



CITY OF ORANGE

OFFICE OF MAYOR

PHONE: (714) 744-2201 • FAX (714) 744-5147

www.cityoforange.org

September 20, 2007

The Honorable Nancy Wieben Stock
Presiding Judge
Orange County Superior Court
700 Civic Center Drive West
Santa Ana, CA 92707

Subject: Response to the Orange County Grand Jury Report:
"I.C.E. in Orange County Jails"

Honorable Judge Wieben Stock:

Per the request of the Grand Jury and in accordance with California Penal Code § 933 and 933.05, I have prepared the following response to the above-mentioned Grand Jury Report.

The topic of undocumented individuals and the impact they create on law enforcement is not new to the City of Orange and its Police Department. We have been proactive in building relationships with the entire community, especially the Hispanic population, over this very topic. It has been our goal to arrive at solutions that consider all stakeholders, members of our community, and available resources. We are committed to enforcing the law in the most effective, efficient and professional manner possible while developing relationships with the various populations we serve. In fact, the Orange Police Department has explored a number of options related to the use of I.C.E. in our own detention facility and entering into a Memorandum of Agreement with the United States Department of Homeland Security. We have gone so far as to meet with representatives of I.C.E., U.S. Border Patrol, Costa Mesa Police Department, Orange County Sheriff's Office, various community-based groups, and the Mexico Consular. The findings of these efforts are included our response.

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 check the immigration status of all individuals booked at their city jails."

Response to F-3 The City of Orange agrees with the findings.

It is unclear if each large Orange County city checks the immigration status of each individual booked at their city jails. To better understand Orange's situation, one must understand the nature of our detention facility. Orange does not have what would be commonly referred to as a jail. We do not have the authority to house or book people in our facility in the manner one typically associates with jails such as the Central Jail. Instead, we merely utilize the facility to process individuals prior to booking at OCSD or being released with a citation. As stated in the Grand Jury report, those booked with the OCSD are checked for immigration status at the Central Jail.

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 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."

Response to R-3: The recommendation is not practical under existing circumstances, although the City will continue to evaluate its position as circumstances change.

The Grand Jury recommendation is two fold, either enter into an agreement with I.C.E. (MOA) or arrange with OCSD to ensure that all people booked into their facilities are screened for immigration status. As noted above, the City does not have a jail which houses individuals that have been arrested. Given current circumstances it is not feasible for the Orange Police Department to enter into an MOA since I.C.E. has to date indicated to us an unwillingness to support a MOA. However, our relationship with OCSD allows us to book many of the people we arrest into OCSD facilities.

The Orange Police Department has studied the Orange County Sheriff and Costa Mesa's MOA's with DHS. While they appear to be effective, they are not a "one size fits all" solution. We extensively evaluated the options proposed by the Grand Jury before said recommendations were published. At that time, we concluded that entering into an MOA was not feasible under existing conditions primarily due to the fact that I.C.E. has not committed the resources to Orange County to process the large numbers of suspected illegal aliens who are detained for minor offenses throughout Orange County and instead, appears to have focused their resources elsewhere. In addition, all felony and many misdemeanor arrestees are booked into the Central Jail where they are screened by OCSD personnel. If I.C.E. could commit to providing sufficient resources to process UIs, the City would be willing, upon direction from the City Council, to re-evaluate this recommendation.

Honorable Nancy Wieben Stock
Presiding Judge of the Superior Court
September 20, 2007
Page 3

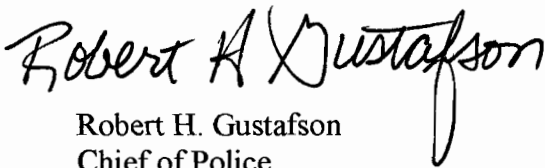
We also explored the possibility of having I.C.E. personnel assigned to our facility much like Costa Mesa and Anaheim. However, local agencies and I.C.E. struggles to find sufficient resources to meet everyone's needs. They were not prepared to provide us with the personnel to conduct screenings in our facility.

We support the OCSD efforts to reduce jail populations by identifying and turning over UI's to the proper Federal Authorities. Commitment of additional I.C.E. resources to processing UIs, along with the streamlining of training and the screening process of suspected UI's would make it more practical for the City and for most Orange County law enforcement agencies to implement the Grand Jury's recommendation with regard to MOA's.

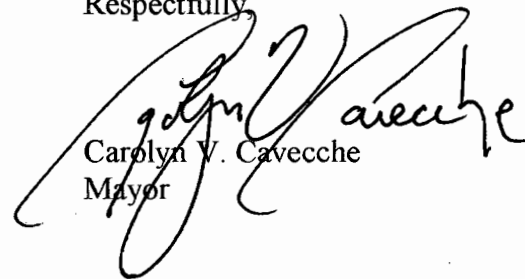
The City of Orange has a long-standing agreement with OCSD regarding booking fees that allows us greater latitude over booking individuals into Central Jail, thus minimizing the need to screen individuals in our facility. In this way, the Grand Jury's recommendation is, in part, already in practice. It should be understood however, that the Orange Police Department does not determine whether or not detainees or a certain percentage are screened for immigration status. This decision is currently left to OCSD management to determine for the reasons noted above.

If you have any questions regarding this response or if the City can be of further assistance, please contact Police Chief Robert Gustafson at (714) 744-7300.

Respectfully,


Robert H. Gustafson
Chief of Police

Respectfully,


Carolyn V. Cavecche
Mayor