said they wouldn't cooperate. Since our client was undocumented before he was removed, he had no legal status. And if he is going to enter the United States, he can't do that - he can't legally cross a border - without DHS' cooperation. So we appeared before the immigration judge with our client's wife and the judge made clear that she wanted DHS to cooperate to bring our client back so that he could appear before her. She issued a subpoena which we were able to provide to our client through the Mexican Consulate. Our client represented himself at the border again, and DHS refused again. DHS came to court time after time, telling the immigration judge that they currently have no policy to return people back, and that they were not going to cooperate with her or with us. We knew that the next step had to be federal litigation before the U.S. District Court. And actually, in this rare case, the immigration court judge was telling us that she hoped that we seek review in the U.S. District Court because her hands were tied. In February, we filed a lawsuit against DHS, arguing that DHS's refusal to comply with the judge's order was unlawful. And lastly, we filed a motion to expedite everything and to order DHS to immediately facilitate his return. As a direct response to just filing that lawsuit, we received word two days ago that DHS has changed its position and would now be cooperating to return our client to the United States. Once back, our client will at least have the opportunity to be heard by an immigration judge as to why he should not be deported. And if he is successful, he will end up with a green card. Additionally, his child who was recommended to have eye surgery in September 2017 and who was not going to do so until he could see his dad once more, that child will be able to go forward with that surgery. This case is an example of the high stakes litigation our unit is engaged in particularly in this time of increasingly aggressive enforcement.[159]

This work has set new standards for immigration legal practice. These kinds of wins, which have come in the form of releases from immigration detention following the pursuit of federal litigation, have also signaled to immigration attorneys in the San Francisco Bay Area that representing clients in ICE detention and deportation proceedings should not merely include representing them in immigration court but also in federal court. Greater numbers of lawyers are now seeking the support and training of the Alameda County Immigration Representation Unit in representing clients in such federal advocacy litigation.

While this work is carried out by several immigration defense attorneys, it is the sole focus of the full-time federal litigation fellow funded by external fellowship grant funds that will end in 2022. The fellow has multiplied the capacity of the unit to engage in federal litigation both at the fellow's initiation and with the fellow's strong legal support.

VII. Working in Tandem with ACILEP and Community Legal Organizations

The Immigration Representation Unit has worked in tandem with ACILEP as well. For instance, when ICE conducts an immigration enforcement action at a home or workplace, ACILEP's raid first responders find out who has been arrested and is in criminal proceedings. They report this to the Public Defender's Immigration Representation Unit which checks their client database to see if the person is in criminal proceedings. If the individual is the Public Defender's former client in criminal proceedings and they are not represented by an immigration lawyer, then the Immigration Representation Unit may represent them. Such referrals to the Immigration Representation Unit continue to occur not only from ACILEP but also from a variety of community legal organization channels.

VIII. Identifying Sheriff's Office Violations of the California Values Act (SB54)

When the Immigration Representation Unit identifies a violation of SB54 that occurred and which affected one of their clients, they file a county complaint with the Board of Supervisors. The unit has identified and reported three Alameda County Sheriff's Office (ACSO) violations of SB54 since the law's implementation in 2018. The first two cases were brought forward in partnership with Covington and Burling, LLP as well as the Asian Law Caucus, who pursued the complaint on behalf of the clients in 2018. The third complaint was filed directly by the Immigration Representation Unit in 2020.[160]

For each of the three complaints, the Immigration Unit alleged three types of violations of SB54: notifying ICE about someone who the Alameda County Sheriff was prohibited from notifying ICE about; transferring that individual to ICE custody when they were not permitted to; and holding that person in Sheriff's custody past the point when they are allowed to hold them for the purpose of effecting a transfer to ICE.

In the first case, the complainant had no prior conviction history and was arrested for an offense that might make someone eligible for a transfer to ICE under SB54 if the individual has a preliminary hearing and a probable cause determination was made. This individual had been arraigned and released on her own recognizance, and the Sheriff's Office transferred the individual to ICE without any preliminary hearing having happened.[161]

In the second case, the unit's client had no prior conviction history but had two charges pending in the county. The Sheriff's Office transferred him as well to ICE custody despite his not having suffered any conviction or charge that would take him out of the protections of SB 54.

According to Jorjani, the fact that both clients were protected by SB 54 and that the Sheriff notified ICE in violation of state law could not be disputed because (1) there was no dispute about the individual's prior criminal histories and (2) the Sheriff provided documentation to the Public Defender's Office (as required by law) that they notified ICE. The allegation that the Sheriff's Office held individuals longer than they were legally able to be held is generally harder to establish, as the Sheriff's Office does not set release times or make movement logs accessible.[162]

The two complaints lodged in 2018 were settled with the Sheriff's Office for a monetary amount provided to the unit's clients. Through that settlement, the unit also negotiated with the Sheriff's Office for policy changes, including transparency regarding when and how the Sheriff notifies ICE about individuals in its custody.

In the case of the third complaint lodged in 2020, the unit's client had suffered a misdemeanor conviction that would not make someone eligible for a transfer to ICE custody. The Sheriff's Office notified ICE and transferred him to ICE custody when ICE arrived at the jail in response to the Sheriff's notification. This individual spent three months in ICE detention during the COVID-19 pandemic, contracted COVID-19 and then was deported.[163] This case was settled in 2021 with the Sheriff's Office for a monetary amount provided to the unit's client.[164]

Sheriff's Office

Since the beginning of 2017, when the Trump administration increased the federal government's targeting of immigrants and refugees for deportation, the Sheriff's Office has adapted its activities in its work with immigrant communities and community partners, and in the manner in which it interacts with immigration enforcement agencies.

I. Community Engagement

The office maintains a variety of community engagement programs that involve immigrant and refugee communities. Since 2005, the office has partnered with the Deputy Sheriff's Activities League, Inc., or DSAL, an independent non-profit organization, which provides all of its services to the public regardless of one's immigration status.[165] DSAL creates programs and directs resources into neighborhood building and crime reduction enterprises. The DSAL started with a $25,000 annual budget and with no full-time personnel, and now operates with a $4 million annual budget and over sixty full-time personnel and provides recreational programming that serves thousands of youth and adults annually. DSAL operates a food systems social enterprise and conducts community and economic development initiatives, such as community festivals, sporting events, and murals along the main corridor. All of these operations also serve as pathways for authentic positive relationship-development between residents and ACSO deputies.

Within the Sheriff's Office itself, the Youth and Family Services Bureau Behavioral Health Unit provides youth diversion services, behavioral health services (individual therapy, couples therapy, family therapy, crisis intervention, case management), and reentry services to all people regardless of immigration status. It conducts clinical case management of clients with serious mental illness and reentry clients at the Parents and Children Together or PACT family reunification housing facility in Oakland and through an out-patient clinic in Ashland.

Providing Sheriff's Office services and programs to all regardless of immigration status also includes programs at county jails. Santa Rita Jail programs are available to people regardless of immigration status. The jail's programs include the Roots of Success program; anger management services; access to computers and a computer coding course; courses for obtaining a high school diploma and taking the High School Equivalency Test (HiSET), General Education Development (GED) tests, and Automotive Service Excellence (ASE) tests; substance abuse services; the Job Readiness Training program; courses in baking and parenting; Serve Safe, a job training certificate program for getting jobs in the food service industry; the Restorative Justice program; and English as a second language.

Since the beginning of 2017, the Sheriff's Office's Crime Prevention Unit, which works directly with communities throughout the county, has partnered with the Eden Church in Hayward to provide various workshops on immigration legal rights for communities in unincorporated Ashland and Cherryland.[166]

To diminish immigrant fear of what will happen if they are targeted for deportation, the office worked with the Mexican Consulate to hold a public meeting wherein Sheriff's staff collected questions from the community members and posed them to the Consulate on the community's behalf. Questions that were anonymously posed included "What is going to happen to my kids if I get deported tomorrow?" and "Even if my kids are citizens, can I take them back with me to Mexico?" among many others. Some community members directly questioned the Sheriff's Office, "Are you going to deport us?" This meeting was attended by over 200 people. The department also sought to partner with community groups to provide a Know Your Rights training.

The unit has partnered with Hayward Adult School, whose student population includes many immigrants and undocumented people, to start a community academy for Spanish-speakers. The initial Spanish-speaking academy brought in over 200 residents, and it is the Office's belief that the successful turnout of this academy was a result of all the community-based programming conducted out of the Hayward Adult School campus where the ACSO has its boxing gym, fitness arena, and wrestling and dance studios.

II. Custodial Activities and Cooperation with Immigration Enforcement

To comply with the California Values Act, the TRUST Act, and the TRUTH Act, the ACSO has implemented policies clarifying when its deputies may provide notifications to ICE of an inmate's release, how they may transfer individuals to ICE, and how they should provide the inmate or their lawyer notice that ICE would like to interview them, obtain information about them, or obtain custody of them.

ACSO's policy 1.24 "Communication with Immigration Authorities" states that the ACSO

> will equally enforce the laws and serve the public without consideration of immigration status. The ACSO does not accept nor honor immigration detainers from Immigration and Customs Enforcement (ICE).

When the ACSO states in this policy that they neither accept nor honor immigration detainers from ICE, in practice this means that their policy is to not *hold* detainees beyond their release time for the sole purpose of fulfilling a detainer request made by ICE. However, the form in which detention requests are made by ICE—I-247A forms or "Immigration Detainer – Notice of Action" forms—are received by the ACSO and the ACSO does provide other forms of assistance asked of them by ICE on these detainer forms. In particular, ACSO provides advance notice to ICE when the person subject to the detainer is going to be released from ACSO custody in certain circumstances.

DHS Form I-247A also requests that ACSO notify ICE of the release date of an inmate prior to his or her release; that the ACSO relay the detainer request to other law enforcement agencies who take custody of the inmate in the case they are transferred; and that they notify ICE of an inmate's death, hospitalization, or transfer to another institution.[167]

Protocols for Determining Whether ACSO Will Cooperate with an ICE Request

When ACSO receives a Department of Homeland Security Form I-247A or "Immigration Detainer – Notice of Action," ACSO staff conducts a review of the inmate's criminal history to determine if they meet the criteria established in CA Gov. Code 7282.5—the California Values Act—and records the findings.

Among the allowances that the California Values Act provides, law enforcement agencies may notify ICE of release dates and/or transfer a person to ICE in the case that the individual has been convicted of a serious or violent felony identified in 1192.7(c) or 667.5(c) of the Penal Code. Secondly, the Values Act allows local law enforcement to inform ICE of release information or transfer a person to ICE if the individual's convictions include certain "wobbler" crimes — crimes that may be charged as either a misdemeanor or a felony. They may notify ICE of those individuals who have been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony or has been convicted within the last fifteen years of a felony for any one of the offenses listed in the California Values Act, Government Code Section 7282.5(a)(3). ACSO has identified in this list of wobblers in the California Values Act some crimes such as assault and battery, which are not wobblers but rather are only charged as misdemeanors. The ACSO has decided to only qualify an individual for notification to ICE if they have been convicted of a legitimate wobbler and not a "straight misdemeanor."[168] Finally, the ACSO's General Order 1.2 allows for ACSO to provide notice of release to ICE for individuals who have been "convicted of a felony punishable by imprisonment in the state prison."[169]

ACSO does not consider out of state conviction information as a qualifying charge or conviction for the purpose of notifications or transfers to ICE unless the individual is deemed a public safety threat based on pending charges and the Detention and Corrections Commander provides written approval.[170]

Lastly, under the Values Act and ACSO policy, the ACSO may notify ICE of and transfer individuals who are current registrants on the California Sex and Arson Registry. The ACSO may also respond to any requests from ICE and CBP for any individual's criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS) database.[171]

ACSO has limited its ICE notification practices to disallow notifying ICE of someone with a prior California Values Act-listed conviction and who has been arrested but not yet convicted for a felony and whose case is at the probable cause determination stage. The ACSO will only share information and transfer this individual after an evidentiary hearing has occurred and the magistrate determines that the individual should be held to answer for the crime.[172]

If the criteria has been met to authorize cooperation between ACSO and ICE, ACSO staff completes the bottom portion of the ICE I-247A form, including the release date if one is known and returns the completed form to ICE. They additionally note the qualifying criteria for the notice to ICE and the date in the ATIMS Jail Management System (JMS).[173] If a release date is later determined, ACSO staff provides ICE with the release information.

Notification to the Inmate and Their Legal Representative of an ICE Request

One potential TRUTH Act implementation problem pertains to the manner in which ACSO policy directs deputies to notify an inmate and the inmate's attorney of record that ACSO received a request from ICE in the form of a DHS form I-247A to hold, transfer, or notify ICE of the release of the inmate. The TRUTH

Act calls for notifying the inmate in two types of instances: upon receipt of an ICE request and when ACSO responds to ICE's request providing ICE the information that they sought. The TRUTH Act, Government Code 7283.1 (b), states

> Upon receiving any ICE hold, notification, or transfer request, the local law enforcement agency shall provide a copy of the request to the individual and inform him or her whether the law enforcement agency intends to comply with the request.[174]

It further states that

> if a local law enforcement agency provides ICE with notification that an individual is being, or will be, released on a certain date, the local law enforcement agency shall promptly provide the same notification in writing to the individual and to his or her attorney or to one additional person who the individual shall be permitted to designate.

