



# UC Irvine Study Charges Orange County Probation With Unlawful ICE Referrals

By Gabriel San Roman

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A new report from the UC Irvine School of Law Immigrant Rights Clinic (IRC) blasts the Orange County Probation Department (OCPD) for its collaboration with federal immigration officials. The ["Second Chances for All" study](#) released today comes just days after [activists shut down the entrance to the Immigration and Customs Enforcement \(ICE\) detention facility](#) in Santa Ana.

As OC leads the state in ICE detainer requests for youth, the IRC points the finger at the referral practices by the OCPD as the main reason why. The department's policy, authors of the report say, violates confidentiality law and prioritizes deportation over rehabilitation.

At issue is a written procedure that directs intake officers to determine a youth's immigration status once entering juvenile hall. Without sufficient training in violation of constitutional rights, the study states, OCPD officers are obliged to notify their ICE liaison if a minor "appears to be an undocumented alien," a determination made through interviews, state database and birth certificate checks.

Referrals turn into detainer requests...a whole lot of them.

According to the Santa Barbara-based Center on Juvenile and Criminal Justice, OCPD referred an estimated 546 youth to federal immigration enforcement officials between January 2009 and June 2012. Furthermore, ICE issued 697 detainer requests statewide from October 2009 to February 2013. OC detentions accounted for 43% of them alone.

"These referrals have a devastating impact," said James Buatti, co-author of the report, at a press conference in downtown Santa Ana today. "They separate children from their families and potentially subject them to indefinite detention and even deportation to countries where they may not have ever



visited or may have no support structures."



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**Annie Lai, editor of the report, speaks before assembled media**

The IRC is currently representing a 16-year-old youth named "Eva" as a client who is in detention and faces that very ominous prospect of deportation Buatti mentioned. She provided a prepared statement which was read aloud. "I don't think it's fair that they should refer kids to ICE," the youth said in terms of OCPD. "It's not fair for a child to be dropped off in a country that they don't know anything about."

In November of last year, the OCPD made minor modifications to its referral procedures with criteria set for making an immigration status determination only when it is in the minor's best interests or if the person presents a clear threat to public safety. The flawed, unauthorized method remains largely intact, the authors write, opening up possibilities of racial profiling and wrongful detention.

"How can we trust the probation department to uphold laws when they're the ones breaking the laws?" asked Abraham Medina of Keep Our Families Together, an immigration reform group. "They're breaking state laws [and] violating constitutional rights of minors. What we have to do is come together and address the issue so that it is no longer invisible, so that youth no longer suffer in ICE detention centers."

Arguing that the status quo opens the county up to potential litigation on multiple fronts, the report offers a number of recommendations including that the OCPD stop referring juveniles to ICE, put a

halt to investigating their immigration status and end compliance with ICE detainers.

If the OCPD won't reform in that manner, the IRC suggests, among other things, that they tighten up their existing procedure to respect confidentiality law, allow no immigration questioning by federal immigration officers without proper notice and clearly define the criteria by which referrals have been conducted since November 2012.

After the press conference wrapped up, the community delegation marched to the nearby probation department to hand deliver the report.

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