

Safeguarding Which Communities?

An Analysis of the Orange County Sheriff's Department's Continued Collusion with Immigration & Customs Enforcement

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This brief includes excerpts from the Harbor Institute's upcoming report on opportunities to advance immigrant justice in OC.

Orange County is home to some of California's largest and most vibrant immigrant and refugee communities. Yet, despite California's "sanctuary state" status, many community members still live under threat of immigrant detention and deportation. A large part of this threat is the continued collaboration between local law enforcement agencies and the federal Immigration and Customs Enforcement (ICE) agency. ICE transfers have decreased somewhat since the 2010s, but the Orange County Sheriff's Department (OCSD) continues to transfer numerous community members to ICE, some of whom are arrested by OCSD officers and some of whom are arrested by local police officers.

According to data obtained from OCSD by the Harbor Institute through Public Records Act requests, **transfers of community members by OCSD to ICE increased by 1200% from 2022 to 2023, on track to rebound back to pre-pandemic volumes of transfers. Vietnamese residents also continue to be disproportionately impacted by OCSD-ICE transfers alongside Mexican and Central American community members.**

EFFECTS OF IMMIGRANT DETENTION

The negative effects of immigration enforcement are well-documented. Immigrant detention can negatively impact health, both mental (von Werthern et al. 2018) and physical (Saadi et al. 2022), often due to poor conditions in detention facilities such as overcrowding (Amuedo-Dorantes & Lopez 2022), the psychological toll of immigration enforcement, and distrust of healthcare providers that can develop out of fear of deportation (Pedraza & Osorio 2017; Nichols et al. 2018).

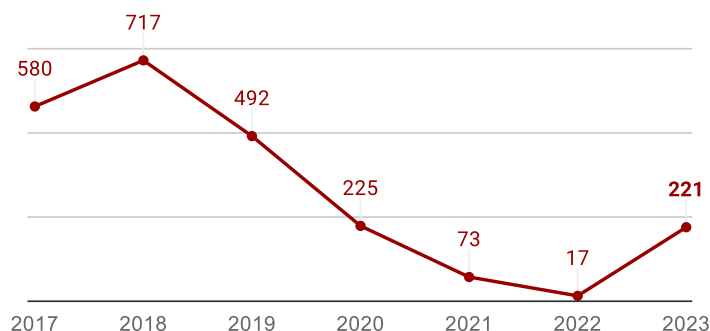
Immigrant detention also causes wider spillover effects by separating families and imposing additional material hardships, like sudden losses of income (Martinez-Aranda 2020). ICE's increasingly utilized "Alternatives to Detention" programs are also punitive and detrimental; these surveillance programs are advertised as less detrimental, but still inflict harm to immigrants and refugees by socially and legally separate individuals from their families and broader communities (Martinez-Aranda 2020).

COMMUNITY MEMBERS TRANSFERRED BY OCSD TO ICE

OCSD has historically transferred some of the highest volumes of community members to ICE out of California's

58 sheriff's departments. Laws like the Values Act (SB 54) and community advocacy have contributed to a general decline in transfers. However, that trend was bucked in 2023 when 302 community members were referred and 221 were transferred to ICE by OCSD – about the same number of transfers as in 2020. 28 community members were referred to ICE based on convictions from over 15 years ago.

Reported Number of Community Members Transferred to ICE by OCSD, 2017-2023*

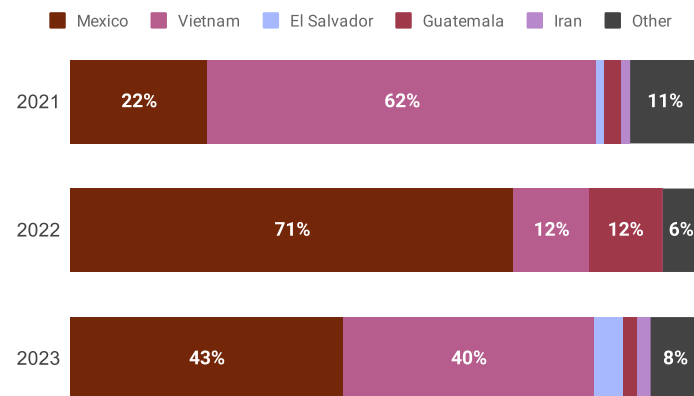


Sources: Orange County Sheriff's Department presentations given during annual TRUTH Act forums from 2018 to 2023. Some totals may not exactly match SB54 California Values Act data collected by the California Office of the Attorney General. 2023 data obtained from OCSD via Public Records Act request of information on community members excluded from protection from transfers under state law and who were transferred to ICE.