Sections F.1. and F.2 of ACSO General Order 1.24 however state

> 1. When receiving a DHS Form I247-A, ACSO staff will conduct a review of the subject inmate's criminal history via local and state law enforcement databases (CRIMS, CII, etc.) to determine if they meet the criteria established in Gov. Code Section 7282.5. Findings made pursuant to this review will be recorded.
>
> 2. If the criteria has been met, ITR Staff will complete the bottom portion of the DHS Form I-247A including the release date if one is known, and return to ICE. ACSO staff will indicate, the qualifying criteria in accordance with Gov. Code Section 7282.5 and the associated date in the ATIMS Jail Management System (JMS). ACSO staff will proceed with the inmate notification process in accordance with The Truth Act.

In effect, ACSO provides one notice to the inmate at one point in time and it is questionable as to whether this single notification to an inmate adequately complies with both types of instances that the TRUTH Act requires. Notifying an inmate only once after the second type of instance has occurred, after ACSO conducted a review of the inmate's criminal history and has provided ICE with notification that an individual has or will be released, may occur within a reasonable time frame to be considered "upon receiving;" however, it may also allow for notices to happen long after the instance when ACSO received the request.[175]

Further study of the notification process is needed to assess whether ACSO notifications in fact adequately and in a timely fashion respond to the first instance when notification is required upon receipt by the ACSO.

According to ACSO Commander Yesenia Sanchez, the manner in which the ACSO Intake Unit actually notices the inmate is when they receive an ICE request despite the ACSO policy language.[176]

ACSO policy requires the state to email the attorney of the detainee *promptly* after the office has notified ICE of its intent to release an individual or transfer the individual to ICE when they meet the California Values Act criteria for this notification.[177] The Alameda County Public Defender's Office has requested of the ACSO that they change their policies to *immediately-at the time of notification to ICE* also notify the immigrant's counsel about the communication with ICE. Notification as practiced in a case involving one of the public defender's clients occurred a day after ACSO notified ICE. By the time the Public Defender's Office received notification of the transfer, the client had been in ICE custody overnight and his transfer out of state had already been arranged.

The Public Defender's Office has also stated that notification, even hours after ACSO communications with ICE, is not "prompt" and is too long after this type of action in terms of due process and under state law.

Release Process

If the Gov. Code 7282.5 criteria is not met, ACSO does not complete the bottom portion of the I-247A form, does not respond to ICE, and notes it in the JMS system. When a release date becomes known, ACSO staff conducts a second records check to determine if the inmate's criminal history will then meet the criteria in accordance with Gov. Code 7282.5, the California Values Act. If a second check reveals the individual will then meet the criteria, ACSO follows the ICE notification process above. If they still do not meet the criteria, the individual will be released without ICE notification and without transfer to ICE.[178]

According to the ACSO, the release process can take from four to six hours from the time the inmate is notified in ACSO "housing" and is brought down to booking. According to ACSO, during this period, ACSO completes warrant checks, record checks, a review of the entire file of an individual as well as the second ICE notification eligibility check.

If the California Values Act criteria for ACSO information sharing and transfer has been met, ICE is allowed to be present to take custody of an individual "without causing delay to the inmate's release from ACSO's custody."[179] These custody transfers happen in a manner similar to all transfers to other law enforcement agencies with out-of-county warrants for an individual's arrest.[180] This transfer occurs in a non-public "law enforcement lobby" within the jail. If ICE is not present at time of release to take custody by means of a transfer, ACSO policy requires the release of the individual. According to the ACSO, they "aren't going to hold someone longer so that ICE can pick them up. If they [ICE] are not there within that four-hour timeframe we are not going to hold them past that."[181]

Sheriff's policy states that "The Sheriff's Office shall not extend the detention of an inmate so that ICE may detain the individual. The Sheriff's Office may only provide ICE with timely notification of release."[182] While this policy language may not explicitly allow ACSO deputies to prolong detention of an individual for the purpose of notifying ICE of a release, pairing these two sentences in the same policy provision may be interpreted that way. Further analysis of the actual implemented ICE notification process is needed to assess whether detention is being prolonged for the purpose of notifying ICE in response to a detainer or notification request.

If a local law enforcement agency does hold an individual past their release time on the basis of a detainer, this may result in liability for the law enforcement agency for violations of the individual's rights under the Fourth Amendment of the U.S. Constitution.

For individuals who do not meet the California Values Act criteria to authorize a transfer to ICE and for whom ACSO would not be allowed to affirmatively respond to an ICE request for release information prior to that information being made public, they are released to a public lobby in the jail.

To better understand the timing of each stage of the release process for individuals for which ICE lodged a 247A form, the Office of Supervisor Valle has requested the "movement history logs" of these individuals in ACSO custody. A movement log is a record of how ACSO processes and houses an individual in its facilities and this record was mentioned by Assistant Sheriff Tom Madigan during an Ad Hoc Committee for Immigrant and Refugee Rights meeting as a record that could help the supervisors understand the release process's timing in relation to ICE transfers and arrests. When requested for the purpose of completing this report, the ACSO informed the office that it would be too time consuming to produce the requested records and as such did not provide any sample movement logs.[183] As a result, the author of this report could not examine this release process as it is reflected in these records.

III. Data on ACSO Notifications and Transfers to ICE

ACSO Data on Transfers to ICE 2014-2020			
Year	Total I-247A Requests Received from ICE	Transfers from ACSO to ICE	Transfers as a % of Total Requests Received
2014	588	140	24%
2015	191	89	47%
2016	263	165	63%
2017	731	386	53%
2018	685	102	15%
2019	436	44	10%
2020	327	8	2%

Source: Presentation by ACSO Commander Tom Madigan, Truth Act Forum, 2020[184]

Prior to the TRUST Act's implementation in January 2014, the ACSO received 900–1000 detainer requests annually through the federal immigration enforcement program Secure Communities.[185] After this time, they received nearly 600 detainer requests in 2014. Following the implementation of the Priority Enforcement Program (PEP), which was a modified program that replaced the Secure Communities Program in mid-2015, detainer requests made to ACSO dropped further and the annual total that year was 191, followed by 263 in 2016.[186] Following the implementation of the California TRUTH Act and the reintroduction of the Secure Communities Program by the Trump administration in January 2017, ACSO received 731 requests for a notification of the release of individuals in ACSO custody, a significant increase over the previous year. In 2017, the ACSO released 386 people to ICE. In 2018, a significant drop in transfers to ICE occurred as a result of the implementation of the California Values Act in January, which significantly limited local law enforcement allowances to transfer individuals to ICE and directly send release time and date information to ICE. In the ACSO, this law reduced transfers to from 386 in 2017 to 102 in 2018, forty-four in 2019, and to only eight in 2020 also due to COVID-19 pandemic.

Demographics of Inmates in ACSO Jails For Whom ICE Requested a Notification of Release, 2019					
		Age Range	# of Individuals At Santa Rita	# of Individuals At Glenn Dyer	Total # of Individuals At Both Jails
Asian					
	Female	26	1	0	1
	Male	24-67	59	1	60
Black					
	Female	0	0	0	0
	Male	22-58	8	0	8
Hispanic					
	Female	19-56	27	0	27
	Male	19-62	312	20	332
Other					
	Female	0	0	0	0
	Male	27-52	7	0	7
White					
	Female	0	0	0	0
	Male	48	1	0	1
Totals			415	21	436

Source: Presentation by ACSO Commander Tom Madigan, Truth Act Forum, 2020[187]

IV. ACSO Policies on Transfers as Compared to Other Counties in California

As no state or federal law requires local and county agencies to carry out any immigration enforcement assistance aside from that required by court order, and as the California Values Act merely allows for but does not require local agencies to voluntarily assist ICE in transferring people who have been convicted of certain crimes, counties are legally permitted to stop assisting ICE in all forms and under all circumstances. While the ACSO chooses to assist in enforcing immigration law to the near maximum allowed under the California Values Act, by contrast, Santa Clara County has maintained a policy of not responding to any ICE detainers since 2011 and has a strong sanctuary ordinance forbidding any form of assistance to ICE. [188] The City and County of San Francisco has implemented a similar policy since 2013. More recently, the Los Angeles Sheriff and Board of Supervisors stopped transfers to ICE in all cases, as did the San Mateo County Sheriff. San Joaquin County likewise does not cooperate with ICE, and Marin County and Contra Costa County have stopped letting ICE into county jails for any transfers. Humboldt County, by ballot initiative, does not cooperate with ICE in any manner.[189]

In compliance with the California Values Act, law enforcement agencies throughout California are required to report the number of individuals that it transfers to ICE to the California Department of Justice annually. According to statewide, self-reported data, and commensurate with county population data, ACSO was among the top ten highest transferring Sheriff's Offices in the state over the period of 2018–2020 for which state-wide data are available.

Transfers to Ice From California Sheriff's Offices, 2018-2020				
	2018	2019	2020	Total 2018-2020
Grand Total	2038	1685	567	4290
Los Angeles	944	457	43	1444
San Diego	423	271	78	772
Orange	Not Reported	498	219	717 (2019-20)
Riverside	90	48	21	159
Sacramento	99	52	3	154
Alameda	102	44	8	154
Ventura	73	67	13	153
Tulare	54	51	33	138
San Mateo	51	42	26	119
Contra Costa	114	0	0	114
Stanislaus	Not Reported	45	15	60 (2019-20)
Kings	23	19	13	55
Kern	Not Reported	28	25	53 (2019-20)
Fresno	4	1	47	52
Imperial	Not Reported	14	11	25 (2019-20)
Sutter	15	5	3	23
Solano	12	5	1	18
Trinity	0	18	0	18
Placer	3	5	1	9

Source: California Attorney General "Values Act Transfer Data 2018-2020"[190]

V. Participation in the State Criminal Alien Assistance Program

The ACSO participates in a federal program managed by the U.S. Department of Justice's Bureau of Justice Assistance (BJA) titled State Criminal Alien Assistant Program (SCAAP). Through this program, the ACSO applies for reimbursement for costs associated with detaining certain undocumented immigrants in its custody. SCAAP reimbursement payments under the FY2020 guidelines pertain to costs incurred by ACSO for incarcerating individuals who "the applicant government either knows or reasonably and in good faith believes that the inmate is a 'undocumented criminal alien,'" have been convicted of at least one felony or two misdemeanors, who were incarcerated for at least four consecutive days during the reporting period, and whose incarceration was not paid for through other contracts or reimbursement programs.[191]

In order to receive reimbursement for the cost of each day that ACSO detained an eligible undocumented inmate, the ACSO annually submits a grant application to the U.S. Department of Justice that includes a spreadsheet of "inmate records" that includes certain information for each individual for whom the ACSO considers an eligible inmate. "Inmate records" as defined by the SCAAP program, include the individual's "Alien number," also referred to as "A-number'," full name, date of birth, inmate number assigned by ACSO, foreign country of birth, date of incarceration and release, and FBI number. Providing the individual's middle name and the FBI number is optional; however, the ACSO includes the FBI number in the inmate records spreadsheet. The

ACSO must submit separate sets of inmate records for each period of four days or more than an eligible inmate was incarcerated.

To apply for SCAAP funds, the ACSO generates a full list of inmates booked in ACSO jails during the year (for example from July 1, 2019–June 30, 2020) with data from its Jail Management System. It then sends this full list to a private contractor named Justice Benefits Inc. (JBI), which manages the SCAAP application preparation process for ACSO.[192] JBI then examines the list and narrows the list down to which inmates might possibly qualify for this grant. JBI then sends one of its staff members to make a site visit to ACSO facilities for a week to gather any missing data, including convictions data, incarceration dates, place of birth, and other information. JBI then provides ACSO with a narrowed down list of potentially eligible inmates that it submits online to the BJA with the grant application materials.[193]

While the SCAAP program reimburses ACSO for individuals it reasonably believes is an "undocumented criminal alien," in fact, the program administrators at the U.S. Department of Justice (DOJ)allow ACSO to submit inmate records for any individual who is merely foreign born and who meets the other qualifying criteria. As a result, the number of individuals for whom JBI identifies as potentially qualifying for SCAAP reimbursement is far larger than the number of individuals who actually qualify as undocumented. The SCAAP administrators at the BJA then determine from the larger list of foreign-born individuals, who might actually be undocumented and be a qualifying inmate for reimbursement.[194] In the FY2019 SCAAP application materials provided by the ACSO to the author for review, the inmate records list contained over 1000 individuals each with unique FBI numbers. However, in FY2019, the ACSO received DHS I-247A detainer forms for 436 individuals, some of whom were undocumented, while others may have been lawful permanent residents or foreign students. The ACSO effected only forty-four transfers of individuals to ICE who met the criminal convictions criteria under the California Values Act.

While ICE may already know about some of the individuals on the SCAAP application inmate records list—for instance the 436 individuals for whom they have sent ICE detainers—the DOJ and ICE may not be investigating the rest of the individuals, or have their middle names, countries of origin, or the ACSO-generated inmate number. These are pieces of information that ACSO would be voluntarily providing the DOJ and it is unknown whether information submitted to the DOJ is input in federal databases used by ICE. Further research is needed to answer this question.

