**SAMPLE LETTER TO LOCAL LAW ENFORCEMENT IDENTIFYING POTENTIAL VIOLATIONS UNDER THE CALIFORNIA VALUES ACT**

Below is a sample letter to law enforcement if you suspect that there has been or may be a violation of the California Values Act. The letter covers situations involving ICE hold, notification, and transfer requests. Please adjust the letter to reflect the circumstances in your situation.

After you identify and vet the facts of case that violates or may violate the California Values Act:

1. Email and call the law enforcement agency with the below message and referenced attachments. Since Sheriffs run all California county jails, contact information is usually available through the Sheriff’s Department website.
2. Go to the jail and ask to speak to a supervisor with the below message and referenced attachments in hard copy letter form.
3. Call and email the County Counsel with the below message and referenced attachments. Contact information is usually available through the County Counsel’s website.

Timing: Please begin this advocacy as early as possible. Advocacy will be more effective when done early on as opposed to when the individual is already being held on the ICE hold or being considered for notification or transfer.

**SAMPLE MESSAGE FOR UNLAWFUL ICE HOLD, NOTIFICATION, OR TRANSFER**

Dear [Chief/Sheriff] [NAME]:

I am writing to inform you of your obligation to release [FULL NAME], (Date of Birth: [MONTH/DATE/YEAR]), when [he/she] becomes eligible for release on [DATE]], **without notification or transfer to Immigration and Customs Enforcement (“ICE”)**, as required by the California Values Act (SB 54). Cal Gov’t Code §§ 2782 *et seq.* I understand that ICE has placed a request asking that your department hold for extra time, notify, or transfer [NAME] to ICE. However, the California Values Act prohibits counties from detaining anyone in a local jail in response to an ICE hold request, and only allows notification or transfer to ICE in certain limited circumstances. Cal. Gov’t Code §§ 2784.6(a)(1)(B)&(C), (a)(4). The California Values Act was signed into law by Governor Brown on October 5, 2017, and is binding state law as of January 1, 2018.

[NAME] was booked into your jail on [DATE] for [CHARGES]. [*Briefly state current status of charges, e.g., no charges filed, bail eligible, etc.*].

Under the California Values Act, [NAME] can **never** be held for ICE in response to a hold request. Cal. Gov’t Code § 2784.6(a)(1)(B). Thus, [NAME] must be released on [DATE] by your department. Detaining [NAME] in response to an ICE hold request violates the California Values Act, constitutes false imprisonment, and raises serious due process concerns.

Moreover, the California Values Act prohibits notification of someone’s release date/time or transfer to ICE, except in limited circumstances. Cal. Gov’t Code §§ 2784.6(a)(1)(C), (a)(4). [*Explain person’s charges/convictions that prevent them from falling into exceptions to the California Values Act – e.g. client only has straight misdemeanors, preliminary hearing has not happened, etc.*]. [NAME]’s current charges and any prior convictions do not fall into any of the exceptions under the California Values Act that would permit your department to notify or transfer [him/her] to ICE. Notifying or transferring [NAME] in response to an ICE request violates the California Values Act, including mandatory duties imposed upon law enforcement by the Act. [*Or, if the person does fall into exceptions that would permit law enforcement to notify or transfer to ICE, check your city/county ordinances and the Sheriff’s Department’s policies to determine if they have adopted that a policy that provides more protections than SB 54 and/or appeal to discretion of agency to comply:* The California Values Act sets a floor, not a ceiling, and the Act specifically leaves the optional nature of transfer and notification requests in place even where the Act’s exceptions apply. Cal. Gov’t Code § 7284.6(a)(1)(C) (emphasis added) (“Responses are *never required*, but are permitted under this subdivision, provided that they do not violate any local law or policy”). [*Explain reasons for not turning person over to ICE, including any mitigating circumstances – e.g. charges were dropped, conviction is old and person has rehabilitated, person has children and is primary breadwinner or caregiver, etc.*]. I urge you to exercise the discretion afforded to your department by the California Values Act by not notifying or transferring [NAME] to ICE.]

Attached please find a letter that the ACLU, Advancing Justice - Asian Law Caucus, California Immigrant Policy Center, Immigrant Legal Resource Center, and National Day Labor Organizing Network sent to you in December 2017, providing a detailed analysis about the California Values Act and the obligations it imposes prior to its January 1, 2018 effective date as binding law. As that letter emphasizes, local law enforcement agencies are liable for violations of the California Values Act. I also have included the text of the California Values Act.

Please contact me as soon as possible at [EMAIL] or by calling me at [PHONE NUMBER] to confirm that you will be releasing [NAME] immediately [*or:* when [he/she] is otherwise eligible for release on [his/her] local charges] and not notifying or transferring [him/her] to ICE in violation of state law.

Sincerely,

[YOUR NAME]

[TITLE]

[PHONE NUMBER]

[EMAIL]