



NEW ICE POLICY AFFECTS ISSUES IN COUNTY LAWSUIT

By Rick Coshnear

John T. Morton, director of U.S. Immigration and Customs Enforcement (ICE), issued an interim policy August 2nd affecting the issues in a lawsuit brought by the ACLU of Northern California against the Sonoma County Sheriff's Department and ICE for targeting Latino residents of Sonoma County.

The interim policy states that immigration "detainers" (also known as "holds") are intended to be used by ICE only to request notification when individuals who are in local, state, or federal custody on criminal charges have completed their sentences or are otherwise due to be released.

"We hope this guidance will help stem the widespread abuse by local jails who improperly detain immigrants, including those who are not even charged with a crime," said ACLU-NC attorney Julia Harumi Mass.

Since at least 2005, the Sonoma County sheriff has been working in conjunction with local ICE agents to target Latino residents of the county for immigration enforcement through traffic stops and other detentions. Many residents were subjected to unreasonable searches and even arrested without criminal charges.

Ignoring constitutional and statutory limits on warrantless arrests, the sheriff and ICE agents used the immigration detainer or "hold" to put arrestees in the county jail for four days before transferring them to ICE custody for immigration proceedings. During those four days, arrestees were held without bail, were not given notice of the charges against them and were denied procedural rights normally afforded to immigration detainees.

The Committee for Immigrant Rights of Sonoma County (CIRSC) objected to the sheriff's improper use of immigration detainers.

"When the county failed to heed our call, we worked with the ACLU of Northern California to challenge this unfair, improper practice in court," said Rick Coshnear, spokesperson for CIRSC, and a member of the Sonoma County ACLU Board. "While it does not resolve all of our concerns, Director Morton's interim guidance confirms that immigration detainers are not arrest warrants in their own right, but merely requests by ICE that (1) it be informed when inmates are released and (2) custody be maintained for a few days for ICE's convenience. We're looking forward to working with the county to implement this guidance locally."

CIRSC, represented by the ACLU and Latham & Watkins LLP, in a pro

bono capacity, sued in September 2008, challenging the practice as beyond the authority of both ICE and the sheriff, and as being intertwined with racial profiling against Latinos. For nearly two years, the sheriff and attorneys for ICE have fought to defend the practice of using immigration detainers to avoid limits on warrantless arrests and place immigration detainees in the Sonoma County sheriff's custody without any criminal charges.

"It's a great victory for the Committee and the taxpayers of Sonoma County that ICE's director has stepped in to confirm that the practices we challenged in court are not authorized," said ACLU-NC's staff attorney Mass. "The joint operations of the Sonoma County Sheriff's Department and the local ICE office went far beyond the use of detainers authorized by law. It is to the public good that ICE has set the record straight."

The interim policy does not, however, resolve all claims in *Committee for Immigrant Rights of Sonoma County et al. v. Sonoma County et al.* lawsuit.

The suit was filed in response to actions by sheriff's deputies and ICE agents who have stopped and searched people who appeared to be Latino, interrogated them about their immigration status and detained them in the county jail without legal authority.

[More information about the lawsuit](#)