In any case, the sharing of personal information with the federal government in this manner may violate provisions of the California Values Act. Under Government Code Chapter 17.25, Section 7284.6. (a)(1)(D)

> (a) California law enforcement agencies shall not
> (1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following: (D) providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.[195]

Section 1798.3 of the California Civil Code defines "personal information" as

> any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual.[196]

SCAAP is a program that is administered by the BJA "in conjunction with the U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS)."[197] It is governed in part by section 241(i) of the Immigration and Nationality Act, 8 U.S.C. 1231—a section of the law regarding the detention and removal of aliens ordered and removed. [198] As such SCAAP should be seen in this context as a reimbursement program for immigration detention costs incurred by a non-federal entity.

The Sheriff, in consultation with the County Counsel, should assess whether the ACSO is violating the California Values Act by sharing personal information such as the full name and country of origin, and other information of eligible inmates on the inmate records spreadsheet of an application to an immigration enforcement-related reimbursement program.

In the FY2020 grant year, the ACSO will be required to submit their applications directly to the DOJ's Justice Grants System or "JustGrants."[199] Over the past three award cycles, the ACSO has received $757,089 (FY2017), $894,237 (FY2018), and $854,837 (FY2019).[200]

VI. Providing Information to ICE Under the California Public Records Act

ACSO Policy 1.24, section IV. D. 3. states that, "If ICE requests information about an individual which is publicly available information, the Sheriff's Office may share this information with ICE as required under the California Public Records Act (CPRA)." While the CPRA requires a local, county, or state agency to disclose records to any "person," section 6253.1 limits disclosure by describing the public records request and disclosure process as one pertaining to "members of the public." Federal agents, including immigration officers, are expressly excluded from the definition of "members of the public."[201] The California Values Act prohibits the sharing of certain forms of information with ICE officers without regard for the format in which it is shared. The CPRA cannot be used by ICE to compel the Sheriff to share information protected by the Values Act just because the protected information is provided to ICE on a record in response to a public records request. County Counsel should also assess whether using the CPRA in this manner would constitute an instance of the federal government compelling a locality to assist in immigration enforcement in violation of the Tenth Amendment of the U.S. Constitution. If ICE using the CPRA to compel the Sheriff to provide it information for the purpose of enforcing immigration laws were to be a constitutional overreach, the Sheriff should consult with counsel to modify its policies so as to deny such CPRA requests where legally possible.

By the writing of this report, the ACSO had not received any CPRA requests from ICE.[202]

VII. ICE Warrants

ACSO informed the author that as of March 2018, the ACSO had not yet received any ICE administrative warrants seeking ACSO assistance and does not consider these to be warrants as they are not signed by a judge.[203] Toward the completion of this report, immigration law experts informed the author that ICE is legally required to send administrative warrants along with every I-247A detainer request under ICE policy 11074.2., effective April 2, 2017.[204] Further clarification regarding the ACSO receiving administrative warrants in light of this legal requirement is needed.

VIII. ICE Interviews in ACSO Jails

From 2018 to 2020, the ACSO has only received one interview request from ICE and ICE has interviewed zero people.[205] To comply with the TRUTH Act, the ACSO provides a copy of any ICE request for an interview to the individual detained and a "Notification of I-247A, Notification of ICE Interview" form on which the individual may provide or deny consent for the interview. The individual may also indicate if they consent to being interviewed with their lawyer present. If consent is denied, ACSO does not give ICE access to interview the individual.

IX. Prohibition on the Use of ACSO Facilities and Office Space by Federal Immigration Agencies

The ACSO, in accordance with the Values Act, does not provide office or workspaces dedicated for immigration authorities in Santa Rita Jail.[206] The ACSO policy 1.24, also in accordance with the California Values Act, also prohibits the ACSO from contracting with the federal government for use of agency facilities to house individuals as federal detainees.[207]

X. Use of Automated License Plate Readers

The ACSO uses Automated License Plate Readers (ALPRs), which are cameras that capture images of license plates, the vehicle, and sometimes individuals in a vehicle as the vehicle drives past. Software then identifies the license plate number, stores the images and plate number as well as date, time, and location of the image in a searchable database.[208] The system checks license plate numbers against lists that individual member agencies make ("hot lists") of plate numbers of the automobiles of individuals they are seeking to locate. Local members can also receive hot lists from other agencies, like state and federal agencies. If the system finds a match between a license plate number photographed by an ALPR and a number on a hot list, the law enforcement agencies looking for the person with that plate number is alerted by the system. As with 70 percent of law enforcement agencies that use ALPR technology in California, the images taken by ACSO ALPRs are uploaded to the Vigilant Solutions cloud database, wherein the ACSO can share information on the vehicle photographed, the images taken, and the ACSO's hotlists. ICE and CBP are Vigilant Solutions members and use ALPR data to locate individuals in order to make immigration arrests. However, ACSO does not authorize ICE or CBP for access to its ALPR data.[209]

XI. ACSO Joint Task Forces with Federal Agencies

ACSO policy 9.14 "Investigative Task Forces," in line with the California Values Act, allows for the ACSO to participate in joint task forces with federal officers so long as the primary purpose of the task force is

not immigration enforcement, and the enforcement or investigative duties are primarily related to violations of state or federal law unrelated to immigration enforcement. The ACSO does not participate in any joint task forces with ICE, including with Homeland Security Investigations (ICE-HSI).[210]

XII. ACSO Policy on Suspecting Immigration Status and Initiating Contact or Arrest

The California Values act states that "California law enforcement agencies shall not (1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following: (A) Inquiring into an individual's immigration status."[211] "Immigration enforcement" is defined in the act as the enforcement of both civil and criminal immigration law.[212]

However, ACSO's policy 1.24 "Communication with Immigration Authorities," Section A.1. states that "A deputy shall not initiate law enforcement action based solely on observations related to a subject's immigration status." This language allows for ACSO officers to suspect and take into consideration immigration status information as a factor in initiating an arrest so long as it is not the sole factor. Further, in ACSO policy 1.24 section B. 1, the policy states

> A deputy's suspicion about any person's immigration status shall not be used as a basis to initiate contact, detain, or arrest that person. Immigration status may, however, be reasonably relevant to the investigation of certain crimes under California Law, such as but not limited to, trafficking, smuggling, harboring, and terrorism.

While this policy language discusses using suspicion of immigration status as a basis for initiating contact with certain members of the public to potentially make an arrest for violations of California law and not civil or criminal federal immigration law, the language has the potential to allow ACSO officers much more freedom to ask about immigration status in situations when such California criminal violations are found not to be present and when mere violations of federal immigration law may or may not have taken place—a scenario strictly forbidden by the California Values Act. As ACSO officers are not trained to inspect immigration documents, this policy language may lead to officers suspecting undocumented immigration status merely on factors such as physical appearance, including race or ethnicity, location of contact, or language abilities.

Aside from this issue, the ACSO may not make or intentionally participate in arrests based on civil immigration warrants, assist immigration authorities in border patrol activities, perform the functions of an immigration officer as described in Section 1357(g) of Title 8 of the U.S. Code, or any other law.[213] Further, ACSO deputies and officers are prohibited from using immigration authorities as interpreters for law enforcement matters relating to individuals in ACSO custody.[214]

XIII. ACSO May Inquire about Information Required to Certify Individuals for U and T Visas

Under ACSO General Order 1.24, a further exception to the office's prohibition on inquiring into immigration status involves cases when the ACSO enquires into information necessary to certify an individual as eligible for a U visa or a T visa. These visas are available for individuals who are victims of human trafficking and other crimes and who, despite having an irregular immigration status, choose to cooperate in law enforcement investigations and prosecutions. The visas were designed to encourage cooperation with law enforcement among immigrants who would otherwise fear coming forward because they do not have a regular immigration status. They were also designed to deter perpetrators of crime from reporting victims and witnesses of crimes to federal immigration agencies. Both the U visa and the T visa provide eligible individuals the ability to temporarily remain in and work in the United States for four years, with the chance to apply for lawful permanent resident status after the third year as well as to make certain family members eligible for a "derivative" U or T visa. As part of the process, law enforcement must certify that the victim cooperated with investigations and prosecutions on a form submitted to the USCIS. One form of immigration-status-related immigration information that would be submitted to the USCIS is the victim's Alien Registration Number or "A-Number," if there is one. In this case, the ACSO would need to inquire about whether the victim has one.[215] Additionally, the ACSO may ask questions related to the crime being investigated that may involve information about immigration status or the immigration process.

XIV. ACSO Responses to Critical Incidents and Emergency Requests from ICE

ACSO policy 1.24 states that

> Staff will not participate in organized sweeps to locate and detain undocumented residents. This does not preclude staff from responding to critical or emergency requests for assistance. Each level of assistance will be evaluated by

the on-scene supervisor to ensure the ACSO's level of participation remains consistent with this order and California law while protecting human life and property.[216]

The California Values Act includes no exceptions in its provisions for law enforcement agencies to provide emergency assistance during immigration enforcement actions.

While the ACSO has not received requests for back-up assistance from ICE by the time of preparing this report, such requests for emergency assistance have included in other jurisdictions, requests for providing perimeter security at an enforcement action. If such a request were to be accommodated in the future by the ACSO, it may potentially run counter to the intent of and violate the provisions of the California Values Act. In all cases, the ACSO however, will respond to any report of "officer down" made by members of any law enforcement agency.[217]

XV. ACSO Measures of Transparency about Immigration Enforcement Assistance

The ACSO, under General Order 1.24, has emphasized that all records that it maintains related to ICE access provided by the ACSO to people in ACSO custody are public records. They maintain data on the number and demographic characteristics of individuals for whom ACSO has provided ICE access; the date of access; if access was provided through a notification request, transfer, or through other means; records to and from ICE and ACSO that are not exempt from disclosure such as ICE notification or transfer request themselves. The ACSO maintains these records in its JMS system.[218]

Further, if the ACSO provides any form of access to ICE at any point during the year, it must present data on those forms of access to the public during an annual Alameda County Board of Supervisors "TRUTH Act Forum" in compliance with the TRUTH Act. In compliance with the California Values Act, the ACSO also submits to the California Department of Justice the number of transfers it has made of people in ACSO custody to ICE as well as the criminal offense code that rendered the individual eligible for a transfer under the California Values Act.

XVI. Taking Immigration Status into Account for Inmate Classification and Housing Considerations

Under ACSO policy 11.40.H.2.j, during the intake process, when a person enters ACSO custody, they are to be screened to assess their risk of sexual victimization. The ACSO then assigns the inmate to particular bed, work, education, and program assignments separate from inmates who are at a high risk of being sexually abusive. The policy stated that among the criteria used to screen inmates at intake was "Whether the inmate is detained solely for civil immigration purposes."[219] In the course of reviewing the policy for this report and interviewing ACSO leadership, the author brought this policy to leadership's attention and the language was removed from the policy text, as ACSO leadership found it to be outdated and not in use.[220]

XVII. Training on the Immigration Enforcement General Order and Immigrant Issues

The ACSO annually conducts a training on General Order 1.24 concerning immigration enforcement, and every six months conducts a refresher training for all jail staff and a robust training for the Intake Unit.[221] No training materials on General Order 1.24 were available for review for this report. Additionally, the ACSO does have a Cultural Diversity and Discrimination training which explains who immigrants are, what the acculturation process might look like, and that immigrants may be reticent to cooperate with law enforcement for fear that their immigration status will lead to negative consequences after speaking with the law enforcement.[222]

RECOMMENDATIONS FOR THE SHERRIFF

1. Modify General Order 1.24 to instruct ACSO staff to respond to no ICE I-247A requests for notification of release information and to prohibit transferring any ACSO inmates to ICE custody. Statistical and criminological research shows that local jails assisting ICE by means of transferring individuals who are subsequently deported does not reduce the crime rates in cities among the general population or immigrant populations. It is an ineffective tactic for making localities safer and it can expose jails to lawsuits and costly settlements. The consequence of such transfers can be the separation of families, the collapse of household finances and housing insecurity when the main money earner is detained and deported, and a waste of staffing resources dedicated to carrying out a variety of immigration enforcement assistance activities. Alameda County can join the other Bay Area counties, including Santa Clara County, City and County of San Francisco, Marin County, Contra Costa County, and San Mateo County, which have ended their various forms of voluntary assistance to ICE.

