



Litigation vs. Sonoma County Sheriff and ICE Inches Forward

By Rick Coshnear

A decision is pending before Judge Phyllis Hamilton of the U.S. District Court of Northern California on the next phase of the lawsuit filed by the ACLU of Northern California against Sonoma County, Sheriff Bill Cogbill, a sheriff's deputy, the U.S. Bureau of Immigration and Customs Enforcement (ICE), and three of its officers.

The suit was filed in September 2008 on behalf of the Committee for Immigrant Rights of Sonoma County and three individual plaintiffs.

It alleges that collaboration between the Sheriff's Department and its Multi-Agency Gang Enforcement Team with ICE has involved racial profiling and unreasonable searches and seizures on the street, and unlawful use of immigration detainers or holds at the county jail.

One round of motions to dismiss the suit has been completed and one round is pending in which the government replies to our oppositions before Judge Hamilton makes her decision. An important success at this point has been the court's recognition that the Committee for Immigrant Rights has standing to sue these agencies and individual officers for injunctive relief, assuming the facts are as they have been alleged. The relief being sought is an order to stop the unlawful practices (the Committee does not seek to win monetary damages).

The federal and local governments have attempted to persuade the court that the plaintiffs' allegations are too vague or fail to meet the standards to sue for violations of equal protection, due process and the Fourth Amendment. The complaint has been amended to meet some of these objections, while others remain to be decided by the judge. The federal and local governments have also claimed that the court must defer to the ICE interpretation of the statutes and regulations that govern its practice, such as the detention of individuals in jail without any showing of probable cause or flight risk. The ACLU has argued that the court must not defer to an unreasonable interpretation.

A hearing on these arguments is set for Feb. 19. If the judge approves the complaint, the case will move into the fact-finding stage with discovery of records and determination of which claims may move forward to trial, based on the evidence.

[For more information about the lawsuit](#)