



City of Anaheim  
**OFFICE OF THE CITY ATTORNEY**

July 31, 2014

Jennie Pasquarella  
ACLU  
675 S. Park View Street, Suite B  
Los Angeles, CA 90057

Re: Recent Federal Court Decision Finds it Unlawful for Local  
Enforcement Agencies to Honor ICE Detainer Requests

Dear Ms. Pasquarella:

Thank you for your letter of July 3, 2014. Please be advised that the City is analyzing its immigration detainer policy in light of the legal authorities you raise. We expect to make a decision on this issue in the near future and are happy to notify you of that determination.

Very truly yours,

Michael R.W. Houston, City Attorney

By: \_\_\_\_\_

Kristin A. Pelletier  
Sr. Assistant City Attorney

KAP:df  
103932



# CITY OF HUNTINGTON BEACH

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POLICE DEPARTMENT

ROBERT HANDY  
Chief of Police

July 21, 2014

Jennie Pasquarella  
ACLU of California  
675 S. Park View St. Ste B  
Los Angeles, CA 90057

Dear Mrs. Pasquarella

I received your letter dated July 3, 2014 regarding ICE detainers and the recent Federal court decision. I also received and read the documents you enclosed, including the May 2, 2014, letter to the Orange County Sheriff Sandra Hutchins and the United States District Court Decision regarding the *Miranda-Olivares* case.

It has been our practice, even before this court decision, not to hold individuals solely on an ICE detainer. To further that position I have included a recent Huntington Beach Police Department Directive that was distributed to all personnel on July 9, 2014. This directive outlines the case decision and our policy to comply with that decision. As you can see by reading the directive we are not accepting bookings or holds based solely on an ICE Detainer.

We also have also changed our practice and will not be listing these detainers as "holds" or "charges" in our Records Management System (RMS).

It is our understanding that Lexipol is developing a policy on this matter. Being a Lexipol subscriber, we will be a recipient of that policy and incorporate it into our policy in place of the directive.

The Huntington Beach Police Department prides itself on being current with court decisions and best practices in law enforcement. In saying that, I believe that at our current policy does just that and I hope this satisfies your inquiry into the matter. If you have any additional questions or concerns please feel free to call me at 714 536-5903.

Sincerely;

  
Robert Handy  
Chief of Police

# Departmental Directive

HUNTINGTON BEACH POLICE DEPARTMENT

Robert Handy  
Chief of Police



**NO:** 2014-01  
**TO:** ALL POLICE PERSONNEL  
**FROM:** Robert Handy, Chief of Police  
**SUBJECT:** ICE DETAINERS  
**DATE:** July 9, 2014

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## IMMIGRATION CUSTOMS ENFORCEMENT (ICE) DETAINERS

In a recent court decision, the United States District Court of Oregon, in the case *Miranda-Olivares v. Clackamas County*, the United States Magistrate determined that ICE detainers are not supported by judicial determinations of probable cause. The ruling concludes that holding a subject on an ICE detainer is a violation of the Fourth Amendment of the U.S. Constitution. The court also determined that any agency that retains a subject on an ICE Detainer is doing so voluntarily, without probable cause, which violates the Fourth Amendment and may be held liable for damages under 42 U.S.C. § 1983.

In an effort to ensure that the Huntington Beach Police Department is not in violation of this ruling, we will not hold any individual solely based on an ICE Detainer. If ICE agents have identified a reason to hold a subject in HBPD custody and have probable cause, the agents will be required to file an arrest warrant, signed by a U.S. Magistrate and submitted to the HBPD Jail while the subject is in our jail's custody. If the subject is eligible for bail, bond, or would normally be cited out, the subject will be released unless an arrest warrant is issued.

Although ICE is going to continue to send requests to detain as part of their *Secure Communities Program*, we will no longer be listing these requests as holds or charges in the ILEADS RMS/JMS arrest modules.