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County jails released 349 people wanted by ICE since 'sanctuary law' started

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People arriving to the downtown Central Jail first go through intake process. (Nelvin C. Cepeda / San Diego Union-Tribune)



By **Kate Morrissey** • Contact Reporter

MAY 28, 2018, 5:00 AM

In the first four and a half months since California's "sanctuary law" went into effect, the [San Diego County Sheriff's Department](#) released 349 people who were wanted by immigration officials without alerting the federal agency responsible for deportations.

That's a little over half of the 605 people the agency requested, according to a spokeswoman for the Sheriff's Department.

The 605 people that Immigration and Customs Enforcement asked jail officials for make up less than two percent of the 32,137 people booked in San Diego County jails so far this year. That's consistent with the previous two years when ICE wanted to arrest between 1.5 and 1.6 percent of those in the Sheriff's custody.

ICE doesn't pick up every person the agency requests. In 2016, ICE officers did not pick up 157, or about 13 percent, of the people they wanted from the jails, according to the Sheriff's Department. In 2017, the agency did not pick up 165 of those it requested, also about 13 percent.

Before 2018, officials with the Sheriff's Department would inform ICE when someone they were interested in was going to be released. With a new law that went into effect in January, jail officials now do not tell ICE when people will be released unless the person has a criminal charge listed as one of the exceptions in the law.

Opponents of the law have argued that the law, known as [S.B. 54](#) or the California Values Act, prevents immigration officials from doing their job and that they're now forced go to into communities to make more arrests. ICE says that increases the potential for collateral arrests of people who happened to be around when officers showed up looking for someone else.

Supporters of the law say that it helps unauthorized immigrants who are victims or witnesses of crimes feel comfortable coming forward, which they say keeps communities safer.

Since the law was implemented, arrests by ICE in California have dropped about 25 percent from the previous quarter, from 6,214 to 4,642, according to ICE data. Nationwide, the number of arrests rose about two percent, from 39,169 to 39,945.

Much of California's decrease is because of a 71 percent drop in noncriminal arrests out of the San Diego field office. In the first quarter of fiscal 2018, ICE officials in the San Diego area arrested 1,622 people who did not have any criminal conviction, a significant increase from the 465 arrested the previous quarter and **the most** of any field office across the country for that time period. In the second quarter, from January to March, ICE made 457 noncriminal arrests around San Diego.

Arrests of those with criminal convictions in San Diego did not change significantly following the implementation of S.B. 54. ICE arrested 637 people with criminal histories between October and December, and the agency arrested 639 between January and March.

Across California, ICE arrests of those with criminal convictions dropped about nine percent, from 3,862 to 3,509.

Peter Nunez, a former U.S. Attorney for the Southern District of California who is on the board of an immigration restrictionist think tank, said it's probably too soon to know what the changing arrest numbers mean.

"It's not a promising trend, but let's see what happens as we go forward," Nunez said.

David FitzGerald, a professor at [UC San Diego](#) who studies immigration, said that it was hard to draw definitive conclusions from the data trend because criminal arrests would include both felonies and misdemeanors.

“But this evidence is consistent with the idea that the authorities in California are continuing to cooperate with ICE when it comes to unauthorized immigrants who have committed serious crimes inside the United States,” FitzGerald said. “S.B. 54 just made sure that the cooperation would only turn over serious offenders.”

Loren Collingwood, an assistant professor at UC Riverside who has studied immigration enforcement and sanctuary policies, said that the drop in California arrest numbers in the second quarter of fiscal 2018 might not be related to S.B. 54. He suggested detention capacity issues and networks of immigrant rights advocates alerting communities about enforcement might have contributed to lower numbers.

ICE might’ve also gone for “low hanging fruit,” he said, in the earlier months of the [Trump](#) administration as the agency ramped up its enforcement. Those remaining in the country might take more work to track down and arrest.

What concerned Nunez more immediately than the arrest numbers were the 349 people that the Sheriff’s Department said had been released from custody instead of turned over to ICE.

“Sanctuary law is terrible,” Nunez said. “It’s horrible. Half of the people that ICE, or INS in the old days, used to be able to take custody of are now not being taken and they’re being released back into the street.”