2. Decline to allow ICE to interview any inmates in ACSO jails.
3. When ACSO receives an I-247A request to hold or transfer an inmate to ICE custody, or to provide release information to ICE, provide a copy of the request upon receiving it to the individual prior to responding to ICE.
4. When ACSO receives an I-247A request or request to interview an inmate, immediately send a copy of the I-247A request and associated records to the detainee's indicated attorney regardless of whether the attorney has requested it.
5. Work with the Board of Supervisors, County Counsel, and the County Administrator's Office to provide movement logs of inmates for whom ICE has issued an I-247A form in 2020 and a sample of inmates charged on similar crimes for whom ICE has not issued an I-247A form in 2020. Over the coming year of 2022, make a copy of the movement logs for each individual for which an I-247A form is received soon after the point when they are released and place these logs in a single secure digital location from where they may all be collected at the end of the year. Present the collection of movement logs to the Board of Supervisors and the County Administrator's Office (CAO) for review. Demonstrate through these documents the timing of the release process and if there are instances where a prolonged detention occurs on the basis of an I-247A form, make changes to the release process so that no inmate is detained beyond the point that those inmates not subject to an I-247A form are detained and released.
6. Consult County Counsel to amend language from General Order 1.24. IV.D.3 regarding disclosing records to ICE in response to a CPRA request to limit or prohibit disclosure where legally possible. Assess the degree to which a CPRA request from ICE for information used to enforce immigration laws may constitute a violation of the Tenth Amendment of the U.S. Constitution.
7. Modify General Order 1.24 section A.1., striking the word "solely" so that the provision states, "A deputy shall not initiate law enforcement action based on observations related to a subject's immigration status." Further, strike the sentence "Immigration status may, however, be reasonably relevant to the investigation of certain crimes under California Law, such as but not limited to, trafficking, smuggling, harboring, and terrorism" as the California Values Act provides no exception to allow for inquiring about immigration status to enforce these laws.
8. Modify the following sentence in General Order 1.24, section IV.D.4 "Communication with Immigration Authorities," May 14, 2020: "The Sheriff's Office shall not extend the detention of an inmate so that ICE may detain the individual." Add to the end of this sentence "or for the purpose of notifying ICE of the release time and place of the individual."
9. Create a core curriculum, including scenarios training exercises, to train ACSO staff on General Order 1.24, and make the training materials available to the public as requestable records.
10. Monitor and document instances when ICE makes an arrest on ACSO property at the point of a release to the public of an individual who did not qualify for an SB54-allowed transfer or notification of release. In the ACSO's TRUTH Act forum presentation to the public that summarizes ICE access, provide additional data summarizing the total number of these additional ICE arrests of released individuals.
11. Consult County Counsel to assess the degree to which seeking reimbursement from the federal government under the U.S. Bureau of Justice Assistance's SCAAP violates prohibitions of the California Values Act on sharing personal information for immigration enforcement purposes. If participation in the program consists of actual or potential violations of the information sharing provisions of the California Values Act, discontinue participation in the program. If information sharing through SCAAP does not consist of a violation, further narrow the list of eligible inmates in ACSO SCAAP application materials to those for whom the ACSO has received immigration detainers—I-247A forms—and who meet the other qualifying criteria rather than a full list of foreign-born inmates.

Alameda County Social Services Agency

On March 1, 2018, the Board of Supervisors' Ad Hoc Committee on Immigrant and Refugee Rights hosted a Community Meeting on Immigrant and Refugee Rights at the Fremont Main Library. During the meeting, the Alameda County Social Services Agency's (SSA) policy director shared that the Agency offers over twenty benefits and services, including CalFresh and CalWORKs, and acknowledged the fear many immigrant community members were experiencing due to the Trump administration's ant-immigrant rhetoric, policies, and increased immigration enforcement. In addition, she encouraged community members "to continue to apply and continue to use [their] services," adding "Nothing has changed…our Agency prioritizes immigrants and are here to stand with you."[223]

I. Focus on Policy Advocacy

While the Trump administration sought to defund some of the services provided by the SSA, the agency undertook efforts to expand its services to immigrants and refugees through local funding streams and policy advocacy. The SSA Office of Policy, Evaluation, and Planning (OPEP)—now the Office of Policy—tracks policy at all levels of government that impact the agency's operations or the public benefits and services it administers. The SSA makes recommendations to the Alameda County Board of Supervisors on immigrant-related policies affecting SSA services to clients who are immigrants or belong to a mixed status household.[224]

Examples of SSA's policy advocacy in support of immigrants include:

- Drafting a proposal to support immigrants at the county level in partnership with the Alameda County Board of Supervisors, the San Francisco Human Services Agency, and the Western Center on Law and Poverty.
- Recommending that the Alameda County Board of Supervisors takes a supportive position on federal and state legislation that supports immigrants. For example, SSA recommended that the County support a State Medi-Cal for All bill that would expand full-scope Medi-Cal to undocumented individuals of all ages.[225] SSA also advocated for AB 2066 (Mark Stone), an expansion of the California Earned Income Tax Credit or CalEITC. At the federal level, the SSA supported S.3036 – Keep Families Together Act, which prohibits the removal of a child from their legal guardian at or near a port of entry or within 100 miles of the U.S. border; supported HR 2572 – Protect Family Values at the Border Act, which requires DHS to consider safety and family concerns in the prosecution of individuals arrested at the border for immigration violations; and opposed the termination of DACA.
- Sponsoring state legislation that aimed to protect and expand immigrants' access to public benefits and services. For example, working with Assemblymember Bill Quirk, SSA sponsored AB 2111, which would have allowed for CalWORKs benefits to be extended to indigent sponsored noncitizens beyond the current twelve-month lifetime limit. The aim of AB 2111 was to create parity in benefits available to legal immigrants through CalWORKs and CalFresh, assist sponsored noncitizens and their families, and help address homelessness.
- Providing public comment on proposed federal regulations that would be harmful to immigrants. In November 2018, SSA worked with the Alameda County Board of Supervisors to submit a letter to Department of Homeland Security Secretary Kirstjen M. Nielsen to oppose the apprehension, processing, care, and custody of undocumented minors and unaccompanied minor children at the US-Mexico border. Also in November 2018, the SSA worked with members of the Board of Supervisors to send a letter directly to the USCIS Office of Policy and Strategy opposing a new rule making it more difficult for individuals to obtain a fee waiver for fees associated with applying for immigration benefits and naturalization.

The SSA Office of Policy also hosts an annual Legislative Breakfast in August that brings over eighty leaders from the Alameda County community together to discuss SSA's policy platform. The SSA also engages with immigrant communities and their policy advocates in Alameda County by working with key local coalitions and city councils, and through communications with the National Immigration Law Center and the California Immigrant Policy Center. Through these relationships, the SSA stays up to speed on new and emergent immigrant-related policies.

II. Attempts to Stop the Trump Administration from Issuing an Expanded Public Charge Rule and Mitigate the Chilling Effect

In 2019, the Trump administration increased its ability to deny entry, visas, and green cards to low-income

immigrants who use federal public benefits by means of expanding who would be considered a "public charge" in its visa determinations. Prior to the issuing of the 2019 Final Rule on public charge, the SSA conducted a variety of actions to pressure the federal government not to issue this rule after preliminary drafts were leaked to the public.[226]

In October 2017, the SSA worked with the county administrator to recommend the Board of Supervisors Personnel, Administration and Legislation (PAL) Committee amend the County's 2017 Legislative Platform to "oppose any amendments to the 'public charge' definition as well as opposing any changes in enforcement of the current rules related to 'public charge.'" As a result, Alameda County became the first county in California to officially oppose the public charge rule expansion.[227] In December 2018, SSA also sent a letter opposing the public charge rule to Samantha Deshommes, chief of the Office of Policy and Strategy at USCIS.

SSA conducted significant outreach and education to the immigrant community to keep them abreast of any proposed changes to the public charge rule. SSA created an Immigrant Relations webpage focused on public charge, which provided information on the public charge rule and connected immigrants to resources.[228] The agency produced several information resources on public charge for the immigrant community, which were posted on SSA's Immigrant Relations webpage and distributed via its communication channels. These information resources, made available in eleven languages, include "Immigration: Understanding Public Charge," "Public Benefits and Services," "Immigration Resource Guide," "Agency Director Memos," and "Frequently Asked Questions." SSA worked with ACILEP to educate Alameda County communities about the potential rule change and what it would mean for immigrants and refugees accessing county services.[229]

On November 8, 2018, SSA worked with the Alameda County Board of Supervisors and other county agencies and community partners to host a Free Town Hall on Public Charge for Alameda County immigrant residents at Preservation Park in Oakland, California. The town hall was attended by over 200 Alameda County residents and community partners, who heard presentations on the proposed public charge rule change, were provided the opportunity to submit public comment on the proposed rule and were offered free legal immigration consultations.

III. Communication with Staff

Following the election of President Donald Trump in November 2016, Agency Director Lori Cox issued various memos to all SSA staff to reaffirm the agency's commitment to immigrant clients and to clarify for staff how the agency should engage the immigrant community in light of changing immigration policy. In February 2017, Director Cox informed staff that state and federal laws were still in effect that entitled immigrant individuals to health care coverage and public assistance; that eligibility requirements and the rules guiding use of client personal information remained the same; and that staff should continue with processing applications and renewals as in the past. She provided staff with the contact information for immigrant legal aid and advocacy organizations and instructed them to share the information with immigrant clients in need of legal advice. Further, she notified staff of SSA's participation in the Ad Hoc Committee for Immigrant and Refugee Rights as well as how the agency was monitoring legislative and administrative changes pertaining to immigration and their programs.[230] In September 2017, Director Cox informed the staff about the Trump administration's termination of the DACA program but clarified that DACA recipients remained eligible for full-scope Medi-Cal. She also shared an informational webinar on DACA and a resource on DACA from the Immigrant Legal Resource Center.[231]

In the wake of announcements from President Trump and federal agencies that they would make changes to the public charge rule in June 2018, Director Cox issued a memo to all SSA staff that all eligibility guidelines and access to benefits remained the same and that staff should continue to help clients receive federal assistance. She also directed them to notify their supervisors and the SSA Office of Public Affairs and Community Relations if ICE attempted to seek access to SSA records or property. She directed them not to answer ICE questions or provide client information. She also provided them with a list of answers to frequently asked questions so that they could engage clients and community partners on the public charge rule and directed them to not provide legal advice but rather to redirect clients to the services of immigrant legal aid organizations. In September 2018 and August 2019, Director Cox sent additional letters explaining and opposing the public charge rule change and clarifying that the 2019 Final Rule had not yet gone into effect.[232]

In mid-October 2019, just prior to the date when the 2019 Final Rule would take effect, Director Cox issued a memo to all staff informing them that federal courts had stopped the new public charge rule from going into effect with a temporary injunction and reminding

them to connect their clients with immigrant legal organizations if needed.[233]

Finally, at the end of January 2020, Director Cox issued a memo to all SSA staff notifying them that the U.S. Supreme Court had lifted the federal injunction on the Trump administration's 2019 Final Rule and that it would go into effect in February 2020. She reaffirmed the agency's opposition to the Final Rule and reminded staff that it did not change the rules for public assistance benefits provision, including eligibility guidelines or access to benefits. She additionally directed staff to connect their clients with immigrant legal organizations if needed.[234]

IV. SSA's Immigrant and Refugee Service Contracts

SSA has put in place several contracts to meet the service needs of immigrants and refugees countywide. For example, SSA contracts with CBOs, including Lao Family Community Development, International Rescue Committee, and La Familia to provide Limited English Proficient (LEP) programming to monolingual and limited English speaking Employment Services participants.

In addition, SSA has service contracts in place with local CBOs to provide Social Integration services that help refugees with psychological, intellectual, social or physical adjustments as part of living in the United States. Contracted services include providing culturally and linguistically appropriate case management services and activities for refugees who may be experiencing difficulties and challenges related to adapting and/or understanding and navigating a new country. SSA also provides contracted services for provision of the Trafficking and Crime Victims Assistance Program (TCVAP). TCVAP provides culturally sensitive and linguistically appropriate programs and services to assist eligible non-citizen victims of trafficking and domestic violence in fulfilling their immediate needs, getting the skills needed for finding employment and gaining economic independence as quickly as possible.

In 2017, SSA committed $750,000 over a two-year period to the ACILEP for legal consultation, legal representation, rapid response coordination, community responders and Know Your Rights education services for Alameda County residents. ACILEP is a partnership of non-profit agencies and the Alameda Public Defender's Office. The funding was first made possible through a joint partnership between the Alameda County Board of Supervisors, the City of Oakland, and the San Francisco Foundation.[235]

V. Types of SSA Service Participants and their Eligibility for Benefits and Services

Means-tested programs and benefits are only available to those whose incomes are judged sufficiently low. Therefore, only certain people are eligible for means-tested benefits; primarily, individuals and families living at or near the federal poverty level (FPL). Eligibility for means-tested benefits administered by SSA varies by program. When determining qualification categories for receiving means-tested public benefits, the SSA considers many factors, including citizenship status. The citizenship-based classifications used are citizens, qualified immigrants, and non-qualified immigrants.[236]

Citizens are people born in the United States, U.S. territories, or naturalized, and most have access to means-tested public benefits; meaning, if they meet the household income and other eligibility requirements for the benefit they are applying for, they would be deemed eligible. Citizens are able to apply for Medi-Cal, CalFresh, CalWORKs employment support services and cash aid when children are in the home, and General Assistance (GA) for individuals not supported by their own means or other benefits or assistance programs.

Qualified immigrants include Legal Permanent Residents (LPR), refugees, people who are granted asylum, people with conditional immigration statuses or who have Withholding of Deportation/Removal statuses, Cubans and Haitian entrants, certain battered spouses and children, and certain survivors of trafficking. Qualified immigrants are also able to apply for means tested benefits. Additionally, qualified immigrants may be eligible for the Cash Assistance Program for Immigrants (CAPI) for people who are not eligible for Supplemental Security Income (SSI) because of their immigrant status; the California Food Assistance Program (CFAP) for those who do not qualify for federal food benefits; and Refugee Cash and Medical Assistance, which provides time-limited cash assistance to refugees from their date of arrival in the United States or from the date their qualifying status was granted. This group is also eligible for CalWorks and GA.

