

City of
Santa Monica®

Police Department
333 Olympic Drive
Santa Monica
CA 90401

August 19, 2014

Jennie Pasquarella
Jessica Karp
ACLU Foundation
675 South Park View Street, Suite B
Los Angeles, CA 90057

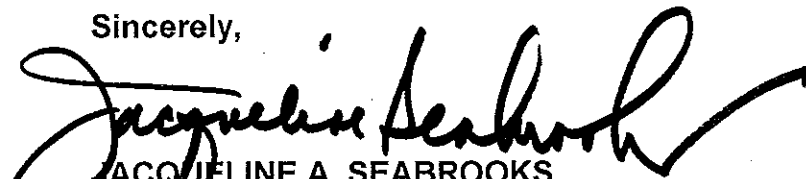
Dear Ms. Pasquarella and Ms. Karp:

Thank you for taking the time to contact my office to provide information regarding the recent court ruling pertaining to the ICE detainer requests.

The Santa Monica Police Department prides itself on providing the highest quality law enforcement services and operating as directed through legal requirements. We have reviewed our process for detainees who may fall under the U.S. Immigration and Customs Enforcement jurisdiction to ensure our policies and procedures do not violate the Fourth Amendment of the U.S. Constitution. It is always our intent to operate within the full legal guidelines and restrictions of federal and state law. Based on the recent federal court decision, we have initiated procedural changes to be compliant with the legal ruling.

As a law enforcement agency we will continue to monitor changes to legislation as well as legal proceedings. When required, we amend our practices accordingly and provide training to our department personnel.

Sincerely,



JACQUELINE A. SEABROOKS
Chief of Police



National Day Laborer
Organizing Network



675 S. Park View St. Ste B
Los Angeles, CA 90057
T. 213.380.2784
F. 213.380.2787
www.ndlon.org

July 1, 2014

Santa Monica Police Department
Chief Jaqueline A. Seabrooks
333 Olympic Drive
Santa Monica, CA 90401

Re: Recent Federal Court Decision Finds it Unlawful for Local Law Enforcement Agencies to Honor ICE Detainer Requests

Dear Chief Seabrooks,

It is our understanding that your department has holding and/or jail facilities. Therefore, we are writing to inform you of an important recent ruling by a federal court in Oregon, which concluded that detention pursuant to a U.S. Immigration and Customs Enforcement ("ICE") detainer request violated the Fourth Amendment of the U.S. Constitution because ICE detainees are not supported by probable cause.

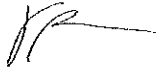
Following this decision, your police department should immediately cease complying with immigration detainers, or else risk legal liability for detaining individuals in violation of the Fourth Amendment.

On May 2, 2014, we sent the attached letter alerting counties throughout California of this decision. As of the date of this letter, 31 California counties, including Los Angeles County, and more than 100 counties and cities nationwide, have stopped holding individuals on ICE detainers to avoid damages liability for complying with such requests. If your police department currently detains individuals on the sole authority of an immigration detainer, you may also face damages liability.

Because it is our understanding that your department currently has a policy or practice of detaining community members on ICE detainers without requiring a finding of probable cause by a judicial officer, we request that you change your policy and practice to ensure that the constitutional rights of community members are not violated. Any policy that allows for the detention of individuals on ICE detainers without a judicial finding of probable cause that the individuals are subject to removal from the United States is insufficient to meet the minimum constitutional requirements.

To assist your review of this matter, we are attaching our May 2, 2014 letter to Los Angeles County, which explains the recent ruling, and a few sample detainer policies enacted by California counties in response to this ruling. We look forward to your response.

Sincerely,



Jennie Pasquarella
ACLU of California
(213) 977-5236
ipasquarella@aclu-sc.org



Jessica Karp
National Day Laborer Organizing Network
(213) 380-2214
jkarp@ndlon.org



COUNTY OF SANTA CRUZ
SHERIFF'S OFFICE
INTER-OFFICE CORRESPONDENCE

DATE: May 8, 2014
TO: Corrections Bureau Personnel
FROM: Chief Deputy Jeremy Verinsky *JVC-3*
SUBJECT: ICE Detainers Form I-247

Effective immediately, we will no longer detain individuals based solely on a federal immigration detainer (Form I-247). A recent federal court ruling in Oregon makes it clear that these forms are not mandatory, but merely requests. Accordingly, we have no lawful reason to detain individuals who are otherwise releasable based on the issuance of an ICE detainer.

