



Napa corrections office to limit immigration help with feds

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The Napa County Department of Corrections is the latest local law enforcement agency to limit cooperation with federal immigration officials.

The department, which operates the Napa County Jail, announced Wednesday that it would immediately stop honoring immigration detainers, unless they are based on a court finding of probable cause.

The move mirrors a wave of similar actions being taken by local law enforcement agencies across the state and country, in response to a recent key federal court ruling.

The ruling found immigration holds are not mandated and holding someone beyond their release date once local charges have been resolved could potentially violate an individual's civil rights.

Last month, Sonoma County Sheriff Steve Freitas informed U.S. Immigration and Customs Enforcement, or ICE, that his office will no longer honor requests for immigration holds in the jail unless the requests are supported by probable cause, such as an arrest warrant.

For several years, ICE detainers have been a key tool in a controversial federal immigration enforcement program known as Secure Communities. The program was an effort to target undocumented immigrants who had committed serious or violent crimes.

The program, which taps into extensive databases with the Department of Homeland Security, attempts to identify immigrants who may be in the country illegally. When these immigrants pass through local jails, they trigger a request for an ICE detainer.

Immigration attorneys and advocates argued that the program was overreaching because it was landing many immigrants who had committed minor or no offenses in deportation proceedings. In some cases, U.S. citizens were being detained.

In response to such criticism, last year California passed the Trust Act, which provides greater local discretion and allows law enforcement officials to focus resources on undocumented immigrants who have committed serious crimes.

Federal officials have consistently warned that the holds were not voluntary and local officials were mandated to honor them.

But that position was recently rejected by the courts.

In one court ruling, *Miranda-Olivares v. Clackamas County*, the U.S. District Court in Portland, Ore., found in April that county officials had violated an immigrant woman's Fourth Amendment rights by jailing her beyond the time ordered by a local judge. County officials argued that they were honoring a federal immigration detainer they understood to be mandatory.

In another case, *Galarza v. Szalczyk*, the U.S. Court of Appeals for the Third Circuit ruled in March that

states and localities are not required to keep suspected undocumented immigrants in jail on immigration detainers.

The case involves a New Jersey-born U.S. citizen of Puerto Rican descent named Ernesto Galarza, who was held for three days in the Lehigh County Jail in Pennsylvania on an immigration detainer. Immigration officials said they thought he was an undocumented immigrant from the Dominican Republic.

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