

Report faults Orange County for its handling of immigrant juveniles



Deportations have generated protests around the country. Orange County probation officials will review a policy of referring juvenile immigrants who are believed to be in the country illegally to federal immigration authorities. (Erik S. Lesser / EPA)

By **KATE LINTHICUM**

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Orange County probation officials say they will launch a review of their juvenile detention policies after the release this week of a report that faults the county for referring hundreds of immigrant youths to federal immigration authorities.

The report, published by the **UC Irvine School of Law Immigrant Rights Clinic**, took aim at an Orange County Probation Department policy that requires intake officers at juvenile detention centers to determine the immigration status of youths in their custody.

Until last year, intake officers were required to notify U.S. Immigration and Customs Enforcement

if they believed a juvenile was in the country without permission. In hundreds of cases, probation agents held juveniles who had finished serving their time in county detention and transferred them into ICE custody, the report says.

The report claims those practices violate confidentiality laws as well as “undermine the rehabilitative goals of the juvenile justice system.” It cites **data obtained by a separate group** that shows that between 2009 and 2012, Orange County referred 546 juveniles to ICE, more than any other county in the state.

Ed Harrison, a spokesman for the Orange County Probation Department, said the agency's lawyers will review its juvenile detention policies along with the report's claims that those policies are unlawful.

“We'll be talking to our attorneys to get their opinions on the conclusions drawn in this report,” he said.

He pointed to recent changes that have reduced the number of juveniles referred to ICE.

In 2012, Orange County adopted a narrower policy that instructs intake officers to refer juveniles to ICE only when the youth “presents a foreseeable and/or articulated danger to public safety” or when reporting the youth’s immigration status “serves the best interest of the minor.”

But while the changes have reduced the number of referrals, “the data shows that they continue to refer at a pretty steady rate,” said Annie Lai, co-director of the Immigrant Rights Clinic and an editor of the report.

While hundreds of youths are transferred to federal immigration authorities in Southern California each year, only a small number end up being deported, ICE officials say.

Virginia Kice, a spokeswoman for the agency, said that in the last five years, 43 juveniles have been deported from the seven counties, including Orange, that fall under the jurisdiction of the agency's Los Angeles field office.

“Generally speaking, the only juveniles whose cases are ultimately referred to the immigration courts are those who have violent criminal histories,” Kice said. “As ICE statistics make clear, the agency is both deliberate and judicious in determining whether to pursue the removal of a juvenile who engaged in criminal behavior.”

Juveniles who do face deportation are transferred from ICE into the care of the Office of Refugee Resettlement, which often contracts with local detention facilities to house them. Lai, of the Immigrant Rights Clinic, said lengthy detentions can be damaging for juveniles, even if they ultimately are

allowed to stay in the United States.

She cited the case of a 14-year-old boy in Orange County who suffers from mental illness. He was referred to ICE by officials at an Orange County detention center and spent 10 months in federal detention. He was eventually released, but suffered additional setbacks, she said.

"There are still some kids who are being separated from their families and that's harmful," Lai said.

This fall the California lawmakers passed a measure known as the Trust Act that requires immigrants in the country illegally to be charged with or convicted of a serious offense to be eligible for a 48-hour hold and be transferred to U.S. immigration authorities for possible deportation.

According to the Irvine report, the Trust Act, which goes into effect Jan. 1, 2014, may "substantially limit" Orange County's discretion to detain juveniles in its care in order to turn them over to ICE.

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