

CITY OF HUNTINGTON BEACH

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POLICE DEPARTMENT

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KENNETH W. SMALL
Chief of Police

May 29, 2007

Nancy Wieben-Stock, Presiding Judge
Orange County Superior Court
700 Civic Center Drive West
Santa Ana, CA. 92701

Re: "ICE in Orange County"

Dear Judge Wieben-Stock,

Please accept the following response in accordance with California Penal Code 933.05 (a) and (b) to the "Orange County Grand Jury Report: "ICE in Orange County."

First, let me say I am disappointed in the lack of thoroughness of the Grand Jury investigation. I was surprised to see that the Grand Jury would undertake an investigation of "ICE in Orange County" and make recommendations regarding ICE and Orange County city jails without even talking with anyone from the Huntington Beach Police Department about our working relationship with ICE. Furthermore, when I learned of the soon to be released report, I contacted a member of the Grand Jury staff and fully described our working relationship with ICE and the process we use to notify ICE officials of foreign born arrestees in our custody. That information was not included in the report and left the appearance that we have no working relationship with ICE whatsoever.

Beginning on March 1, the Huntington Beach Police Department began notifying ICE officials of all arrestees in our jail who meet the following criteria.

Whenever a foreign born suspect is arrested by the Huntington Beach Police Department for crimes involving any felony or any misdemeanor involving violence, the threat of violence or any violation that endangers public safety.

Following our notification, ICE personnel make a determination regarding the arrestee's immigration status and may, based upon their review, place an immigration detainer on the arrestee. The immigration detainer results in ICE personnel being notified prior to the arrestee being released from custody.

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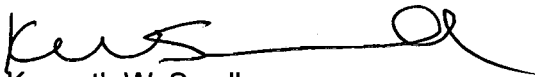
from judge

I do not believe the number of foreign born arrestees brought into our jail justifies a full-time ICE official being assigned to the jail. However, if we receive a request from ICE to assign one of their personnel to our jail, we will accommodate their request. We have found the ICE personnel we work with to be very cooperative and supportive of our program. However, we recognize they are understaffed and cannot do everything they would like to do to accomplish their mission. We also do not support cross training our employees as federal immigration officers. That process is costly and time consuming (approximately six weeks of training is required). ICE officials already have the training and expertise to perform this task. We see no need to cross train our personnel when ICE officials have been very willing to perform this task for us when asked. The cross training program makes sense for a large facility like the Orange County jail. It does not make sense for the Huntington Beach jail.

Between March 1 and May 23, the police department notified ICE personnel of 45 arrestees in our custody that met the above mentioned criteria. ICE personnel placed immigration detainers on 32 of the arrestees. Arrest charges included attempted murder, carjacking, burglary, grand theft, indecent exposure, domestic violence, drunk driving, narcotics possession and others. Most of the arrestees with immigration detainers were from Mexico. Other countries of origin included, Germany, Vietnam, Philippines and Wake Island.

I appreciate the efforts of the Grand Jury in focusing attention on the very serious problem of criminal aliens in Orange County. I hope this correspondence clarifies the relationship between the Huntington Beach Police Department and ICE officials. If you have any questions concerning this matter, please contact me at (714) 536-5902.

Sincerely,



Kenneth W. Small
Chief of Police