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Year two of SB 54: More individuals reoffending in Orange County post-release

SANTA ANA, Ca. (Feb. 3, 2020) – In the second year of implementing California Senate Bill 54 (SB 54), which limits how local law enforcement makes notifications to U.S. Immigration and Customs Enforcement (ICE), the Sheriff's Department has seen a 38% increase in the number of individuals with ICE detainers reoffending once released from custody.

In 2019, 1,507 inmates released from the Orange County Jail had ICE detainers, which means federal authorities requested notification upon the inmate's release. Of those inmates, 492 were released to ICE upon completion of their local sentences and in accordance with SB 54 regulations.

Restrictions outlined by SB 54 prevented the Sheriff's Department from notifying ICE on the release of the remaining 1,015 inmates, despite the individuals having ICE detainers. Of those inmates, 238 individuals were re-arrested for new crimes in Orange County including on charges of assault and battery, rape, and robbery, among others. These numbers only reflect individuals arrested on new charges and who were returned back to the Orange County Jail. It does not include individuals who may have committed crimes in Orange County and were released on citation, booked into a city jail or committed offenses in another county's jurisdiction.

In 2018, ICE detainers were placed on 1,823 inmates in the Orange County Jail. The Sheriff's Department released 823 inmates to ICE, in accordance with the law, but another 1,106 with ICE detainers were released into the community. Of those, 173 committed new offenses in Orange County.

SB 54 was signed into law in 2017, despite heavy opposition from law enforcement leaders across the state, including Orange County Sheriff-Coroner Don Barnes, citing safety concerns in limiting local law enforcement communication with federal partners.

The senate bill restricts law enforcement from notifying, transferring and communicating with federal immigration authorities regarding certain offenders. The implementation of this bill also effectively ended the Sheriff's Departments 287(g) program, which allowed custody deputies to place detainers on undocumented individuals in the Orange County Jail.

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The Sheriff's Department has always had clear delineation between its patrol and custody operations in its partnership with federal immigration authorities. It is not the Sheriff's Department's responsibility to enforce immigration law. Deputies do not ask for immigration status in the performance of their duties, and they do not make arrests for violation of federal immigration laws. However, in a custody setting, sharing information is critical to public safety and serves as a valuable tool to ensure those harming others are removed from the community.

"SB 54 has made our community less safe. The law has resulted in new crimes because my deputies were unable to communicate with their federal partners about individuals who committed serious offenses and present a threat to our community if released," said Don Barnes, Orange County Sheriff-Coroner. "The two-year social science experiment with sanctuary laws must end. Rather than protect our immigrant community, the law has enabled offenders to be released, often times back into the immigrant communities they prey upon, and create new victims."

Assault and Battery	10
Assault with a Deadly Weapon	7
Battery	10
Burglary	17
Criminal Threats	3
Disorderly Conduct	14
Disturbing the Peace	3
Domestic Violence	14
Driving Under the Influence	27
Drug Related Charges	88
Identity Theft	5
Indecent Exposure	1
Larceny	1
Lewd or Lascivious Acts with a Child	1
Rape	2
Receiving Stolen Property	12
Resisting Arrest	20
Robbery	9
Theft	16
Trespassing	27
Vandalism	15
Vehicle Theft	4
Violation of Court Order	20

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