

ICE Priorities

Immigration and Customs Enforcement's Priority Enforcement Program prioritizes individuals into three categories that qualify them for removal

- **Priority 1 (threats to national security, border security and public safety)**
- **Priority 2 (misdemeanants and new immigration violators)**
- **Priority 3 (other immigration violations)**

ICE Non-priorities

- **Individuals who have been in the United States illegally and continuously prior to January 1, 2014 but who do not have any other criminal history**

ICE Removal Process

- When an ICE priority individual is designated for removal and subsequently arrested by ICE in Santa Barbara County, they are processed in Santa Maria or Camarillo depending on location of arrest
- They are then transferred to Los Angeles where their case is immediately heard by a federal immigration judge, unless previously deported
- Based on the decision of the court, the individual is either returned to their country of citizenship or released in Los Angeles

Clackamas Decision & County Liability

No state or federal court with California jurisdiction has yet ruled on whether detentions authorized under the TRUST Act, but solely based on the request of ICE, violate the Constitution. If a California court adopts the reasoning of the district court in *Miranda-Olivares*, local jurisdictions may be held liable for damages for such a detention.

California Trust Act

The TRUST Act requires that continued detention under Immigration and Custom Enforcement (ICE) agency detainers must meet conditions laid out in state law.

First, continued detention by state and local law enforcement agencies must "not violate any federal, state, or local law, or any local policy," and second, the detainee's criminal history must include serious or violent crimes, federal charges, or inclusion in the California Sex and Arson Registry among other conviction criteria. Only if both of these conditions are met, then local law enforcement may continue to detain the individual.

Other Factors

- Prop 47
- Bail skipping
- Ever-changing legislative and executive priorities at the federal level

Process Improvements

- Better communication (already ongoing)
- Better coordination of inmate transfers (in process)
- Support policy change in order to obtain signature of magistrate on ICE detainer forms (Sheriff Brown and CA Sheriffs Association advocating)