

MOTION BY SUPERVISOR GLORIA MOLINA

December 20, 2011

Secure Communities (“S-Comm”) is a federal immigration program that was implemented in Los Angeles County in August 2009 without local input, without a formal agreement, and without an opportunity to opt out of the program. Through S-Comm, when local law enforcement personnel or Sheriff deputies take the fingerprints of an arrestee, those fingerprints are automatically shared with Immigration and Customs Enforcement (“ICE”) officials who check their database and upon a “match” may immediately send a request in the form of an “immigration hold” or “detainer” to the custody facility to detain the person for up to 48 hours exclusive of weekends and holidays after the person becomes eligible for release.

Last week, fundamental flaws inherent in the S-Comm program became apparent with the revelation that four United States citizens were held in custody by local police departments and the Sheriff’s department solely on the basis of immigration detainers—one citizen for as long as eight days.

Antonio Motejano is a 40-year-old U.S. citizen who was born in Los Angeles, California where he resides with his wife and four U.S. citizen children—he was held for two days and nights.

Romy Campos is a 19-year-old U.S. citizen who was born in Hollywood, Florida and now resides in Los Angeles County—he was held for four days.

MOTION

Molina _____

Ridley-Thomas _____

Knabe _____

Antonovich _____

Yaroslavsky _____

Rigoberto Amador Flores is a 29-year-old U.S. Citizen born in Northridge California and now resides in Los Angeles County—he was held for 8 days.

Jose Velasquez, Jr. is a 37-year-old U.S. Citizen who was born in Huntington Park, California where he resides with his wife and children—he was held for one day.

As incomprehensible as it may be for U.S.-born citizens to be held in jail for days without even the opportunity to post bail pending review of their “immigration status,” what is more inconceivable is that this practice is not unusual. According to a recent study by the Warren Institute on Law and Social Policy, approximately 3,600 U.S. citizens have been arrested and detained through S-Comm since the program began in 2008.

Immediate steps must be taken by our Sheriff’s Department, and if necessary, by our Public Defenders and District Attorneys to ensure that no citizen is ever kept in the custody of our jails solely as a result of an immigration detainer.

I, THEREFORE, MOVE that this Board request that Sheriff Baca develop a protocol within the Sheriff’s Department to immediately investigate any claims of citizenship made by persons held in the County’s custody as a result of an ICE detainer and, if valid, to work with Immigration and Customs Enforcement (ICE) to remove such detainees immediately; Sheriff Baca is requested to report to this Board in writing by December 30, 2011 on this protocol;

I, FURTHER, MOVE that in addition to the Sheriff’s Department, if the Public Defender and/or the District Attorney learn that an immigration detainer has been placed on a citizen, each office shall work with ICE to seek the immediate removal of such a detainer; the Public Defender and the District Attorney are requested to report to this Board in writing by December 30, 2011 on their respective protocols.

MJ/sv