



CITY OF FULLERTON

Police Department

Patrick E. McKinley Chief of Police

July 17, 2007

Nancy Wieben Stock
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

RE: Response to Grand Jury Report: ICE in Orange County

Dear Judge Wieben Stock,

I have reviewed the Orange County Grand Jury's report, "ICE in Orange County." In a letter from Mr. Mike Penn, Foreperson, dated May 16, 2007, the City of Fullerton was identified as one of the respondents to findings and recommendations listed in that report. The following paragraphs contain the Police Department's responses to cited findings and recommendations:

Finding F-3

Finding F-3 reads, "Cities which contract with OCSD and Costa Mesa have the immigration status of all booked individuals checked. Anaheim has only a part time ICE agent. However, it is unclear if OC's large cities (Santa Ana, Huntington Beach, Irvine, Orange, Fullerton and Garden Grove) check the immigration status of all individuals booked at their city jails."

The Fullerton Police Department operates and maintains a designated "Type I Facility" and as such may detain inmates pending arraignment for violations of any law for not more than 96 hours (excluding holidays) after booking. The Fullerton City Jail has a Board of Correction rated capacity of 14 inmates. Individuals arrested and booked in the Fullerton City Jail will be held for court arraignment, released on a citation with a court appearance date, or transferred to the Orange County Jail. All individuals booked at the Fullerton City Jail are required to provide information for the booking process, including where they were born and if they are a United States citizen. Additionally, when the arrested person is being fingerprinted, the "Livescan" system requires data input including asking where the individual was born and if they are an undocumented individual. The information provided by the individual is entered into both systems; however, there is no other independent means of verifying that information given.

The number of individuals processed does not support an Immigration and Customs Enforcement (ICE) agent to be present in our jail for additional interviews. Currently, all arrested individuals will have a records check (rap sheet) conducted and the jailer will be looking for any entries from ICE indicating a "Title 8" or deportation entry indicating the



arrested person has been previously deported and is an illegal immigrant. If the arrested person is in the country illegally, then ICE will be contacted via teletype. ICE will then authorize the transportation to Orange County Jail for booking and an interview with an agent. If an individual is arrested on a felony violation and there is no illegal entry on the rap sheet and the individual has indicated that he/she is not a citizen, the jailer will arrange for transportation to the Orange County Jail. If an individual is arrested on a misdemeanor violation and there is no illegal entry on the rap sheet and the individual has indicated that he/she is not a citizen, the jailer may arrange for transportation to the Orange County Jail if they meet Orange County Jail's booking acceptance criteria.

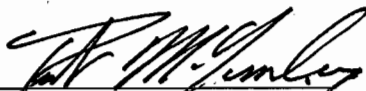
Recommendation R-3

Recommendation R-3 reads, "To ensure consistency within OC, the cities of Anaheim, Santa Ana, Huntington Beach, Irvine, Orange, Fullerton and Garden Grove should consider entering into an agreement with ICE, or make an arrangement with OCSD, to ensure that all people booked at their jails have their immigration status checked with ICE and hold UI's for ICE transport to federal facilities. (This recommendation arises from Finding F3)."

The Fullerton Police Department management staff and jail staff have met, and are continuing to meet, with officials from ICE to review current operations and explore options to gain consistency with other agencies in Orange County in the processing of undocumented individuals (UI's). The size and volume of the Fullerton Police Department's jail does not justify the staffing of a full time ICE agent to conduct interviews with suspected undocumented illegal immigrants. ICE requires an interview with the suspected UI before they will place a hold on that individual. Oftentimes, ICE's staffing has the potential to limit their availability for contact after regular hours. The Orange County Jail is not able to accept certain low level misdemeanors which eliminates that option for transportation of some of the suspected UI's to County Jail. The Fullerton Police Department is currently exploring the feasibility of two-way video conferencing with ICE's Command Center to conduct remote interviews with the arrested person.

I hope we have adequately addressed the issues raised in the Grand Jury report. If you require any additional information please contact Captain Geoff Spalding at (714) 738-6841 or gspalding@fullertonpd.org. He will gladly assist you.

With best regards,



PATRICK E. MCKINLEY
Chief of Police

cc: City Manager
City Council