Individuals having a valid arrest warrant issued by another jurisdiction or federal agency may still be detained according to our current protocol.

**RIVERSIDE COUNTY SHERIFF'S DEPARTMENT
CORRECTIONS DIVISION POLICY MANUAL**

TITLE: Immigration and Customs Enforcement (ICE)- Notification **NUMBER:** 506.23

POLICY: Effective May 6, 2014, ICE Detainers will no longer be honored on advice from legal counsel, unless supported by a federal probable cause hearing.

REFERENCE: *Miranda-Olivares v. Clackamas County*, 2014 WL 1414305 (D. Ore. Apr. 11, 2014); *Galarza v. Szalczyk*, 745 F.3d 634 (3d Cir., Mar. 4, 2014); Letter dated February 25, 2014 from Acting Director of I.C.E. Daniel H. Ragsdale to U.S. Representative Adam Smith and related correspondence; and Title 42 U.S.C. § 1983.

GUIDELINES:

- 1.0 ICE Detainers will not be honored unless accompanied with documentation of proof a federal probable cause hearing occurred and such proof is signed by a judge.
 - 1.1 ICE Agents/USBP/Secure Communities will continue to submit ICE Detainer requests. Upon receipt of an ICE Hold, designated staff shall:
 - 1.1.1 Place the hold in the inmate file with the statement, "ICE Hold received date/time. Staff will print in the comments section, "ICE Hold Rejected."
 - 1.1.2 DO NOT enter the ICE Detainer information into JIMS
 - 1.1.3 Make a complete entry into the existing AB4 Log. Email the log to the designated HMU staff by 0500 hours daily.
 - 1.2 For Inmates with existing ICE holds and who are due for Release, staff shall:
 - 1.2.1 Process the inmate for release per Corrections Policy
 - 1.2.2 Not hold/transfer the inmate for release to ICE/USBP custody
 - 1.2.3 Update the following:
 - In the JIMS description section, indicate "ICE Hold Rejected." + date rejected
 - In the comments/notes section of the inmate file, indicate "ICE Hold Rejected" + date rejected

Office of the Director

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

FEB 25 2014

The Honorable Adam Smith
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Smith:

Thank you for your recent letter to the Department of Homeland Security (DHS) regarding immigration detainers.

As you know, Form I-247, Immigration Detainer–Notice of Action, is a notice that U.S. Immigration and Customs Enforcement (ICE), within DHS, has reason to believe that an alien may be subject to removal from the United States. By issuing a detainer, ICE requests that an LEA maintain custody of an alien for a period not to exceed 48 hours (excluding Saturdays, Sundays, and federal holidays) after he or she would otherwise be released by an LEA, to provide time for ICE to assume custody. While immigration detainers are an important part of ICE's effort to remove criminal aliens who are in federal, state, or local custody, they are not mandatory as a matter of law. As such, ICE relies on the cooperation of its law enforcement partners in this effort to promote public safety.

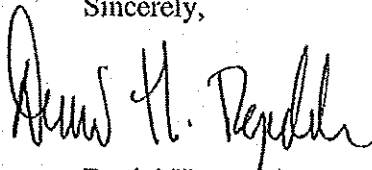
ICE uses detainers to help focus its limited resources on its public safety, national security, and border security missions. ICE's use of detainers is focused on the most serious criminal offenders. ICE limits the use of detainers against individuals arrested for minor misdemeanor offenses (e.g., traffic offenses and other petty crimes) who are not otherwise ICE priorities, helping to ensure that limited available resources are focused on apprehending felons, repeat offenders, and immigration violators who fall under other ICE priorities.

To ensure clarity with law enforcement partners and the public, information about immigration detainers is publically available online at <http://www.ice.gov/news/library/factsheet/s/detainer-faqs/htm>. The site also provides a link to Form I-247. Additionally, a short video briefing for front-line state and local law enforcement personnel describing ICE's use of immigration detainers and extensive supporting materials for law enforcement leadership are available at http://www.ice.gov/secure_communities/crcl.htm.

The Honorable Adam Smith
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Thank you once again for your letter. The co-signers of your letter will each receive a separate, identical response. Should you need additional assistance, please do not hesitate to contact me at (202) 732-5907.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel H. Ragsdale". The signature is fluid and cursive, with a large initial "D" and "R".

Daniel H. Ragsdale
Acting Director