



San Benito County Sheriff's Office Corrections Division

Lt. Edward A. Escamilla, Corrections Commander

Memorandum

DATE: July 11, 2014
TO: All Correctional Staff
FROM: Lt. Edward Escamilla
RE: I.C.E. Detainers

Effective immediately, the San Benito County Sheriff's Office will no longer honor U.S. Immigration and Customs Enforcement detainees. Please read the Executive Order written by Sheriff Thompson.

If anyone inquires if we honor I.C.E. detainees we are to advise him or her that we do not honor them.

Thank you,


Lt. Edward Escamilla
Division Commander



SAN BENITO COUNTY SHERIFF'S OFFICE

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Darren Thompson
Sheriff- Coroner

Date: July 10, 2014

To: All Department Personnel

From: Sheriff D. Thompson

A handwritten signature in blue ink, appearing to read "D. Thompson", written over the "From:" line.

Subject: **ICE Detainers and the Secure Communities and the Trust Act**

As most of you are aware, there has been a lot of discussion regarding California's Secure Communities and the "Trust Act" (Transparency and Responsibility Using State Tools- California Government Code 7282, 7282.5; Stats. 2013, ch. 570). The TRUST ACT limits the discretion of Law Enforcement officials to detain an individual pursuant to a federal immigration detainer request.

In light of a couple of Federal Court Rulings, (*Miranda-Olivares v. Clackamas Co. OR.*, *Galarza v. Szalczyc: City of Allentown PA., et al.*) and the acting Director of ICE indicating that "immigration detainers do not and cannot compel a state or local law enforcement agency to detain suspected aliens subject to removal". The California Attorney General issued an information bulletin on June 25, 2014 stating "because compliance with an ICE detainer is voluntary, a local agency could violate the Fourth Amendment by detaining an individual solely on the request of ICE, without some other probable cause for arrest"

I have received a "Client Alert Memorandum" from Martin J. Mayer Esq. of Jones & Mayer dated July 8, 2014. In that memorandum, Mr. Mayer states "*we advise our clients to NOT honor ICE detainers unless there has been a probable cause hearing (which involves more than the arraignment).*"

Based on the above information it is the directive of the Sheriff that no individual shall be detained by the San Benito County Sheriff's Office based solely on an ICE detainer not supported with a warrant issued by a magistrate based on probable cause.