March 6, 2017



## Santa Barbara County Response Re: Immigration Enforcement

In response to the community's expressed concerns over recent immigration orders, ICE activity, and the use of County resources to augment federal ICE efforts for immigration enforcement, Santa Barbara County's collective public safety divisions of Sheriff, District Attorney, Public Defender, Probation and Agricultural Commissioner have issued the following information.

On February 20, the U.S. Department of Homeland Security issued a memo under the subject of "Implementing the President's Border Security and Immigration Enforcement Improvements Policies" to clarify its internal policy on border security and immigration enforcement based on the President's Executive Order issued January 25, 2017. Most noteworthy to our jurisdiction was Section D, expansion of the 287(g) Program. [NOTE: Under Section 287(g) of the Immigration and Nationality Act, Homeland Security may deputize selected state and local law enforcement officers to perform the functions of federal immigration agents.]

The Homeland Security memo clearly directs the Director of ICE and the Commissioner of Customs and Border Protection (CBP) "to engage immediately **with all willing** and qualified law enforcement jurisdictions that meet all program requirements for the purpose of entering into agreements under 287(g) of the Immigration & Nationality Act."

- Santa Barbara County law enforcement agencies have not historically participated in enforcement of immigration laws. There is no current plan to do so with <u>any</u> of our County local law enforcement departments.
- The 287(g) Program is a <u>voluntary</u> opportunity (not a mandate) for local law enforcement to partner with ICE.
- To this date, local law enforcement agencies <u>have not been asked</u> to partner with ICE for the purpose of immigration enforcement.
- Currently, our County public safety agencies are not "willing" to change their long-standing practices and policies to further partnerships with ICE for the purpose of enforcing immigration laws when there was no co-existing alleged criminal activity. Specifically, investigators from the D.A., Sheriff Deputies and probation officers are continuing the practices of not participating in field level immigration enforcement.
- Although the Homeland Security memo discusses the "border region" and "southern border" we do not have clarification on whether or not Santa Barbara County meets the definition of a jurisdiction in the "border region" and or near the

- "southern border." The language did not say "touching the border," and remains at this time undefined.
- The Public Defender's office is charged with representing indigent clients on criminal matters regardless of their immigration status.
- ICE is not required to coordinate immigration enforcement sweeps with local County public safety agencies.

If called upon, in very limited circumstances, County public safety departments would consider assisting ICE in the field in apprehending persons that pose a serious threat to public safety. Such targeted missions would be based on criminal actions and threats to our community, for example a suspect known to be armed and dangerous, thus presenting a potentially lethal threat to bystanders during apprehension. These efforts would not be related to immigration status, or any recent direction under 287(g). They would be rare and highly coordinated efforts to maintain the peace and apprehend dangerous felons in our communities. This would include coordination among federal, state and local agencies on very specific missions requiring specialized resources (such as a SWAT team) when necessary for the protection of public safety.

Also to note, ICE (along with all federal law enforcement agencies) has access to fingerprint data on all inmates booked into our jail, and we have a long-standing history of cooperating with them, to the extent permitted by state law (the TRUST and TRUTH acts), in permitting them to enter our jail and interview inmates to determine their immigration status and if they are wanted on federal charges. Although we cannot legally honor requests to detain inmates once local charges have been adjudicated (since these are not reviewed by a magistrate), we notify ICE at their request of the pending discharge of inmates. Occasionally they will take custody of such inmates and initiate deportation proceedings upon their release.

## Our County efforts are focused on safety of the public above all else, regardless of legal status of our community members.

Our goal is to maintain the public's trust, have effective communication and foster a partnering atmosphere. With trust and communication, our community members who may be victims or witnesses must be willing to report crimes and work with our local public safety departments not being fearful of potential immigration consequences. All parts of this system are required for effective public safety, and when crimes occur they happen regardless of legal status.

The County Agricultural Commissioner also ensures that if we have any pesticide drift issues on local farms, that we follow proper county and state protocols absolutely regardless of legal status of those affected.

## **CONTACT:**

For questions or more information, contact the Santa Barbara County Executive Office at (805) 568-3400.