He applauded the Orange County Sheriff’s decision to publish who is getting released from jail so that everyone, including ICE, can see it. The San Diego Sheriff’s Department has a [report](#) of inmates pending release on its website.

So far in 2018, the most serious charge faced by people that the Sheriff’s Department did not turn over to ICE was misdemeanor spousal battery, a spokeswoman for the Sheriff’s Department said.

Misdemeanor domestic violence is also one of the three most common charges for people that the Sheriff’s Department could not tell ICE about. The other two were misdemeanor offenses related to DUI and disorderly conduct or public intoxication.

Dilkhwaz Ahmed, executive director of License to Freedom, an organization that helps survivors of domestic violence in immigrant and refugee communities, said that she supports S.B. 54 because it helps victims feel more comfortable coming forward regardless of their immigration status. (Several police departments **said** they received fewer domestic violence reports from Latino communities in the first year of the Trump administration and attributed that to fear of immigration enforcement.)

Every case is different, Ahmed said. For some, the deportation of an abuser brings much-needed relief. In other situations, victims don't want to report abuse if it will lead to the abuser's deportation.

She recalled one client who refused to go forward with reporting her husband if it meant he would be deported.

“She said, ‘I cannot handle the fact that my kids are going to look at me and say you are the reason for my father to be deported,’” Ahmed recalled.

Jonathan Underland, a spokesman for state senator Kevin De León, who wrote the bill for S.B. 54, said that the list of crimes that qualify for communication between local law enforcement and ICE is based on an earlier law from 2013 that involved negotiations with sheriffs.

“The SB 54 list explicitly covers all serious and violent crimes, including felony DUIs and felony domestic violence crimes, such as Corporal Injury to spouse/Cohabitant Penal Code 273.5 under the Battery category,” Underland said.

The Trump administration sued California over S.B. 54 and two other laws it says impede

immigration officials' work. San Diego County **joined** the Trump administration to oppose the laws while the city of San Diego **sided** with California in support of them.

President Donald Trump hosted a roundtable at the White House May 16 with California officials who oppose the idea of sanctuary policies.

Supervisor Kristin Gaspar, who spearheaded San Diego County's decision to join the lawsuit on the side of the Trump administration, attended the meeting.

"We've created a situation where Governor Brown makes San Diego a great place to commit a crime because you have options," Gaspar told the president. "You can either be across the border in a matter of minutes and shielded by Mexico, or you have the option of simply staying put, shielded by Governor Moonbeam."

Mayor Sam Abed of Escondido told Trump that having ICE work with police in his city helped reduce crime.

"In our city, more immigrant people report crime," Abed said. "And this narrative that sanctuary city will allow more immigrants to report crime is fake news, Mr. President."

Tom Wong, a professor at UC San Diego who worked as an advisor to the White House under the Obama administration, recently **published** findings from a questionnaire given to unauthorized immigrants from Mexico that found a statistically significant difference in willingness to report crimes based on whether they believed that local police work with ICE or don't work with ICE.

About 60 percent fewer people who believed that local police worked with ICE said they would be willing to report a crime they witnessed, and about 43 percent fewer said they would be willing to report a crime that happened to them.

"The survey provides evidence to support what some law enforcement officers have said, that when there are clear dividing lines between local law enforcement and ICE, undocumented immigrants are more likely to report crimes and have greater trust in public institutions."

Wong also authored a **study** last year published by the left-leaning Center for American Progress that found 35.5 fewer crimes are committed on average per 10,000 people in sanctuary counties compared to nonsanctuary counties.

The administration's messaging about sanctuary policies doesn't line up with the evidence, Wong said.

"You're not able to say you're making decisions on the best available evidence," Wong said. "That's a dangerous position to be in."

When asked about Wong's reports, Lauren Mack, a spokeswoman for ICE, said that the agency has policies in place to protect unauthorized immigrants who cooperate with police in criminal investigations, including educating immigrants about U visas for crime victims and T visas for human trafficking victims.

"ICE has long recognized the importance of victims and witnesses and the critical role they play in successful investigations and prosecutions," Mack said. "These policies are intended to minimize the effect that immigration enforcement may have on the willingness and ability of victims and witnesses to call the police to report crimes or protect their safety."

The lawsuit over California's laws has two hearings coming up in June.

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