Lastly, Non-Qualified Immigrants include but are not limited to applicants that are lawfully present in the United States, have Temporary Protected Status (TPS), have been granted DACA, those who are paroled in the United States for less than a year with some exceptions, those who are Permanent Residents Under Color of Law (PRUCOL), or who are undocumented immigrants. With regard to means

tested benefits eligibility, individuals in this category with PRUCOL are eligible for full-scope Medi-Cal, while all other adults over 25 years of age without satisfactory immigration status are eligible for emergency Medi-Cal services only.

SSA also provides services to this group of applicants that are not means tested and available to all people regardless of their immigration status. In the area of Adult Protective Services, SSA provides services to deal with elder abuse and neglect, investigations, and guardianship or conservatorship. The SSA Adult & Aging Service Department also provides healthy meals, group exercise programs, and medication management, access to senior centers, and legal and case management services. To promote economic stability, SSA provides free tax preparation services through its VITA program, and emergency housing assistance through its Season of Sharing program. For children and families, the SSA Child and Family Services Department provides abuse and neglect investigations, family crisis support services, reunification and family maintenance services, guardianships, kinship services, foster care services, and adoption assistance. Lastly, SSA's In-Home Supportive Services (IHSS) program for the elderly and individuals with disabilities provides in-home care to assist with daily living activities.

VI. Asking about Immigration Status Information and Verifying Immigration and Citizenship Documents to Determine Benefits Eligibility

To determine what group an applicant is part of and which benefits they are eligible for, the SSA Eligibility Service Technicians (EST) ask benefits applicants about their immigration status and collect information and documentation from them that serves as evidence of the status. [237] The SSA ensures that this information remains confidential and submits the information and documents to the federal government in different manners depending on the particular benefit or service they are assisting an applicant in applying for. In most cases, information is submitted to the federal government for immigration and citizenship verification through the state case management systems CalHEERS and CalWIN, and in other, more limited cases, information is sent directly to the federal government. ESTs then compare the information that clients provide them with the federal government's immigration status verification responses. In all of the cases described below, citizenship and immigration status verification is a mandatory aspect of the benefits eligibility process and the administration of the federal benefit at the county level.

For instance, in the case of Medi-Cal applications, SSA ESTs submit information via the state systems CalHEERS and CalWIN to a database called the federal data hub operated by the U.S. Centers for Medicare and Medicaid Services (CMS), and to a separate database operated by the US Citizenship and Immigration Services (USCIS) known as the SAVE database. The SAVE database verifies the applicant's submitted information and immigration status to in part determine eligibility for federal benefits. If the EST cannot verify immigration status through the federal data hub or SAVE, they request that the individual present documents verifying their immigration status for the EST. The EST photocopies, scans, and uploads the documents that the client presents to an electronic case file for the applicant and returns the original immigration document to the applicant.

However, if the individual reports to the EST to be undocumented, the EST performs their own sight verification of immigration status documents, if any, and does not submit the individual's information to either the federal data hub or the SAVE system.[238] The SSA does not hold a user agreement with USCIS to access this database, but rather gains access to it via the California Department of Social Services and the California Department of Health Care Services (DHCS) that both hold agreements with the USCIS.[239]

On an annual basis, SSA must also submit a Medi-Cal redetermination form, which determines if the individual is still eligible for Medi-Cal. One of the questions on the form pertains to whether anyone who has Medi-Cal or wants Medi-Cal in the household had any changes in immigration or citizenship status in the last twelve months. Each person who had a change in immigration status must submit documentation to the SSA of their change of status.[240]

Additionally, when processing CalFresh,[241] CalWORKS,[242] General Assistance, DACA, Refugee Cash Assistance,[243] and Permanent Residence Under the Color of Law (PRUCOL) status applications for clients who are non-citizens, ESTs verify immigration status through the SAVE system. For these programs, the SSA does not submit documents to the federal data hub. For applications to these programs, they also conduct on-site immigration status verification for applicants for people who might be undocumented as SSA does not submit a SAVE verification request for undocumented individuals. For certain applicants to the Refugee Cash Assistance program ESTs do not submit documents to the USCIS's SAVE system to verify immigration status but rather the EST makes a phone call to the U.S. Office of Refugee Resettlement (ORR).[244] They do this because SAVE does not

contain information about victims of a severe form of trafficking or their non-immigrant family members who may nonetheless be eligible for Refugee Cash Assistance.

In the case of certain benefits programs such as CalFresh, immigrant parents who are not eligible for CalFresh because they do not have satisfactory immigration status can still apply for their eligible children. Parents do not need to provide immigration information, social security numbers, or probatory documents if they are not applying for benefits for themselves.

ESTs will also assist individuals in applying for Social Security Numbers (SSN) and SSN cards as part of various benefits application processes such as with Medi-Cal or the Refugee Cash Assistance program. This process also entails collecting and verifying citizenship status and immigration status documents as described above. Lastly, ESTs will also collect immigration status information and verify documents for individuals to determine eligibility for Covered California health insurance;[245] "minor consent services" related to sexual assault, pregnancy, family planning, sexually transmitted diseases, drug or alcohol abuse; and outpatient mental health care for certain individuals with satisfactory immigration status. [246]

VI. 1. Assessing Eligibility for U and T Visas and Federal Benefits

Non-citizens can obtain a T visa when they have been a survivor of a severe form of human trafficking and they are willing to work with law enforcement to investigate and prosecute human traffickers. These visa holders may be eligible for federal and state benefits, including but not limited to Refugee Cash Assistance, CalWORKs, Medi-Cal, CalFresh, and Cash Assistance Program for Immigrants (CAPI).

If during a benefits eligibility determination conversation the EST learns that the individual is a noncitizen and is a victim of human trafficking, they will attempt to verify whether the person is a T visa holder, applicant, or is taking steps to meet the eligibility conditions for a T visa.

The EST may take a sworn statement from the individual as sufficient evidence; however, if the individual's statement is not credible, they may seek documentary evidence. The County attempts to obtain from the non-citizen at least one item of evidence of their visa status: a copy of a completed visa application; a written notice from the USCIS of receipt of the T visa application; statements from official authorities (law enforcement who have assisted the survivor with applying for a T visa application); or other forms of proof that the individual was in fact a victim eligible for a T or U visa. These types of proof may be police records, government agency records, or court records or files; news articles; documentation from a social services, trafficking, or domestic violence program, or a legal clinical, medical, or other professional form whom the applicant or recipient has sought assistance in dealing with the crime; a statement from any other individual with knowledge of the circumstances that provided the basis for the claim; or physical evidence.[247] If the sworn statement of the individual is obtained and credible or if sufficient documentary proof is obtained, the EST then assesses eligibility for state and federally funded benefits, and if eligible, grants the benefits. The EST will also follow-up over the next year with T visa applicants to ensure that the Office of Refugee Resettlement did in fact grant the T visa.

Non-citizens may also obtain U visas if they are victims of certain crimes, for example, domestic violence, and willing to work with law enforcement to investigate and prosecute crimes. This provides them a "nonimmigrant status" that provides work authorization and allows them to stay in the country, however, it does not give them eligibility for federal benefits. Therefore, some applicants with U visas may apply for only state-funded benefits through the SSA.

If during a benefits eligibility determination conversation, the EST learns that the individual is a noncitizen and is a victim of domestic violence or another serious crime, they will attempt to verify whether the person is a U visa holder or a U visa applicant. To apply for state benefits available to a U visa applicant or holder, they must present to SSA documentary evidence of that status.[248] If these are presented, the EST assesses eligibility for state benefits and grants them if the individual is otherwise eligible. The U visa applicants will remain eligible for state benefits if they present documentation that the USCIS eventually granted the visa.

As part of the eligibility determination process for U visas, the EST verifies immigration status through the SAVE system.

VI. 2. Persons Residing Under the Color of Law Applications

PRUCOL is a benefits eligibility status for a broader group of non-citizens than for those with permanent residency who make their presence in the country known to the USCIS and who are not a priority for

deportation. This category may include immigrants who are present in the country unlawfully. It essentially refers to a broad category of non-citizens with and without formal legal status who are eligible for varying degrees of public federal benefits. To gain PRUCOL documented recognition from USCIS, which ensures certain benefits eligibility, a non-citizen needs to declare their satisfactory immigration status, and for most PRUCOL categories, needs to provide information along with documentation of their satisfactory immigration status. SSA ESTs evaluate and determine eligibility for various forms of PRUCOL statuses for non-citizens and process PRUCOL applications through the CalWIN system.[249] The categories of status for PRUCOL non-citizens are reflected in Form MC 13, which is used by counties for documenting an applicant's immigration status. If an individual is claiming one of the first fifteen PRUCOL statuses on the Form MC 13 and their status is not verified electronically through the electronic SAVE verification process, the individual will need to provide verification of their status. In some cases, the EST fills out a manual submission and submits the non-citizen's documents proving immigration status. They also submit an MC-845 form. USCIS agents then review and act on these PRUCOL requests without discussing their reasons for PRUCOL determinations with the SSA.

Undocumented individuals may also claim PRUCOL when they do not fit into any of the specified PRUCOL categories but are rather in a catch-all other category for those who DHS merely knows about and do not intend on deporting. These individuals may have no documentation to prove their satisfactory immigration status. In these cases, the EST is not required to verify PRUCOL through the federal data hub or through SAVE but rather may just complete a sight verification and enter the verification in the applicant's digital file.[250]

Significantly, USCIS reserves the right to seek deportation action of a PRUCOL applicant that either submits false information to USCIS (e.g., commits fraud) or "When there is an open warrant for the noncitizen's arrest."[251] During the PRUCOL application preparation process, SSA ESTs do not conduct checks to see if the PRUCOL applicant has an open warrant for their arrest by either asking the applicant if they are aware of any open warrants, or by checking with law enforcement agencies. As PRUCOL is specifically for individuals who are not an immigration enforcement priority, if PRUCOL is denied, this signals that the applicant is a deportation priority and the federal government is seeking their removal.[252] While ICE has many sources of information from which they attempt to locate an individual, information submitted on PRUCOL applications to USCIS, includes active home address information and other contact information. It is uncertain to what degree ICE has access to or uses this information in making home arrests. While the SSA has no experience with any of their PRUCOL applications being denied, nor have they been notified that any of their applicants were found to have committed fraud or have an outstanding warrant for their arrest, it is possible that this could happen in the future.

VI. 3. Minor Consent Applications

State law allows a minor, without parental consent to receive "minor consent services"— services related to sexual assault, pregnancy, family planning, sexually transmitted diseases, drug or alcohol abuse, and outpatient mental health care. Minors applying for these services through SSA must complete the "Statement of Citizenship/Alienage Status" form (MC 13) but need not provide verification of their immigration status if they do not have easy access. During the course of the review for this report, the author found that training materials for ESTs regarding minor consent services were out of date. These materials stated that minor consent services are only available to those individuals who have a "satisfactory immigration status" and that if a minor seeking "minor consent services" states that they are in the United States illegally, the EST is required to deny their minor consent application.[253] Following interviews that the author conducted with SSA staff in which he asked if this was how the minor consent services eligibility process operated in practice, SSA staff responded that it was not.[254] When a minor who does not have "satisfactory immigration status" applies for minor consent services, they are not denied due to their immigration status. The SSA, following the interview with the author, corrected the training materials so that they reflect current practice.[255]

VII. Trainings for SSA Staff on Serving Diverse Immigrant Clients

The SSA provides training to its employees on services and benefits offered to immigrants among other relevant trainings.[256] All employees also take the following trainings as part of their New Employee Orientation: "SSA Module I- Client Civil Rights" and "SSA Introduction to Outstanding Customer Service." These trainings cover strategies for assisting all types of clients, including overcoming language barriers and respecting cultural differences. Further, certain job classes are provided additional training pertinent to their particular work. ESTs receive training on immigrant

benefits eligibility and serving diverse populations. Employment Counselors (ECs) receive training in "Cultural Diversity and Social Adjustment" and removing employment barriers for LEP immigrants. Lastly, social workers and child welfare workers completed a Cultural Diversity and Social Adjustment training as well as training in working with and supporting diverse families. In February 2020, SSA Children and Family Services Department hosted immigration attorney Sara Fain from the Immigration Institute of the Bay Area to provide an immigration-related training in "Big Picture Updates" covering changes in the public charge rule, DACA, "affirmative immigration" changes, and asylum rule changes.

VIII. Civil Rights Training and Discrimination Complaints Process

SSA Module I – Client Civil Rights training includes one slide of information explaining that the immigration status verifications that SSA ESTs conduct should never give rise to discrimination.[257] It also explains that ESTs may only verify the immigration status of eligible non-citizens who are applying for benefits and not the family members who are ineligible for benefits.

