



CITY OF LA HABRA

MEMORANDUM

POLICE DEPARTMENT

TO: WATCH COMMANDERS/MANAGERS/SUPERVISORS
FROM: ACTING CAPTAIN JEFF SWAIM
DATE: July 9, 2014
SUBJECT: IMMIGRATION HOLDS/DETAINERS
RE:

On April 11, 2014 a court decision from the United States District Court of Oregon (Miranda-Olivares v. Clackamas County) was handed down. The facts in the case were an inmate had posted bail for crimes she was in-custody for; however, she was held in-custody due to an immigration hold. The court ruled her 4th amendment civil rights were violated. Miranda-Olivares prevailed in her lawsuit. (see attachment for full case details)

On July 3, 2014, the American Civil Liberties Union of California (ACLU) sent letters to many city police chiefs and/or city attorneys referencing a recent federal court decision which held that ICE detainers are mere requests, not mandates, and honoring them violated the individuals' constitutional rights.

I have conferred with our City Attorney in reference to this recent case decision. It is our attorney's opinion that we should not honor ICE detainers unless there has been a probable cause hearing on the detainer. Should we enforce ICE detainers our agency could face civil litigation from the ACLU and we will not prevail. I have attached the Jones & Mayer Client Alert to this email for your review of the entire case.

At the direction of the Chief of Police, the La Habra Police Department will not hold inmates longer than their normal release time for the sole purpose of honoring a Federal Immigration Detainer. Please discuss this with your personnel under your command.

Should you have any questions, please contact me.

