



# CITY OF GARDEN GROVE

(714) 741-5104

August 16, 2007

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

William J. Dalton  
Mayor  
Mark Rosen  
Mayor Pro Tem  
Dina Nguyen  
Council Member  
Bruce A. Broadwater  
Council Member  
Steven R. Jones  
Council Member

Dear Judge Wieben Stock:

I have reviewed the 2006-2007 Orange County Grand Jury report, "**Ice in Orange County.**" Certainly, the matter of illegal immigration and its collective impact on our country as well as on our individual communities is of significant concern. After studying the report findings and recommendations with the City's Police Department, I am pleased to provide my responses to Finding F-3 and Recommendation R-3 as requested by the Grand Jury.

## **FINDINGS**

F-3 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 largest cities (Santa Ana, Huntington Beach, Irvine, Orange, Fullerton and Garden Grove) check the immigration status of all individuals booked at their city jails.

## **RESPONSE**

The City of Garden Grove partially disagrees with Finding F-3. The City of Garden Grove does not operate a jail as defined in Title 15, California Code of Regulations. By definition, the Garden Grove Police Department operates a "Temporary Holding Facility," which is defined as a "local detention facility used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court." The City of Garden Grove does not check the immigration status of all individuals held at the City's temporary holding facility.

The Garden Grove Police Department operates a three (3) cell holding facility where suspects are detained for a maximum of six (6) hours.

This six (6) hour time frame allows for officers or investigators to photograph, fingerprint, and conduct criminal interviews of the arrestees. Arrestees are then transported to the Orange County Jail where they are formally booked, housed, or released pursuant to Orange County Jail policies. The Garden Grove Police Department also has a contract with the Huntington Beach Police Department that provides the availability of Garden Grove arrestees to be housed and detained at the Huntington Beach Jail until criminal arraignment. Persons housed at the Huntington Beach Jail are normally chronic offenders who will not be detained at the Orange County Jail due to the arrest offenses consisting of misdemeanor behavior.

The policy of the Garden Grove Police Department is to handle and process arrested persons based upon their criminal behavior, not their immigration status. Since the Garden Grove Police Department does not operate a jail where persons arrested are actually housed and most persons arrested for crimes in Garden Grove are eventually booked into the Orange County Jail, it is my belief the Orange County Sheriffs Department is the ideal agency to screen inmates and determine their immigration status, if they so choose.

### **RECOMMENDATIONS**

- R-3 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 all people booked at their jails have their immigration status checked with ICE and hold UIs for ICE transport to federal facilities. (This recommendation arises from Finding F-3)

### **RESPONSE**

Recommendation R-3 will not be implemented, as it is not warranted. As stated in my response to Finding F-3, the Garden Grove Police Department operates only a temporary holding facility consisting of three (3) cells. There is no medical staff, no meal facilities, nor other required amenities required of a jail to house prisoners. The Garden Grove Police Department does not have the ability to hold UI's for ICE to arrange for pick-up and transportation.

I believe the policy of the Garden Grove Police Department, where persons arrested are evaluated based upon their criminal behavior, not their immigration status, is the correct policy for the residents of Garden Grove at this current time. The immigration issue must be resolved at the federal level first and appropriate resources and

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policies implemented accordingly before the responsibility for enforcing immigration statutes falls on local law enforcement. The resources available to the City's Police Department to ensure appropriate public safety services for the community of Garden Grove are stretched perilously thin. I also believe the enforcement of immigration statutes, without a comprehensive federal plan and resources, will erode the trust of the community we serve.

The vast majority of people arrested in Garden Grove are eventually booked into the Orange County Sheriff's Department jail. At this time, I believe the Sheriff's Department is ideally situated to screen people booked into their facility and have their immigration status checked by the appropriate personnel.

If I may be of further assistance on this or any related matter, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Dalton". The signature is fluid and cursive, with a prominent initial "W" and "D".

WILLIAM J. DALTON  
Mayor