However, beyond this, the complaints process for clients to report incidents of discrimination is not focused on immigration status-based discrimination. The SSA ensures that its staff are capable of guiding clients through the Client Discrimination Complaint process, part of which includes providing them a form that they can use to submit the specifics of their complaint.[258] The form includes a section "Basis of Discrimination," which provides a variety of options from which the client can indicate with a mark in a check box. The options include age, ancestry, color, disability, gender, gender expression, gender identity, genetic information, marital status, national origin, political affiliation, race, religion, retaliation, sex, sexual harassment, and sexual orientation. These bases are defined in California anti-discrimination law. The section also has an "other" option that allows the client to fill in the type of discrimination that does not fit among the previous options. There is no box for "citizenship/immigration status." In the California Health and Human Services Agency Department of Social Services pamphlet given to SSA clients informing them of their right to file a discrimination complaint, it also lists prohibited discrimination as limited to the basis of discrimination listed above.[259] While this pamphlet covers state-law-governed discrimination, SSA may reaffirm its own prohibition on immigration status-based discrimination. The same holds true for the Alameda County SSA Employee Discrimination Harassment Complaint Form.[260]

IX. Medi-Cal Induction Training (2017)

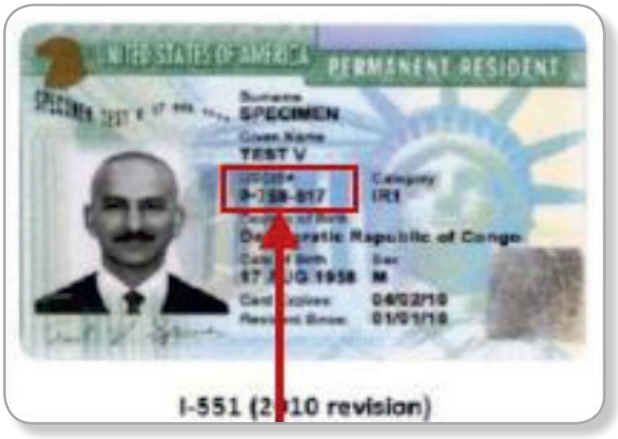
The SSA's Medi-Cal Manual included samples of USCIS-issued permanent resident cards (Form I-551), commonly called "green cards," for SSA ESTs to familiarize themselves with. They must understand what the card looks like and that it includes name, photo, fingerprint, card number, alien/USCIS number, birth date, card expiration date as well as certain security features such as holographic images, laser engraved fingerprints, and high-resolution micro-images. ESTs are instructed to use the card to enter the information into the CalHEERS system to submit a Medi-Cal application. However, the various samples provided are presented in a racist manner. For example, on a card with the photo of a Latinx woman of color, the name provided is "Test V Specimen" reducing her to a non-human biological sample from the country of birth named "Utopia" (see Image 1 below).

Image 1: Medi-Cal Induction Training Permanent Resident Card Example 1 [261]

By contrast, a second sample of an older style permanent resident card is provided with the photo of a white man with a human name, Lee W. Crittenden, who is originally from Canada.

Image 2: Medi-Cal Induction Training Permanent Resident Card Example 2

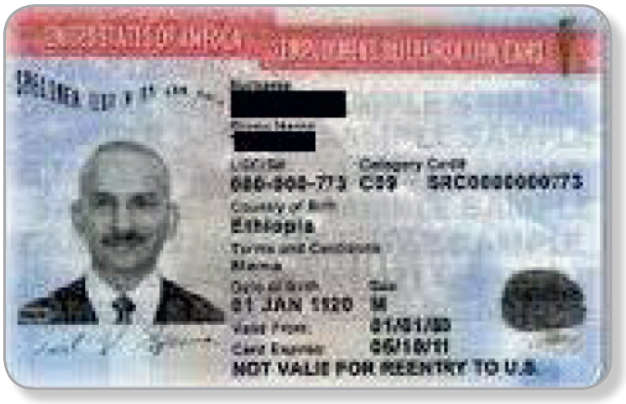
In a separate section of the Medi-Cal manual, the "05-2014 Systems Bulletin – Citizen/Non-Citizen Changes in CalWIN" issue was also present. An example of a permanent resident card with a photo of a man of color from the Democratic Republic of Congo is given the name "Test V. Specimen."[262]



The same image was used in SSA's Medi-Cal manual to demonstrate an example of an Employment Authorization Card.[263]

In the course of sharing preliminary drafts of this report with staff of the SSA, they were made aware of this issue and of recommendations made by the author to remove, replace, or modify the problematic images included above. The SSA immediately implemented the author's recommendation and identified the images' source to be a July 21, 2014, DHCS Medi-Cal Eligibility Division Information Letter that was sent to all county welfare directors and Medi-Cal program specialists or liaisons in the state.[264]

The SSA redacted the sample images provided by the state by redacting the names as demonstrated in the below images:



The SSA has left the country "Utopia" in one of the images however. The author of this review has advised the SSA to additionally remove "Utopia" from the image. In addition to redacting names of the images, the SSA Office of Policy stated to Supervisor Valle's office that it will work to alert DHCS to these problematic images and recommend that they update the publication.[265]

X. Benefits Available to All Immigrants to Support Them During the COVID-19 Pandemic

To support food insecure Alameda County residents during the COVID-19 pandemic the SSA created an emergency food distribution vendor pool made up of twenty-seven contractors and at least 700 partners throughout the county who provide emergency food and prepared meals for individuals in need regardless of their immigration status.

On August 24, 2020, the Alameda County SSA, in partnership with the HCSA, the Auditor-Controller and designated community health clinic partners, launched the Alameda County Responsibility to Community Health, also known as the ARCH Program. The ARCH Program was designed to curb the spread of the COVID-19 virus in Alameda County by providing financial assistance (up to $1200) to self-isolating county residents who have tested positive for COVID-19 regardless of their immigration status.[266]

XI. Language Access

To facilitate community members accessing county administered benefits, the SSA provides their services in multiple languages by bilingual staff, through the use of a language line phone service, a video remote interpretation service, or through the help of "community interpreters." SSA staff provide clients with a form on which they can indicate their spoken and written language preferences and needs.[267] The SSA has created a question and answer pamphlet to explain its services in eight "threshold languages" or foreign languages spoken by the largest language communities in Alameda County: Vietnamese, Cambodian, Cantonese, Mandarin, Farsi, Dari, Spanish, and Tagalog.

RECOMMENDATIONS FOR THE SOCIAL SERVICES AGENCY DIRECTOR

1. When ESTs screen applicants for PRUCOL eligibility, to minimize the risk to the applicant that they would be targeted by USCIS and ICE as a result of the applicant having a warrant out for their arrest, implement an additional screening question for ESTs to ask applicants if they know of any warrants out for their arrest. If the individual indicates that they do have a warrant out for their arrest, inform the individual that the USCIS may deny the application for PRUCOL because of this warrant and that ICE may subsequently target the individual for an immigration enforcement action. In the case that an applicant is denied PRUCOL, provide the individual with informational materials for immigration legal services organizations in Alameda as the denial may indicate that the individual is a priority for immigration enforcement. Monitor the number of denials of PRUCOL that SSA receives and whether any adverse immigration enforcement action results for the clients who have been denied.

2. To increase the likelihood of clients reporting complaints of immigration status-based discrimination, add "citizenship/immigration status" to the "Basis of Discrimination" section of the list of types of complaints included on the Alameda County SSA "Client Discrimination Complaint Form." In addition to providing clients the California Health and Human Services Agency Department of Social Services pamphlet describing the complaints process, create additional materials on immigration status-based discrimination with information on how to file a complaint with the SSA, and provide it to clients along with the California Health and Human Services Agency Department of Social Services pamphlet. Work with community-based legal organizations to train employees to manage client complaints about immigration status-based discrimination and to develop a process for evaluating such complaints of discrimination as well as methods for taking corrective action to stop the discrimination when it occurs. Additionally, update the Alameda County SSA Employee Discrimination Harassment Complaint Form to also include information on immigration status or citizenship status-based discrimination. While the author has made this recommendation to the SSA here, he has included a similar recommendation to the Alameda County Board of Supervisors to require all county agencies to build upon complaints process and harassment prevention materials by including citizenship and immigration status-based harassment and discrimination as a basis for complaints. Such a county-wide policy recommendation therefore was possible thanks to the SSA's extensive effort to provide public records for this review, as no other agency provided complaints process or discrimination and harassment-related client materials.

Recommendations to the Board of Supervisors

Recommendations in this section derive from the author's analysis of the state of immigrant and refugee integration and anti-deportation efforts in Alameda County after review of all materials submitted to him for this report as well as those made by the many agency representatives and community advocates in Ad Hoc Committee on Immigrant and Refugee Rights hearings and subsequent interviews.

1. Pass a County-Wide Ordinance Disallowing Immigration Enforcement Assistance and Information Sharing

Cooperating with ICE is mistakenly thought to assist in crime fighting through the enforcement of immigration laws, whereas systematic and broad sweeping studies have shown that it makes no meaningful reductions to crime. In 2014, scholars at the University of Chicago and New York University School of Law undertook a study titled "Does Immigration Enforcement Reduce Crime? Evidence from 'Secure Communities'" asking whether or not utilizing the assistance of local and county law enforcement in identifying, detaining, and transferring undocumented people in police departments and county jails to ICE reduced crime in those counties.[268] They found that in the over 3,000 counties when Secure Communities was active from 2008–2014, there were "no meaningful reductions in the FBI index crime rate," nor did it lead to reductions in violent crime (homicide, rape, robbery, or aggravated assault). They concluded that the program "does not in fact serve its central objective of making communities safer." Other studies have shown that the program serves merely to alienate immigrant communities from local government, finding reductions in cooperation among immigrant communities with law enforcement.

This report recommends passing a county-wide ordinance prohibiting the use of county resources, personnel time, or facilities for the purpose of enforcing immigration laws to the maximal extent allowable under California law, including a prohibition on assisting ICE, CBP, and any agencies or companies working on their behalf in making arrests, detaining and transferring individuals to ICE custody, or notifying ICE of inmate release information. Further, the ordinance should clearly prohibit employees from providing access to ICE and CBP to non-public areas of county facilities. County agencies through this policy should be required to create department-specific policies and protocols that clarify how their particular employees implement the county-wide policy in the course of administering services for the public. The county policy should also require annual training on the department-specific policies for all departmental employees and should make the training materials publicly accessible.

All agencies should be required to review their complaints procedures and grievance materials, which are given to the public, and modify them to state that all individuals regardless of immigration status may file complaints without immigration enforcement consequences. County non-discrimination notices provided to members of the public by county agency employees should also be modified to prohibit discrimination on the basis of immigration status, citizenship status, or refugee status. And all agencies should review their disclosure of client information statements in each of their department documents and revise them to explicitly state that information that clients submit to their departments will not be disclosed to ICE or CBP.

The county should create a clear and easily accessible complaints process for violations of this ordinance, create a public submission website that allows for members of the public to submit complaints to the agency responsible for receiving and investigating complaints, conduct investigations swiftly, provide public disclosure of a report of the findings of a complaint as well as a clear and detailed corrective action plan for addressing a confirmed violation. Any employee found to have violated this ordinance should be considered for disciplinary action.

Department and agency heads should work with County Counsel and Human Resource Services in consultation with external expert partners to develop appropriate policies and should provide training necessary to implement the policies adopted.

2. Review the Sheriff's Office Inmate Release Process for Individuals with ICE Detainers

In line with the California Values Act (SB54), ACSO policy states that staff may not hold individual inmates beyond their point of release for the purpose of holding someone for immigration enforcement purposes. To assess the release process and the imple-

mentation of this ACSO policy, this review sought the movement logs for individuals in ACSO jails who had received ICE 247-A notification requests or detainer request forms. This manner of assessing the release process was suggested by Assistant Sheriff Tom Madigan at an Ad Hoc Committee on Immigrant and Refugee Rights hearing in March 2018 in response to questions from the Supervisors on the committee. At that meeting, Supervisor Richard Valle recommended to the Sheriff's Office that they develop a manner of tracking the duration of time between when an individual is scheduled to be released from jail until the time that they actually are released following an SB54-related ICE transfer or notice eligibility check. The supervisor also recommended that the ACSO produce a report on this issue and provide it to the Board of Supervisors. The ACSO has not produced any such a report on this issue.[269]

In June 2020, as part of a records request related to this review, the Supervisor's Office re-requested these movement logs and two further times over the course of the following year when the ACSO did not provide them in response to the requests. In July 2021, the Sheriff's Office informed the author and the Supervisor's Office that this was an overly burdensome request and did not provide any movement logs again. As such, this review was unable to assess the implementation of the ACSO policy governing the release process in county jails. Nonetheless, oversight and verification of the release process of inmates who ICE has lodged an I-247A detainer or notification of release request for is crucial. Immigrants who have been held beyond the point of release on their criminal charges by other county sheriff's offices on the account of a detainer request have sued and won significant settlements for violations of their constitutional rights. Further, Alameda County has settled with immigrant detainees who have sued on this basis. As such, the ACSO release process potentially exposes the county to legal and financial liability and should continue to be, as it has already been, a concern of the Board of Supervisors.

This report recommends that the Board of Supervisors directs the Sheriff to provide the movement log records to the County Administrator's Office. It is further recommended that the Board of Supervisors direct the CAO to conduct a review of the movement logs. These logs records should include those for individuals who the ACSO has received I-247A forms for and compare them to the movement logs for a subset of the inmate population that has been released for similar charges after no I-247A form was lodged and report findings back to the board.

