

Tuesday, July 10, 2007

Honorable Judge Rodney Melville
Presiding Judge
Superior Court
312-M East Cook Street
Santa Maria, California 93455-5165

**Board of Supervisors' Response to the 2006-07 Civil Grand Jury Report on:
*"Illegal Immigration and the Detention System"***

Dear Judge Melville:

During its regular meeting of Tuesday, July 10, 2007, the Board of Supervisors adopted the following responses to the 2006-07 Grand Jury's report on "Illegal Immigration and the Detention System".

The Board of Supervisors thanks the Grand Jury for its findings and recommendations on this important matter.

Finding 1

Immigration holds at the County Main Jail are not always regularly or completely reviewed by Immigration and Customs Enforcement (ICE), and such inaction likely results in the release of some immigrants illegally in the county.

Response: The Board adopted the Sheriff Department's response as its response. (Agree partially with the finding).

Early in 2007, ICE officials met with Custody Staff to increase the presence of ICE officers. Currently they are in the Santa Barbara County Jail on the average of 2-3 times per week with multiple officers.

Recommendation 1

County officials should request the permanent assignment of an Immigration and Customs Enforcement (ICE) officer to the County Main Jail and seek intervention by Congressional representatives if ICE is not responsive to the request.

Response: The Board adopted the Sheriff Department's response as its response. (Recommendation will not be implemented because it is not warranted.)

As referenced in the response to Finding 1, ICE officials have increased their presence in the jail, which has increased the number of immigration holds. Rather than have a permanent ICE officer assigned to the Santa Barbara County Jail, the weekly presence is monitored along with the percentage of immigration holds, to ensure adequate ICE response. Should problems arise; Custody Command Staff can contact regional ICE officials to remedy any problems.

Finding 2

The population of immigrants illegally in Santa Barbara County contributes to inmate overcrowding and incarceration costs in county detention facilities.

Response: The Board adopted the Sheriff and Probation Department's responses as its response. (Agree with the finding).

The Sheriff's Department agrees with this finding. Illegal immigrants account for 10-15% of the jail population. All illegal immigrants in the jail are additionally charged with state criminal offenses.

The Probation Department agrees with the findings that the population of immigrants illegally in Santa Barbara County contributes to adult inmate overcrowding and contributes to incarceration in countywide detention facilities; however, the respondent notes that the impact to juvenile facilities within the county is on a much lower level, amounting to less than one percent of the total population in juvenile facilities.

Recommendation 2

County officials should take a proactive role in making our state and national representatives more accountable for costs to the detention system associated with inaction on the problem of illegal immigration.

Response: The Board adopted the Sheriff and Probation Department's responses as its response. (Recommendation has been implemented).

The County's Board of Supervisors adopted its federal legislative platform on November 21, 2006, which included the State Criminal Alien Assistance Program

(SCAAP). Specifically, the Board endorsed a legislative strategy to seek assistance from the County's representatives to reauthorize the funding of SCAAP and increase its reimbursement rates for local governments. As such, the County has communicated the importance of funding SCAAP to its representatives through letters and in-person briefings with staff.

Advocacy for SCAAP will continue including working toward inclusion of reimbursement for minor detainees. The Chief Probation Officers of California (CPOC) proactively supported inclusion of minors in this federal reimbursement program as the reimbursement guidelines were being established; however, the final resolution excluded reimbursement for minors, basically due to the structure of the juvenile justice system, and the fact that minors do not sustain "convictions." Whether it is by design or merely by semantic exclusion, the end result is an inability to seek reimbursement for county costs associated with the housing of illegal immigrants ordered detained by the Juvenile Court. The Probation Department supports efforts to change the language to include those illegal immigrants detained in juvenile detention facilities who have been adjudicated in Juvenile Court.

For clarification, based on the Immigration and Customs Enforcement's (ICE) response time for conducting initial interviews and the federal guidelines dictating a 48 hour release, it is apparent that Homeland Security is responding in a timely manner regarding those illegal immigrants housed at Santa Maria or Santa Barbara Juvenile Hall on criminal offenses. As stated in the current Grand Jury report, the number of illegal immigrants detained in our Juvenile Halls was less than one percent of the total population, with a fiscal impact of \$77,660. This fiscal impact could only be reduced if the criteria of SCAAP was revised. The ICE unit provides on-site interviews with the detainees at the Juvenile Halls to make a residence determination, responding within 24 hours, but no later than 48 hours after our requests. Once the court case has been completed, the process is handled expeditiously. Federal regulations mandate that ICE must take custody of the detainee within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of their scheduled release date or the detainee will be released to the community.

Sincerely,

Brooks Firestone
Chair, Board of Supervisors