



ORANGE COUNTY SHERIFF'S DEPARTMENT

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NEWS

FOR IMMEDIATE RELEASE

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Senate Bill 54 results in release of 414 criminals, 45 have re-offended in OC

SANTA ANA, Ca. (June 14, 2018) - California Senate Bill 54, which took effect on January 1, 2018, placed restrictions on collaboration between local custody operations and federal law enforcement authorities. These communication restrictions have resulted in 45 criminals with federal detainers re-offending following their release back into the community.

The restrictions in SB54 prohibits the Orange County Sheriff's Department (OCS.D) from notifying ICE of the pending release of certain undocumented offenders with federal detainers. From January 1, 2018 to May 31, 2018, 414 individuals with ICE detainers have been released due to the fact that their charges or convictions did not rise to the level of crime authorized for communication under SB 54 and the TRUST Act. Of those 414 offenders, 45 individuals have been re-arrested for a variety of crimes including drug charges, driving under the influence (DUI), theft, child abduction for sex crimes, spousal battery, assault with a deadly weapon, and attempted murder.

"SB54 provided the opportunity for criminals to be released back into the communities they continue to prey upon," said Undersheriff Don Barnes of the Orange County Sheriff's Department. "Open communication amongst law enforcement at the local, state and federal level is a widely accepted public safety best practice. We must be able to communicate with our law enforcement partners on issues of public safety. Failure to do so endangers our community."

On average, the 45 individuals were out of custody for 41 days, with one individual who had been out of custody just two days when he was arrested on suspicion of assault with a deadly weapon and attempted murder. It is important to note that the 45 individuals identified only represent crimes committed in Orange County and who were booked into the Orange County Jail. It is entirely possible that others released committed crimes in other jurisdictions.

Below is an outline of all charges for the 45 individuals. Note that many individuals were charged with more than one crime, so the total number of charges is higher than 45.

2	Attempted murder	4	Spousal battery
1	Kidnap for sex crimes	4	Assault with a deadly weapon
1	Child abduction	1	DUI causing injury
3	Assault and battery	5	DUI
1	Robbery	1	Cruelty to child/child endangerment



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1	Hit/run causing injury	2	Under the influence of controlled substance
1	Disturbing the peace	2	Hit/Run
3	Probation violation	5	Driving without a license/suspended license
1	Municipal code violation	2	Theft
1	Possession of a weapon	2	Vandalism
21	Possession of drugs, drug paraphernalia	2	Restraining order violation
4	Unlawful entry on a posted property	6	Resisting a peace officer
4	Intoxicated in public	80	TOTAL CHARGES

SB54 does provide sheriffs with the discretion to respond to ICE's request for notification of the pending release of specified serious offenders. Orange County Sheriff Sandra Hutchens has chosen to fully exercise that discretion. From January 1, 2018 to May 31, 2018, 316 inmates who fell within the provision were released to ICE custody. Unfortunately this number only represents 43 percent of inmates with ICE detainers. Additionally the law resulted in ending OCS.D's participation in the federal 287(g) program. Under this program, OCS.D deputies were trained to screen all inmates for their immigration status and place detainers on undocumented offenders. This program resulted in the identification of dangerous individuals not previously on the radar of the federal government.

The Orange County Sheriff's Department wants to remind the community that our cooperation with ICE occurs only within a custody setting. Our deputies who patrol the community do not, and never will, enforce immigration law when interacting with the community on the street, responding to a call for service or assisting a victim. All criminal offenders, including those who are undocumented, will be held accountable to the utmost extent of the law.

"We need the community to be co-producers of their own safety," said Undersheriff Barnes. "We have an obligation to protect all the residents of Orange County, regardless of their citizenship status. The only way we can continue to remain one of the safest counties in the nation is to have individuals tell us when crime is occurring in your neighborhood. Do not allow the false narrative that deputies will enforce immigration law within our communities stop you from reporting crime."

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