3. Continue Funding for the Public Defender Immigration Representation Unit to Conduct Federal Impact Litigation and "Padilla" Consultations

The Public Defender's Office's Immigration Representation Unit provides counsel to non-citizens and their lawyers to understand the immigration consequences of their criminal cases.

The Immigration Representation Unit provides over 1000 of these "Padilla" consultations per year.[270] This work has been accomplished through a mix of hiring experts to conduct these consultations and the Immigration Representation Unit managing attorney covering additional and emergency department need for these consultations beyond what the experts are available to provide at current part-time funding levels. As the unit has grown, the managing attorney has been required to dedicate more time to supervision and administrative responsibilities, affording her less time to cover the additional and rushed Padilla consults. Also, changes in several state laws, and the increasing complexity of immigration laws that are changing rapidly, have required each Padilla consultation to take more time preparing for and carrying out. As a result, there is now a shortfall in the unit's ability to address the need for Padilla consults because the current Padilla attorney position is part time. The Immigration Representation Unit managing attorney estimates that to meet the need for Padilla consults each year, the unit needs at least one full-time employee dedicated to this work, bringing the total FTE to 1.0.

This report recommends that the Board of Supervisors allocates funding to hire one full-time associate deputy public defender position to allow the Immigration Legal Representation Unit to meet the full Padilla consult services need.

Further, the Immigration Representation Unit, assists clients with direct legal representation as they move from criminal court into various federal courts while they fight their immigration removal cases. This work is currently grant funded. The board should consider utilizing local funding to continue funding the associate deputy public defender in the unit for the purpose of advancing its pathbreaking work to set new legal precedent through cutting edge "impact litigation" in federal court. This litigation takes ICE to court to systematically stop ICE from carrying out expeditious practices all over the nation that deny immigrant rights, deny immigrants access to legal counsel, and make it hard for immigrants to win in their removal cases. The Immigration Representation Unit was

the first of its kind outside of New York state and its groundbreaking impact litigation work will not only affect outcomes for Alameda residents but for immigrants and their lawyers all over the country. The unit currently supports federal litigation work through the work of a fellow who is supported by two years of foundation and grant funding. Given the clear success of this pilot fellowship, the County should fund a full-time permanent lawyer solely dedicated to focusing on and carrying out federal impact litigation related to the defense of individuals facing detention and deportation.

It is estimated that fully funding this recommendation of 1.5 FTE additional associate deputy public defender positions would require up to an additional annual allocation of $360,222.00 in 2021 dollars.[271]

4. Expand Funding for Community-Based Organization to Provide Immigration Legal Services

Funding for immigration legal advice, removal defense, Know Your Rights training, and network building between county agencies and local immigration legal organizations stabilizes the immigrant community that might be otherwise untrusting of local government institutions and staff. Funding to these organizations may be used not only to represent immigrants in immigration proceedings and to help families prepare for and respond to immigration enforcement actions but also to make linkages between immigrant clients, CBOs, and comprehensive health and welfare services in schools and throughout the county government. While immigration legal representation has been fortified through funding to the Public Defender's Immigration Representation Unit, ACILEP legal services have provided a needed community-based counterpart.

One area that has been identified for expansion has been in the schools. The Office of Education reports that schools in the county have outdated legal resources for their families since the immigration enforcement legal landscape changes so quickly. Leaders of schools throughout the county, including in Fremont, Tri-Valleys, Newark, and Livermore, have received many questions from families about what is going to happen to their children if the parents are detained and deported. These leaders have been unable to answer the families' questions and have expressed to the Office of Education that they need lawyers who can provide legal advice to families about their individual situations.[272]

The Board of Supervisors can assist the Office of Education in obtaining additional immigrant legal services available to families in the schools themselves by expanding resources for community-based, immigrant- and refugee-serving legal organizations to provide ongoing Rapid Response Network trainings and Know Your Rights trainings in the school communities in all Alameda County districts. This recommendation could be contracted to a community-based organization or group of organizations such as ACILEP.

This need was identified by the Office of Education and the author agrees with the recommendation.

5. Increase Earmarked Funding to the District Attorney for Immigrant Community Outreach and Assisting Immigrant Victims of Crime

Allocate greater resources specifically earmarked for the purpose of conducting community outreach to let community members know what the District Attorney's Office's capacity is and what it is able to do with and for immigrants. These funds would allow the District Attorney's Office to conduct more intimate, private conversations with people that are not possible to have in public forums where ICE may be watching or listening. Allocate additional funds for immigration lawyers to help victims of crime by expanding their functions to include carrying out investigations in the community with victims of crime in private settings.

This need was identified by the District Attorney's Office and the author agrees with the recommendation. The estimated costs to implement this recommendation is approximately $563,172.00 to fully fund one FTE Deputy District Attorney and two FTE victim advocate positions.

6. Create the Alameda County Office of Immigrant and Refugee Affairs

Create a central county agency under the authority of the County Administrator's Office tasked with providing support to the board and to the various county agencies on immigrant issues, education, training, informational resources; work with agency leaders and county counsel to investigate and mediate in cases of an alleged violation of immigrant rights in county agencies; to monitor immigrant and refugee access to services; to assist immigrants with language access and access to county agencies; to provide support in census data collection and other outreach efforts in the many immigrant communities of Alameda county; to work with CBOs to educate the community about county benefits, services, and changes in not only federal immigration policy, but also changes in county policies and programs. This office might also assist the board in drafting new immigrant-sup-

porting policies responsive to changing immigration enforcement practices and programs at the federal level. The office can assist the County in implementing Welcoming County practices such as:

1. serving as a knowledge resource for immigrant and refugee community members about how to access state and federal benefits and programs such as obtaining California driver's licenses;
2. finding immigration legal advice, and how to best navigate county agencies;
3. serving the immigrant community by operating educational, leadership, and citizenship programs for immigrant youth and adults;
4. assisting in the submission of applications for legal status;
5. paying for legalization applications;
6. making referrals for language courses and other forms of immigrant integration skill-building courses offered in Alameda County;
7. hosting or supporting recreational programs and afterschool programs in conjunction with school districts for immigrants to foster new friendships and a greater sense of belonging, especially for youth;
8. providing information on Alameda County, on various civil and criminal laws in the United States and in California to minimize potential violations and encounters with law enforcement, and information on labor laws to minimize employer abuse and exploitation of immigrants.

The office could annually produce a report titled "The State of Immigrant and Refugee Communities in Alameda County," which includes a summary of immigration policy and program changes over the previous year, county government efforts to integrate these communities, and county efforts to minimize immigration enforcement that would be useful to the board in passing policy and making budget allocations. The office could convene representatives from each county agency and representatives from immigrant serving non-profit organizations to develop a prospective action plan for how the county will assist immigrants and refugees in the coming year, and this plan can be publicized in the annual "The State of Immigrant and Refugee Communities in Alameda County" report. Minimally, the board in consultation with the Office of Immigrant and Refugee Affairs should consider how to incorporate immigrant and refugee priorities into their strategic visioning processes (Vision 2026) and annual Human Impact Budget Report.

Toward the completion of this report, the author was made aware of the County's efforts to establish an Office of Diversity Equity and Inclusion. Depending on the scope of this new office, elements of this recommendation may be for the board to consider how an Office of Immigrant and Refugee Affairs and an Office of Diversity Equity and Inclusion can work together.

7. Work with Immigrant Community Leaders to Address the Need for Post-Immigration Detention Re-entry Services

Toward the completion of this report, immigrant community advocate leaders reviewed the final draft of the report and informed the author of the need for re-entry services for individuals exiting immigration detention and who reside in Alameda County. The author recommends that the Board of Supervisors work with immigrant and refugee organization leaders to specify the need for re-entry services for immigration detainees and develop a plan for funding and administering the needed services.

8. End Contracts with Companies That Assist ICE with Data Collection

The county should work with Alameda County CBOs trying to end the contracting of cities and counties with companies that assist ICE with data collection. One such organization that does this work is Oakland Privacy. This work could guide the County in divesting from such companies as well to further disentangle the county from assisting immigration enforcement through their financial agreements with these immigration enforcement assisting companies.

This need was identified by community advocates and expressed in ad hoc committee meetings. The author agrees with the recommendation.

9. Advocate with State and Local Government for Immigrant Integration and Anti-Deportation Laws, Programs, and Benefits

Alameda County should continue its work to voice its position in favor of immigrant rights, integration, and an end to immigrant detention and deportation in state and federal policy arenas. It should continue to advocate for pro-immigrant policies in the California legislature, for greater funding for immigrant integration programs and services that are not restricted by immigration or citizenship status, and for laws that reduce deportations in Alameda and throughout the country.

10. Undertake a Public Messaging Campaign to Communicate the County's Actions to Implement the Recommendations of this Report

Given that members of immigrant and refugee communities have been targeted by ICE with the cooperation of local and county law enforcement agencies such as the ACSO, public messaging regarding Alameda County as a welcoming environment for immigrants may be received with skepticism. The County should increase immigrant and refugee trust in the County by communicating actions taken to implement the critical recommendations made by this report to the immigrant and refugee community. This outcome can be accomplished through funding and working with CBOs serving the largest immigrant communities in Alameda County to integrate information about the changes into Know Your Rights trainings, educational public meetings and events, and advocacy work. The county should issue public service announcements in major print and online news sources, social media, radio, and television in the languages spoken by the largest immigrant communities. Informational posters can be produced and placed in public transportation hubs, bus stop shelters, on advertising boards on buses and in BART trains that transit the county. Informational pamphlets and posters can be produced and placed in the lobbies of county agencies and provided in information packets for county services that are provided to benefits and services applicants.

Conclusion

Alameda County's immigrant and refugee residents and visitors have faced and survived heightened enforcement from the federal government and its local partners over the past four and one half years. In the media, they were framed repeatedly as criminals deserving deportation, many of their families were separated, including their children forcibly removed and held in detention centers and camps, some of whom have still not been reunited with their parents. Throughout the country, the federal government sought the assistance of localities, including those in Alameda County, in arresting, detaining, and transferring individuals to federal immigration custody. While many local and county governments chose to fully cooperate with these deportation efforts, others declined to participate to varying degrees.

Alameda County chose not only to decline to offer voluntary assistance to ICE in most cases but also worked hand in hand with immigrant rights organizations and immigrant and refugee community members (a) to inform the public about their rights; (b) to learn from their experiences being targeted by ICE and what would make their lives safer; (c) to communicate with county staff to minimize barriers to immigrant and refugee access to county services and minimize the risk of using county services; (d) to provide targeted benefits and services to immigrants in the hopes of stabilizing their household livelihood; (e) to provide legal services to fight deportation proceedings and deportation consequences of criminal court cases; (f) to engage in advocacy and policy work to author, champion, and support pro-immigrant and pro-refugee policies at the local, county, state, and federal levels; (g) to convene county-wide task forces to meet the challenges posed by heightened immigration enforcement and the needs of immigrant community members; (h) and to implement anti-deportation policies and protocols to ensure that the county was not using its resources in a manner that put its residents at risk for deportation and subsequently discourage them from accessing county services.

While this general approach to immigration enforcement agencies undoubtedly safeguarded the Alameda County communities at risk, much is still to be done by county agencies to fully disengage from immigration enforcement projects and to support immigrant communities in thriving as equal Alameda County community members. This report lauds the county's efforts to date and calls upon county leaders and staff to re-dedicate themselves to an ethic of no cooperation with immigration enforcement and to invest further in safeguarding all Alameda County residents and visitors regardless of immigration status, race, gender, sexuality, income, religion, nationality, language, health status, and their duration of stay in the county.

Of critical concern is the need to end cooperation between the ACSO and ICE in all forms, since comprehensive scholarly analysis has repeatedly shown that local law enforcement assisting ICE with immigration enforcement does not in fact make localities safer. It is a political issue with a human effect upon immigrant and refugee communities; an effect on the operations of local and county governments; and an effect on local, county, state, and national elections. However, most importantly, this is an ethical issue that Alameda County has decided correctly to take a stand on not just for the future of vulnerable people but for the future of good government.

NOTES

1 The following Alameda County agencies, offices, and departments participated in the ad hoc committee hearings: Board of Supervisors, Behavioral Healthcare Department, Department of Public Health, District Attorney's Office, including the Family Justice Center, Healthcare Services Agency, Office of Education, Probation Department, Public Defender's Office, Sheriff's Department, and Social Services Agency. Immigrant and refugee rights community-based organizations that participated in the hearings were the following: Alameda Health Consortium, Asian Health Services, ACILEP, Bay Area Legal Aid, California Immigrant Policy Center, Centro Legal de la Raza, Community Health for Asian Americans, El Centro, Freedom for Immigrants, Immigrant Legal Resource Center, La Familia, South Alameda County Unaccompanied Minor and Migrant Families Collaborative. ACILEP consists of representatives from the Arab Resource Organizing Center, Black Alliance for Just Immigration, Causa Justa/Just Cause, Filipino Advocates for Justice, The Interfaith Movement for Human Integrity, Mujeres Unidas y Activas, Oakland Community Organizations, and Street Level Health Project.

2 Office of Education Presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, February 16, 2017, available online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=4581, 1:27:00 in the video.

