

HICAAP PROJECT STEERING COMMITTEE
Wednesday, September 8, 2004

Notes

In attendance:

Lt. Mico Robles, LASD, IRC, Chair John Aerts, LASD & ISAB Larry Bryant, LASD Michael Concha, Pub. Def. Lori Dery, District Attny.	Scott Edson, LASD & ISAB Andrew Goldman, Alt. PD Felicia Grant, Alt. PD Laura Hickman, Rand David Lindsay, LAPD Jan Maurizi, District Attny.	Anna Pembedjian, 5 th District Dominic Rivetti, District Attny. Peggy Shuttleworth, CCJCC LaCarla Williams, Probation Craig Marin, CCJCC
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I. CONVENE/INTRODUCTIONS

Lieutenant Mico Robles convened the meeting. Self-introductions were made.

II. HICAAP PROCESS & LAW ENFORCEMENT PROCEDURES

A draft memo to Law Enforcement HICAAP Liaisons was distributed to those in attendance. This memo is intended to gauge the extent to which procedures are in place for HICAAP throughout the County. Included with the memo are a HICAAP Program Description [with attachments that include a sample electronic detainer, Immigration Violator File (IVF) response, and HICAAP flowchart] and a HICAAP Survey form. The survey is to be completed and returned to the Countywide Criminal Justice Coordination Committee (CCJCC).

The following questions are asked on the survey form:

- Are you receiving electronic detainers from the Law Enforcement Support Center (LESC)?
- Are you receiving Immigration Violator File (IVF) responses from NCIC?
- If you are receiving IVF responses, are you calling the LESC to secure a detainer?
- Are you receiving phone calls from the Sheriff's Warrant & Detainer Unit regarding placing immigration detainers in AJIS?
- Are you notifying the prosecutor when a suspect is identified as a previously deported criminal alien?

For those law enforcement agencies that have not provided the name of a contact person, the memo and enclosures will be sent to the Chief of Police.

It was noted that the District Attorney's Office has revised its case-filing sheet. It now includes a portion that indicates whether the defendant is HICAAP eligible. A law enforcement officer will complete the top part of the form, while the Deputy District Attorney will complete the bottom half. Therefore, it will be the responsibility of law enforcement to check the box that indicates that this person is a previously deported criminal alien.

A motion was made to approve sending the memo and enclosures to all County law enforcement agencies. The committee agreed to this without opposition. Once the memo has been issued and surveys are returned, the need to meet with each Police Department can be assessed.

III. JAIL STUDY

There are 754 cases in which the Immigration and Customs Enforcement (ICE) disposition status is needed in order to know what ultimately happened with each case.

Additionally, 1,581 people were released without being interviewed, and RAND needs the alien status on these individuals. Alien status is also needed on 920 people who were released directly from Court.

A letter was issued to the ICE Special Agent In Charge for the Los Angeles region, as well as the head of the LESC, in order to seek assistance in obtaining this remaining information. There has not yet been a response.

One idea for obtaining the needed information is to send an Immigration Alien Query (IAQ) to the LESC for each individual in which the alien status is unknown. When the response from LESC is received, it will be entered into a database and turned over to RAND. So far, this has only been tested and has not been fully implemented.

The same idea was tested for disposition information, but the results did not produce accurate disposition information. To obtain this information, it will be necessary to have access to ICE's DACS system.

ICE will give the Sheriff's Department access to DACS, but that is contingent upon the Sheriff's Department installing computers to run the system, and on Sheriff's personnel receiving training on DACS (The Sheriff's Department has recently been informed that, even if there is available access on existing computers, Sheriff's personnel will not be allowed access without first receiving training in DACS).

It is not yet certain that the Board of Supervisors will approve the MOU that would allow the Sheriff's Department to interview inmates in place of ICE agents (which would require access to the DACS system). Given that the Board will not be voting on this issue until November of this year, and the training on the DACS system would take two to four weeks, the Sheriff's Department cannot afford to send personnel for DACS training at this time. If the MOU were to be voted down, then the Sheriff's Department will have wasted valuable personnel time spent on training that won't be used. Similarly, the purchase order on the computers is on hold pending a decision by the Board of Supervisors on the MOU.

IV. RAND PROCESS EVALUATION DATA

A query of the number of individuals that were LiveScanned at the ICE facility between October 1, 2003 and March 31, 2004 was 1,463. The number of individuals released to ICE during that period was 2,790.

V. PROSECUTION UPDATE

A handout was distributed that shows the number of Federal prosecutions under HICAAP on a month-to-month basis from October 2000 to July 2004. These indictments and informations on Sections 1325 and 1326 show that the number of Federal prosecutions has been increasing each year, but the increase in the first seven months of 2004 has been particularly dramatic.

VI. MOU – SHERIFF/BICE

Sheriff Lee Baca sent a letter to the Department of Homeland Security requesting that ICE provide additional staff dedicated to conducting interviews at the County Jail. This letter was issued on August 24, 2004.

One of the requests from the Board of Supervisors was that further efforts be made to obtain staff support from ICE before a vote is taken on the MOU that would authorize Sheriff's deputies to assist with the IRC interviews. The vote on the MOU has been put over until November of this year.

There has not yet been a response to this letter.

VII. DACS ACCESS

As noted above, ICE will not allow Sheriff's Deputies access to the DACS system without going through training first, and that has been placed on hold pending the authorization of the MOU by the Board of Supervisors.

VIII. STATISTICAL REPORTS

At the last meeting, it was suggested that the statistics be reported to this committee regularly on the following:

- Number of foreign born inmates
- Number scheduled for interviews
- Number interviewed
- Number removed and type of removal
- Number referred for prosecution
- Number prosecuted

ICE has indicated that they can provide the number of people removed and the type of removal by obtaining this data from another Bureau. Additionally, ICE provided the

number of HICAAP eligible defendants referred for prosecution in August 2004, so they may be able to provide this regularly.

The number of foreign-born criminal aliens that are prosecuted under Federal law will need to be obtained from the U.S Attorney's Office.

This subject will be followed-up on at the next meeting.

IX. OPEN DISCUSSION

There are currently 25 to 50 interviews being conducted at IRC each day. Lieutenant Robles will bring in the lists of scheduled interviewees from the previous two weeks to view as samples.

It was noted there is no mechanism in place for alerting the Deputy District Attorneys that the defendant is a previously deported criminal alien in situations where the person is brought into Court on a bench warrant.

One possible solution in the future is that the cases of HICAAP defendants will be flagged initially via that case-filing sheet. Therefore, if there were later an arrest warrant on the case, the Deputy District Attorney would see that it's a HICAAP case. However, the difficulty with this approach is that the prosecutor uses the initial information to determine how the case will be filed. Once this decision is made, there would be no reason to keep the HICAAAP information in the system.

X. ADJOURN/NEXT MEETING

The next meeting is scheduled for Thursday, October 14, 2004, at 2:00 p.m., in Room 739 of the Hall of Administration.