

BREAKING NEWS

Watch live: Confirmation hearings on Supreme Court nominee Brett Kavanaugh | Day 3

[News](#) > [California News](#)

San Jose judge blasts Trump administration for sudden transfer of ICE detainees



Protesters gather at the main entrance of the West County Detention Facility in Richmond, Calif., on Sunday, June 17, 2018. About 100 people showed up at the facility during Father's Day to protest the separation of children from their families by the U.S. Immigration and Customs Enforcement. (Jose Carlos Fajardo/Bay Area News Group)

By **TATIANA SANCHEZ** | tsanchez@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: September 5, 2018 at 1:24 pm | UPDATED: September 6, 2018 at 6:15 am

SAN JOSE — A federal judge blasted the Trump administration’s transfer of 10 detainees from a Contra Costa County ICE detention facility to out-of-state jails last month, calling the decision “damaging” and “troubling.”

U.S. District Court Judge Edward J. Davila last week dismissed a request filed by several pro bono attorneys to have the detainees transferred back to the West County Detention Facility in Richmond because it is outside the court’s jurisdiction — but not before criticizing the government for transferring them in the first place.

“Every petitioner in this case was represented by an attorney within the San Francisco area of responsibility, but every petitioner was inexplicably transferred out of state, contrary to (ICE) policy,’ Davila said in his ruling. “Though ICE’s policy may have admirable goals as written, it has no purpose if it is so easily disregarded. ICE offered no response in this action to its flagrant failure to comply with its own directives other than to say it conducted a review of other issues, and its silence is deafening.”

The San Francisco Public Defender’s office, Pangea Legal Services and Community Legal Services in East Palo Alto had filed petitions in federal court earlier this month seeking the release of these detainees, alleging their transfers interrupted immigration hearings that had already been scheduled in San Francisco. With Davila’s order, it was not clear Wednesday whether the attorneys will now file their petition in another court.

ICE policy requires the federal agency to do a “thorough and systematic review” of each detainee’s case, according to court documents. If a review shows immediate family and an attorney in the area, pending deportation proceedings or a granted or scheduled bond hearing, ICE is prohibited from transferring the individual.

In this case, the 10 detainees — who are all in deportation proceedings — were moved to Aurora, Colorado and Tacoma, Washington.

“The speed at which this occurred – again without regard for the presence of counsel in San Francisco – is troubling,” Davila wrote. “As a matter of optics, a policy which condones the movement of detained, represented immigrants without notice to their counsel, and leads to the immediate transfers their cases out of the area, does little to inspire public confidence in the executive’s ability to fairly and responsibly adjudicate immigration cases.”

ICE couldn’t immediately be reached for comment Wednesday but the agency has said the transfers are routine and should have been expected as soon as Contra Costa County officials announced they were ending their jail contract with ICE.

The 10 detainees are undocumented immigrants from Mexico, Guatemala, Honduras and the former Yugoslavia who were ordered detained pending ongoing removal proceedings in San Francisco, court documents show. Several had hearings last week that were interrupted, according to their attorneys.

Davila had expressed concern about the transfers during oral arguments last week, even pointing out that some of the detainees' hearings had been interrupted just hours before. At one point, the judge asked an attorney for the Department of Justice: "Why would (ICE) do that and take these people away from their attorneys like that?"

DOJ attorney Claire Cormier said all of the detainees at West County had been transferred and there simply wasn't any space in the remaining California ICE jails.

"They checked," she said. "They looked at every detainee at West County. There wasn't space available after doing that. They tried."

Start your day with the news you need from the Bay Area and beyond.

Sign up for our [Morning Report weekday newsletter](#).

The transfer of dozens of detainees to out-of-state jails — the result of Contra Costa County ending its controversial jail contract with ICE — has raised concerns among activists and attorneys who have accused the agency of denying detainees access to legal representation and holding up their immigration cases.

"That is the government essentially impeding their rights to counsel and destroying their ability to obtain due process," said Areceli Martinez-Olguin, an attorney with Community Legal Services in East Palo Alto, which is representing the petitioners. "It takes them away from counsel, it takes them away from witnesses and it also takes them away from their family."

Tags: [Immigration](#), [Regional](#)



Tatiana Sanchez Tatiana Sanchez covers race, demographics and immigration for the Bay Area News Group. She got her start in journalism in the California desert, where she covered the marginalized immigrant communities of the eastern Coachella Valley. Before heading north, Sanchez spent a year as immigration reporter at the San Diego Union-Tribune, where she covered the region's multicultural communities, social justice topics and life on the U.S.

-Mexico border. A Bay Area native, she received a master's in journalism from Columbia University. In 2017, Sanchez was part of a team of East Bay Times reporters awarded the Pulitzer Prize for breaking news coverage of the Ghost Ship fire in Oakland. She's based in San Jose.

 Follow Tatiana Sanchez @TatianaYSanchez

SUBSCRIBE TODAY!

ALL ACCESS DIGITAL OFFER FOR JUST 99 CENTS!