

Anaheim Police Department
LAW ENFORCEMENT BULLETIN
Raul Quezada, Chief of Police

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LEB # 14 - 76

TO: ALL PERSONNEL

**FROM: RAUL QUEZADA
CHIEF OF POLICE**

SUBJECT: IMMIGRATION DETAINER POLICY

A federal court in Oregon recently held Clackamas County liable for damages where it voluntarily complied with an Immigration and Customs Enforcement (ICE) request to detain an individual who was otherwise eligible for release (District of Oregon in *Miranda-Olivares v. Clackamas County*).

As a result of the federal court ruling, California Attorney General Kamala Harris issued a bulletin to law enforcement on federal immigration detainers. The bulletin indicated that due to the recent enactment of the Transparency and Responsibility Using State Tool Act (TRUST Act) along with new federal case law, local law enforcement agencies that comply with federal detainer requests face legal risks. In short, Attorney General Harris wrote that federal immigration detainers issued under the Secure Communities program are not mandatory, and could violate the Fourth Amendment without additional probable cause for arrest. This opinion was also confirmed in correspondence from ICE's Acting Director, Daniel Ragsdale.

Due to the federal court rulings, the legal clarification at the state and local level along with the potential liability, effective immediately our Department will no longer honor detainers from ICE unless one of the following conditions is met:

- A warrant is issued from a Judicial Officer
- Judicial Determination of Probable Cause for that specific detainer

A change to Anaheim Police Department Policy 428.5 (Immigration and Customs Enforcement Detainer Processing) is forthcoming.