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NEWS

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Sheriff's Department Reviewing Policy Related to Immigration and Customs Enforcement (ICE) Detainers

SANTA ANA, Calif. – (June 4, 2014) – The Orange County Sheriff's Department is reviewing its Immigration and Customs Enforcement (ICE) detainer policy in light of an Oregon federal district court's decision, Miranda-Olivares v. Clackamas County, 2014 WL 1414305 (D. Ore. April 11, 2014), which concluded that an ICE detainer, without a determination of probable cause, is not legally sufficient to hold an inmate beyond his or her sentence ending date.

Effective immediately, the Sheriff's Department will no longer hold pre-sentenced inmates on ICE detainers beyond any release date/time, and these inmates will be processed according to department policy. During the release process, ICE will be contacted and advised of such inmates with detainers. ICE may take custody of the inmate(s) so long as it occurs during the release process and does not require additional detention of the inmate.

The Sheriff's Department will continue to honor ICE detainers for sentenced inmates, provided the requirements of the Trust Act are met, while we review the federal court decision and our ICE detainer policy. We are in the process of evaluating solutions and modifications to our ICE detainer policy that are consistent with the law and least impacts public safety. "I want to be respectful of the most recent federal court case decision while simultaneously being sensitive to public safety concerns of Orange County residents. I am actively working towards a solution and modification to the policy that addresses the concerns of our stakeholders," stated Sheriff Sandra Hutchens.

Immediately following our review process, the Sheriff's Department will release details of any updates or modifications to the existing ICE detainer policy.