



DAVID L. MAGGARD, JR., Director of Public Safety
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October 26, 2007

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

Dear Judge Stock:

The Orange County Grand Jury released a report entitled **"ICE in Orange County"** on May 16, 2007. In that report the Grand Jury requested a response to a finding and recommendation:

Finding 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 large 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 Irvine Police Department partially disagrees with this finding. Irvine operates a "Temporary Holding Facility" as defined by the California Department of corrections in Title 24, part 2, division viii, Section 470a.1. As such, persons being taken into custody are only in Irvine Police custody for a few hours. As a general rule, all persons arrested for more serious crimes are transferred to the Orange County Jail for housing and release considerations as required by law and the policy of the Orange County Sheriff.

Pursuant to Penal Code Section 843c(a)(1), The Irvine Police booking process does include questions regarding place of birth, and place of citizenship. These questions are specifically asked to ensure that consulates of countries listed in Section 843c(d) are notified in the event of the arrest of any foreign national pursuant to this statute.

The Irvine Police Department does not check the immigration status of individuals that are released directly from the Irvine holding facility. Irvine does collect fingerprint data and runs a thorough verification of identity on persons in their custody. In the event that an immigration related hold was to be discovered, that person would be transported to the Orange County Jail in relation to the ICE hold for appropriate criminal processing.

Recommendation 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 that 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.)

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Response:

This recommendation has been implemented. Persons that are transferred to the Orange County Jail for processing are screened for immigration status in a consistent manner pursuant to the protocol of the Orange County Sheriff.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Maggard, Jr.", written in a cursive style.

DAVID L. MAGGARD, JR.
Chief of Police