



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Chief Administrative Officer

At its meeting held January 25, 2005, the Board took the following action:

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The following item was called up for consideration:

The Sheriff's recommendation to approve Memorandum of Understanding (MOU) with the U.S. Department of Homeland Security to allow the Sheriff's Department to perform certain immigration enforcement functions, namely, to conduct interviews of foreign born inmates in the County jails, allowing the interviewers to access the Deportable Alien Control System, which is a federal computer database, at no cost to County, to determine if the foreign born inmate is a convicted criminal alien or a previously deported criminal alien.

Charles M. Jackson, Chief, Correctional Services, and John L. Scott, Chief, Custody Operations, Sheriff's Department addressed questions posed by the Board. Maria Stratton, Federal Public Defender, Jody Kent, representing the American Civil Liberties Union of Southern California, Janice Maurizi, Los Angeles County District Attorney, Robert Kalunian, Chief Deputy Public Defender, Alan Diamante, representing the Mexican American Bar Association, Araceli Perez, representing the Mexican American Legal Defense, Nativo V. Lopez, National President of Mexican American Political Association and other interested persons addressed the Board.

After discussion, Supervisor Yaroslavsky made a motion to amend the Sheriff's aforementioned recommendation to request the Sheriff to:

1. Enter into the proposed Memorandum of Understanding (MOU) with the Bureau of Immigration and Customs Enforcement on a pilot program basis, extending to September 30, 2005 or six months from the commencement of the contract, whichever comes last;
2. Ensure that the proposed MOU is contingent on Federal funds being used to finance the pilot program and that no County General Funds are used for this purpose; and

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3. Ensure that the extension of the MOU is contingent on the following:
 - a. An evaluation by the Sheriff, in conjunction with the Chief Administrative Officer, on the effectiveness of the program including any of its deficiencies and report back to the Board with an analysis and recommendations;
 - b. Securing additional Federal funding to finance the program; and
 - c. The Sheriff providing a recommendation for and receiving an approval by the Board of Supervisors.

After discussion, Supervisor Yaroslavsky amended his motion to enter into the Memorandum of Understanding (MOU) with the Bureau of Immigration and Customs Enforcement on a pilot program basis, as follows:

1. That the MOU be contingent on a continuation of the current practice of interviewing only after conviction, and only then disseminating information to the Federal authorities;
2. Request the Sheriff to provide with the evaluation report to the Board at the end of the pilot program, clarification as to what misdemeanors and felonies would lead to an interview process; and
3. Request the Sheriff to provide written updates to the Board every 60 days on the progress of the pilot program, including what offenses are being covered during the program.

After discussion, on motion of Supervisor Yaroslavsky, seconded by Supervisor Antonovich, duly carried by the following vote: Ayes: Supervisors Yaroslavsky, Knabe, and Antonovich; Noes: Supervisors Burke and Molina, the Board adopted the Sheriff's attached recommendations as amended to request the Sheriff to:

1. Enter into the proposed Memorandum of Understanding (MOU) with the Bureau of Immigration and Customs Enforcement on a pilot program basis, extending to September 30, 2005 or six months from the commencement of the contract, whichever comes last;
2. Ensure that the proposed MOU is contingent on Federal funds being used to finance the pilot program and that no County General Funds are used for this purpose;

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3. Ensure that the MOU be contingent on a continuation of the current practice of interviewing only after conviction, and only then disseminating information to the Federal authorities;
4. Ensure that the extension of the MOU is contingent on the following:
 - An evaluation by the Sheriff, in conjunction with the Chief Administrative Officer, at the end of the pilot program on the effectiveness of the program including any of its deficiencies and report back to the Board with an analysis and recommendations; with the Sheriff to include clarification as to what misdemeanors and felonies would lead to an interview process;
 - Securing additional Federal funding to finance the program; and
 - The Sheriff providing a recommendation for and receiving an approval by the Board of Supervisors; and
5. Provide written updates to the Board every 60 days on the progress of the pilot program, including what offenses are being covered during the program.

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Attachment

Copies distributed:

Each Supervisor
Chief Administrative Officer
County Counsel

Letter sent to:

Sheriff