DISPARITIES AMONG IMMIGRANT & REFUGEE COMMUNITIES

The overwhelming majority of community members transferred by OCSD to ICE were born in Mexico or Vietnam. Other common countries of birth of community members transferred from OCSD to ICE include El Salvador, Guatemala, and Iran.

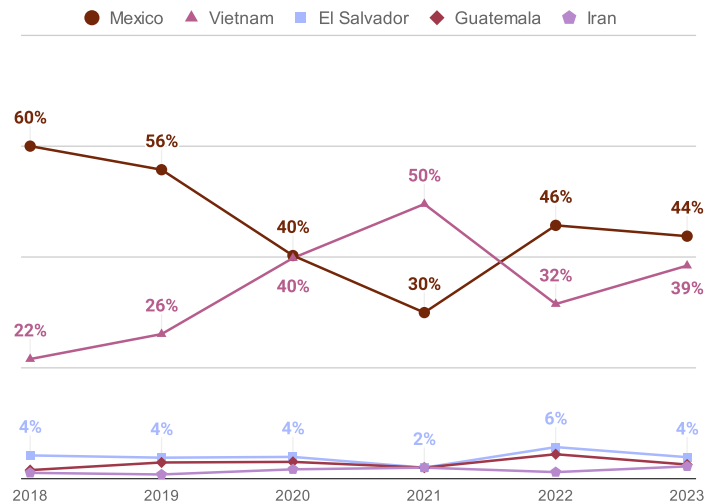
Share of Community Members Transferred by OCSD to ICE by Country of Birth, 2021-2023



Source: Orange County Sheriff's Department via Public Records Act request. More detailed transfer data unavailable for years prior to 2021.

Vietnamese residents make up about 16 percent of Orange County's immigrant and refugee population, yet are often disproportionately referred and transferred to ICE by OCSD.¹ Vietnamese individuals have routinely comprised more than 20 percent of community members OCSD determined eligible to be transferred to ICE under state sanctuary law.² In 2021, over half of the community members both excluded from protection and transferred to ICE were Vietnamese.

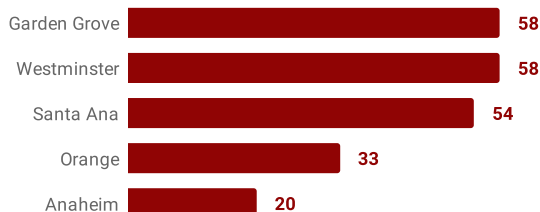
Share of Community Members Excluded from Protection from OCSD-ICE Transfers, 2018-2023 (Top Five Countries of Birth)



Source: Orange County Sheriff's Department, via Public Records Act request

In 2021 and 2023, the police departments of Garden Grove, Westminster, and Santa Ana were the top three local arresting agencies of community members who were then referred from OCSD to ICE. The jurisdictions covered by these police departments include some of the densest concentrations of Orange County's immigrant and refugee residents, such as the neighborhoods of Little Saigon.

Community Members Referred to ICE by OCSD by Local Arresting Agency, 2023



Source: Orange County Sheriff's Department, via Public Records Act request

RECOMMENDATIONS

End all OCSD-ICE collusion. Ultimately, the deep harms inflicted by the sheriff's department transferring community members to ICE can only be definitively stopped by permanently ending all collaboration between OCSD and ICE, including — but not limited to — ending all ICE transfers.

Increase transparency by improving accessibility and availability of relevant data. The public should not have to overcome several hurdles to access key data regarding local law enforcement agencies' entanglements with federal immigration enforcement. Statistical data regarding ICE contact with agencies and those in custody, as well as other information such as personnel costs associated with transfers, should be collected and centralized, to the extent possible, in accessible formats rather than buried in hard-to-find PDF documents or behind PRA requests.

Improve opportunities for community engagement around issues of local law enforcement collaboration with ICE.

The manner in which previous TRUTH Act forums were held by the County Board of Supervisors has technically been compliant with the provisions of the TRUTH Act. However, mere compliance is not enough to provide community members opportunities to meaningfully engage local government on the issue of collaboration with federal immigration enforcement and review relevant information. Scheduling forums at more accessible hours; posting information on and from the forums in a more accessible manner; advertising the forum date widely; and inviting residents and organizations to attend with prepared materials and questions can help make TRUTH Act forums into robust, engaging events that further advance accountability and transparency.

REFERENCES

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ENDNOTES

1. U.S. Census Bureau, American Community Survey 2022, 5-Year Estimate
2. Data obtained via PRA request from OCSD for the years 2018 to 2020 does not include clear information on whether community members reflected in the data were transferred to ICE. However, the 2018-2020 data does include information regarding whether residents were excluded from protection from being transferred under state law (AB 4, Ammiano; SB 54, de Leon).