

Sonoma County Sheriff restricts cooperation between jail and ICE

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Terry Winter, left, Vicki Smith, Liz Finn, second from right, and Marty Bennett sweep away ice Monday at the Sonoma County Adult Detention Facility in Santa Rosa to protest the Sonoma County Sheriff's Office sharing of information on undocumented inmates with the Department of Homeland Security Immigration and Customs Enforcement. CHRISTOPHER CHUNG / THE PRESS DEMOCRAT

In a compromise with a watchdog official who had criticized his policies, Sonoma County Sheriff Steve Freitas imposed new restrictions Monday on cooperation between local jail officials and federal immigration agents.

The jail will no longer cooperate with U.S. Immigration and Customs Enforcement officials in cases where undocumented immigrants are suspected of committing minor offenses, such as driving without a license.

However, the jail will continue to provide ICE with information about undocumented immigrants who are convicted of serious or violent felonies, as well as a number of other crimes listed in the 2013 Trust Act. That law, supported by immigrant rights groups, blocks county jails from holding inmates for immigration officials when they would otherwise be allowed to go free.

“We are trying to come to some type of mutual understanding and we are agreeing to go by the Trust Act,” said Sgt. Spencer Crum, a spokesman for the Sheriff’s Office.

The announcement comes one month after the county’s independent law enforcement auditor urged Freitas to limit federal immigration agents’ access to information about undocumented inmates at the jail.

“He has responded to the community and he is changing his policies and I think that is significant,” said Jerry Threet, director of the Independent Office of Law Enforcement Review and Outreach.

A 13-page report issued by Threet in March criticized the jail’s policy of complying with any request from federal immigration officials to be alerted before an inmate is released — including cases when a person is let out on bail or freed without ever having been charged with a crime. The policy, Threet said, undermined public safety by making people reluctant to report crimes or cooperate with law enforcement out of fear they may be deported.

Threet's office recommended the Sheriff's Office share information with ICE only in certain cases where an undocumented inmate is convicted of a serious or violent crime. Freitas, however, said the proposal inappropriately excluded several important crimes.

In a policy change he cast as a "reasonable compromise," Freitas said he would now use



Ana Salgado, left, and Patricia, who declined to provide her last name, participate in an immigration demonstration at the Sonoma County Main Adult Detention Facility in Santa Rosa, to protest the Sonoma County Sheriff's Office sharing of information of undocumented inmates with the Department of Homeland Security Immigration and Customs Enforcement.
CHRISTOPHER CHUNG / THE PRESS DEMOCRAT

the Trust Act to determine appropriate areas of communication with federal immigration agents.

Crum said the Trust Act calls on local jail officials to provide ICE with the release dates of undocumented inmates convicted of specific serious or violent crimes.

The list of crimes include felonies such as false imprisonment, human trafficking, elder abuse, child endangerment, extortion, spousal abuse and possession of an assault weapon, as well as misdemeanors such as indecent exposure, driving under the influence and brandishing a firearm.

"So if someone has not committed those crimes that are enumerated in the Trust Act, we will not be responding to an ICE

notification request," Crum said. "The Sheriff still believes that the best way to protect the public is to not release criminals back into the community."

The announcement came the same day immigration advocates gathered in front of the jail to protest cooperation between jail officials and ICE.

Monday morning, several dozen activists from local liberal organizations dumped bags of ice in front of the Sonoma County Jail. They chanted over and over, "Fuera ICE," or "Get out, ICE," as they swept the melting chunks off the walkway between the jail and the county courthouse.

Richard Coshnear, a local immigration attorney who heads Comité VIDA, a volunteer immigrant rights organization, said Freitas was "taking a three-quarters step forward, which is great." Coshnear said his group still objected to cooperation with ICE in cases that do not involve serious or violent crimes.

"We would object to splitting up families over any misdemeanor and, frankly, over nonviolent felonies," Coshnear said.

But he welcomed the change.

"It shows that reasonable minds have come together over what public safety requires," he said.

In his letter to Threet's group, Freitas pointed out that future state laws, such as Senate Bill 54, known as the Values Act, could further limit local cooperation with ICE. The bill, which has been approved by the state Senate, is currently in the Assembly.