3 "ACLU Sues Sacramento County Sheriff for Illegally Collaborating with Immigration Agents in ICE Arrests of Immigrants," November 16, 2021, available online at https://www.aclunc.org/news/aclu-sues-sacramento-county-sheriff-illegally-collaborating-immigration-agents-ice-arrests.

4 This estimation was provided to the author by the Office of Supervisor Richard Valle, November 21, 2021.

5 U.S. Census population estimates, 2018, available online at www.census.gov/quickfacts/alamedacountycalifornia, accessed February 24, 2020.

6 U.S. Census, American Community Survey, 2018, "Selected Characteristics of the Native and Foreign-Born Populations," Alameda County, California, data.census.gov, accessed February 24, 2020.

7 Ibid.

8 U.S. Census, American Community Survey, 2018, "Selected Characteristics of the Foreign Born Population By Period of Entry into the United States," Alameda County, California, available online at data.census.gov, accessed February 24, 2020.

9 Alameda County Social Services Agency Presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, June 28, 2018, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5248

1:08:00 in the video.

10 Alameda County Public Health Department Presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, June 28, 2018, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5248

1:51:00 in the video.

11 Alameda County Public Health Department Presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, June 28, 2018, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5248, 2:01:50 in the video.

12 Alameda County Office of Education Presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, June 28, 2018, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5248, 1:22:50 in video.

13 Alameda County Immigration Legal and Education Partnership, ACILEP Presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, July 17, 2018, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5266, 00:25:20 in the video.

14 El Centro Presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, February 16, 2017, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=4581, 1:01:44 in the video.

15 Alameda County Public Health Department Presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, June 28, 2018, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5248

2:01:00 in the video.

16 Public Comment Section, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, February 16, 2017, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=4581, 1:40:10 in the video.

17 Alameda County District Attorney's Office Presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, June 28, 2018, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5248 1:35:50 in the video.

18 South Alameda County Unaccompanied Minor and Migrant Families Collaborative Public Comment, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, June 28, 2018, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5248, 2:05:00 in the video.

19 Max Rivlin-Nadler. "How ICE Uses Social Media to Surveil and Arrest Immigrants." The Intercept, December 22, 2019, available online at https://theintercept.com/2019/12/22/ice-social-media-surveillance/, accessed March 2, 2020.

20 Department of Homeland Security Secretary John Kelly. 2017. "Enforcement of the Immigration Laws to Serve the National Interest, Memo from DHS Secretary John Kelly, February 20, 2017," available online at https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf, accessed June 6, 2020.

21 Angie Junck, Immigrant Legal Resource Center presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, February 16, 2017, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=4581, 05:45:00 in the video.

22 Anissa Basoco-Villarreal, Alameda County Social Services Agency Presentation "Defining Public Charge: Inadmissibility for Immigration, Current Practice vs. Proposed Rule," Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, July 17, 2018, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5266, 03:36:00 in the video.

23 Lena Graber and Krsna Avila. 2019. "Growing the Resistance: How Sanctuary Laws and Policies Have Flourished During the Trump Administration, December 2019." Immigrant Legal Resource Center report, available online at https://www.ilrc.org/sites/default/files/resources/2019.12_sanctuary_report-final-12.17.pdf, accessed June 5, 2020.

24 Ibid.

25 Ibid.

26 White House, "Executive Order: Enhancing Public Safety in the Interior of the United States," January 25, 2017, available online at https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states/, accessed June 6, 2020.

27 Syracuse University Transactional Records Access. 2019. "ICE Detains Fewer Immigrants with Serious Criminal Convictions Under Trump Administration." December 26. Available online at https://trac.syr.edu/immigration/reports/585/, accessed March 2, 2020.

28 Ibid.

29 Data for 2018: CAP Local Incarceration 43,834; CAP Federal Incarceration 15,320; 287(g) Program arrests 6,638; Non-custodial arrests 11,815; CAP State Incarceration 7,275; All ICE Arrests 106,914. See Syracuse University Transactional Records Access Clearinghouse "Immigration and Customs Enforcement Arrests: ICE Data Through May 2018", available online at https://trac.syr.edu/phptools/immigration/arrest/. Accessed December 19, 2021.

30 Rebecca Merton, National Visitation Network Coordinator and Independent Monitor, FREEDOM for IMMIGRANTS Presentation "Immigration Detention System on Immigration Detention and Family Separation Across the U.S.," Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, June 28, 2018, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5248, 0:10:48 in the video.

31 Rebecca Merton, National Visitation Network Coordinator and Independent Monitor, FREEDOM for IMMIGRANTS Presentation "Immigration Detention System on Immigration Detention and Family Separation Across the U.S.," Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, June 28, 2018, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5248, 00:30:37 in the video.

32 Statistics for fiscal years 2013 through 2019 were accessed via the Department of Homeland Security, Immigration and Customs Enforcement ERO-LESA Statistical Tracking Unit's "End of Year Rollout" reports. Reports for fiscal years 2013 through 2016 are available online at https://www.ice.gov/sites/default/files/documents/Document/2017/localStatistics2013_2016.pdf. Reports for fiscal year 2017, 2018, and 2019 are available online at https://www.ice.gov/sites/default/files/documents/Document/2017/localStats2017b.pdf, https://www.ice.gov/sites/default/files/documents/Report/2018/ero-fy18-localstatistics.pdf, and https://www.ice.gov/sites/default/files/documents/Report/2019/ero-fy19-localstatistics.pdf, respectively. All removal statistics for fiscal years 2003 through 2012 were contained in the ICE "Removals-AOR-FY2003-2016" spreadsheet accessed via the ICE.gov website. Statistics for 2020 are available at https://www.ice.gov/doclib/news/library/reports/annual-report/ero-fy20-localstatistics.pdf , "ERO
Administrative Arrests by Field Office (Area of Responsibility) and Month." The author accessed all reports on July 16, 2021.

33 See Jorge Loweree and Aaron Reichlin-Melnick. 2021. "Tracking the Biden Agenda on Immigration Enforcement." American Immigration Council. Accessible online at https://www.americanimmigrationcouncil.org/sites/default/files/research/tracking_the_biden_agenda_on_immigration_enforcement_0.pdf, accessed December 20, 2021.

34 Department of Homeland Security Secretary Alejandro Mayorkas, "Guidelines for the Enforcement of Civil Immigration Law," September 20, 2021. Available online at https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf, accessed December 10, 2021.

35 Department of Homeland Security Secretary Alejandro Mayorkas, "Guidelines for Enforcement Actions in or Near Protected Areas," October 27, 2021, available online at https://www.dhs.gov/sites/default/files/publications/21_1027_opa_guidelines-enforcement-actions-in-near-protected-areas.pdf, accessed December 10, 2021.

36 Syracuse University Transactional Records Access Clearinghouse, "Immigration Detention Quick Facts," available online at https://trac.syr.edu/immigration/quickfacts/, accessed December 10, 2021.

37 Ibid.

38 Lena Graber and Krsna Avila. 2019. "Growing the Resistance: How Sanctuary Laws and Policies Have Flourished During the Trump Administration, December 2019." Immigrant Legal Resource Center report, p.3, available online at https://www.ilrc.org/sites/default/files/resources/2019.12_sanctuary_report-final-12.17.pdf, accessed June 5, 2020.

39 Ibid.

40 Alameda County Office of Education Presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, February 16, 2017, available online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=4581, 1:25:00 in the video.

41 Leila Rasavi, California Immigrant Policy Center Presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, February 16, 2017, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=4581, 38:50:00 in the video.

42 By November 2019, the following rapid response networks existed in California: Sacramento Rapid Reponse Network covers Sacramento, Placer, and Yolo counties; Valley Watch Rapid Response Network covers Fresno, San Juaquin, Merced, Stanislaus, and Kern Counties; True North Rapid Response Network covers Humbold County; Services, Immigration Rights and Education Network or "SIREN" Rapid Response covers northern, California, central California, and the San Francisco Bay Area; San Francisco Rapid Response Network covers the City And County of San Francisco; Stand Up Together Contra Costa County covered Contra Costa County; Marin Rapid Response Network covered Marin County; West Marin Rapid Response Network covered West Marin County; North Bay Rapid Response Network covered Sonoma, Napa and Solano Counties; San Mateo Rapid Response Network covered San Mateo County; and Santa Clara County Rapid Response Network covered Santa Clara County. In the Central Coast, Monterey County Rapid Response Network covered Monterey County and Your Allied Rapid Response Network & Pajaro Valley Rapid Response covered different areas of Santa Cruz County. In Southern California, the Inland Coalition For Immigrant Justice – Emergency Response Network covered San Bernardino County and Riverside County; the Southern Central Coast Rapid Response Network covered Santa Barbara County, Ventura County, and San Luis Obispo County; the Orange County Rapid Response Network covered Orange County; Long Beach Community Defense Network covers the Long Beach area; Koreatown Rapid Response Network covers Koreatown in Los Angeles; the Boyle Heights Immigrant Rights Network – Rapid Response Team covers Boyle Heights in Los Angeles; the Los Angeles Raids and Rapid Response Network covers Los Angeles County as a whole; San Diego Rapid Response Network covers San Diego County; and Alianza Comunitaria covers North County San Diego. For more information, visit https://ccij.sfbar.org/california-rapid-response-networks/.

43 Alameda Health Consortium public comment, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, February 16, 2017, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=4581, 1:46:00 in the video.

44 Alameda County Social Services Agency Presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, June 28, 2018, viewable online at

https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5248, 1:07:42 in the video.

45 See Mancina, Peter. 2019. "Turning the Golden State into a Sanctuary State: A Report on the Implementation and Impact of the California Values Act (SB54)." San Francisco: Asian Americans Advancing Justice-Asian Law Caucus, Border Criminologies, and the University

of Oxford Centre for Criminology, available online at https://www.advancingjustice-alc.org/wp-content/uploads/2019/03/SB54-Report_FINAL.pdf, accessed December 20, 2021.

46 Alameda County Public Health Department presentation, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, June 28, 2018, viewable online at

https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5248, 1:49:08 in the video.

47 Freedom for Immigrants Presentation by Rebecca Merton, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, June 28, 2018, viewable online at

https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5248, 00:31:50 in the video.

48 Ibid.

49 Alameda County District Attorney's Office Presentation by Kevin Dunleavy, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, June 28, 2018, viewable online at

https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5248, 1:25:40 in the video.

50 The language in this state law came from a U.S. Supreme Court ruling in the case Padilla v. Kentucky 130 S.Ct. 1473(2010). Available online at https://www.supremecourt.gov/opinions/09pdf/08-651.pdf, accessed December 20, 2021.

51 Alameda County District Attorney Nancy E. O'Malley, "Immigration Policy: Consideration of Collateral Immigration Consequences in Review and Charging cases, in Plea Negotiations and Post-Conviction Review." October 8, 2012, revised July 1, 2017 and March 26, 2020.

52 Information provided to the author by Rose Cahn of the Immigrant Legal Resource Center in the course of final review, December 9, 2021.

53 Alameda County District Attorney Nancy E. O'Malley, "Immigration Policy: Consideration of Collateral Immigration Consequences in Review and Charging cases, in Plea Negotiations and Post-Conviction Review." October 8, 2012, revised July 1, 2017 and March 26, 2020. Charging Determinations Section, number 3.

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206 From Alameda County Sheriff's Office Presentation, Commander Tom Madigan, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, March 22, 2018. Audio provided to author for review. 01:23:40 in the audio.

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209 Interview with ACSO Commander Yesenia Sanchez, May 25, 2021.

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211 California Values Act, Section 7284.6(a)(1)(A) of the California Government Code, available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB54, accessed January 22, 2021.

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213 Alameda County Sheriff's Office General Order 1.24. Section IV. A. 2. a-c.

214 Ibid. Section IV. H. 1.

215 For instance, see Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) Form I-918, Supplement B, "U Nonimmigrant Status Certification," available online at https://www.uscis.gov/sites/default/files/document/forms/i-918supb.pdf.

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219 ACSO General Order 11.40.H.2.j

220 Email from Commander Yesenia Sanchez to the author, July 8, 2021.

221 Interview with ACSO Commander Yesenia Sanchez, May 25, 2021.

222 California Commission on Peace Officer Standards and Training "Basic Course Workbook Series, Student Materials, Learning Domain 42, Cultural Diversity/Discrimination, Version 6.5," p.116, available online at https://post.ca.gov/portals/0/post_docs/basic_course_resources/workbooks/LD_42_V-6.5.pdf.

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226 Anissa Basoco-Villareal, Social Services Agency Presentation on the Public Charge Rule, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, July 17, 2018, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5266. 00:03:11 in the video.

227 Anissa Basoco-Villareal, Social Services Agency Presentation on the Public Charge Rule, Alameda County Ad Hoc Committee for Immigrant and Refugee Rights public hearing, July 17, 2018, viewable online at https://alamedacounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=5266. 00:14:00 in the video.

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The State of Immigrant and Refugee Rights in Alameda County

Final Report of the Alameda County Ad Hoc Committee on Immigrant and Refugee Rights

Commissioned by the Office of Alameda County Supervisor Richard Valle

December 20, 2021