

**Mark Garber**  
*Sheriff*

**LAFAYETTE PARISH**  
**SHERIFF**



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FOR IMMEDIATE RELEASE  
Tuesday, August 16, 2016

## **Sheriff Garber Issues Cease and Desist Letter to Center for Immigration Studies**

On July 28, 2016, Lafayette Parish Sheriff Mark Garber forwarded a demand letter to Jessica Vaughn, Director of Policy Studies for the Center for Immigration Studies ("CIS") in Washington D.C. In the letter, Sheriff Garber directs Ms. Vaughn and CIS to "immediately cease and desist" from referring to Lafayette Parish and the City of Lafayette as a sanctuary city or county.

Based on information obtained from the CIS website, it is believed Lafayette was placed on the Sanctuary City list and map by CIS because of a letter issued by former Lafayette Parish Sheriff Mike Neustrom on September 2, 2014. The letter, which was forwarded by the former Sheriff to the United States Immigrations and Customs Enforcement Agency in reference to immigration holds, provided notice that the Lafayette Parish Correctional Center, "will no longer detain offenders based solely on a detainer issued by the U.S. Immigrations and Customs Enforcement Agency."

Sheriff Garber, on July 26, 2016, addressed immigration holds and the policy of the former administration in another letter to the United States Immigrations and Customs Enforcement Agency. In the letter, Sheriff Garber rescinded the previous policy of the former administration and also confirmed "the applicable policies of the Lafayette Parish Sheriff's Office and Lafayette Parish Correctional Center are in compliance with all applicable federal statutes."

On August 5, 2016, Jessica Vaughn wrote a new blog entry on the CIS website titled, "Sanctuaries Update: 1 Down, 305 to Go". In the blog, Ms. Vaughn reports: "One of Sheriff Garber's first acts upon taking office in Lafayette Parish, Louisiana, last month was to rescind the controversial and misguided sanctuary policy that had been implemented by his predecessor."

Blog link: <http://cis.org/vaughan/sanctuaries-update-one-down-305-to-go>



*detained  
sent. July 28th*



Center for Immigration Studies  
Attn: Jessica Vaughan, Director of Policy Studies  
1629 K. Street N.W., Suite 600  
Washington, DC 20006

Via Facsimile: (202) 466-8076  
and U.S. Certified Mail

Re: Sanctuary City Designation of Lafayette, LA

Dear Ms. Vaughan:

Attached please find a letter forwarded to the U.S. Immigration and Customs Agency in my capacity as the recently inaugurated Sheriff of Lafayette Parish, Louisiana. The letter, as you will note, provides formal notice to the Agency that the policy of the former Sheriff of Lafayette Parish regarding non-detainer of offenders has been rescinded in its entirety. The rescinded policy, which was set forth in correspondence of September 2, 2014, from the former Sheriff to the Agency, is also attached for your ease of reference.

In light of the rescission of the referenced policy, this correspondence shall serve as a formal demand on the Center for Immigration Studies for immediate removal of the city of Lafayette and Lafayette Parish, Louisiana from its list of Sanctuary Cities, Counties and States. It shall further serve as a formal demand that the Center for Immigration Studies immediately cease and desist from referring to the city of Lafayette and Lafayette Parish, Louisiana as a Sanctuary City and/or Sanctuary County on its website and in any of its publications, including all digital, print and other media.

Thank you in advance for your prompt attention and cooperation in connection with this matter.

Sincerely,

Mark T. Garber  
Sheriff of Lafayette Parish







## Sanctuaries Update: 1 Down, 305 to Go



By [Jessica M. Vaughan](#) on August 5, 2016

One of Sheriff Mark Garber's first acts upon taking office in Lafayette Parish, Louisiana, last month was to rescind the controversial and misguided sanctuary policy that had been implemented by his predecessor. The approximately 300 other jurisdictions around the country that have similar policies obstructing immigration enforcement would be wise to follow suit.

These policies are inconsistent with federal law, according to a [new report by the Justice Department's Inspector General \(OIG\)](#), and could result in debarment from certain federal grants, claw backs of previously awarded funds, or other consequences, including prosecution. This report was requested by Rep. John Culberson (R-Texas), who chairs the House appropriations sub-committee in charge of the DOJ budget.

The OIG used a [list of sanctuary jurisdictions](#) published by the Center for Immigration Studies and determined which of those agencies had received the most funding from DOJ. Their policies were examined for compliance with [8 USC 1373](#), which states that state and local governments may not have policies, ordinances, or practices that "in any way" prohibit state or local officials from communicating or exchanging information with federal immigration agencies.

Among the OIG findings:

- All of the 10 jurisdictions selected for the OIG investigation had sanctuary policies that were inconsistent with federal law. The jurisdictions were: the state of California; the state of Connecticut; Chicago; Clark County, Nev. (home of Las Vegas); Cook County, Ill. (which includes Chicago); Miami-Dade County, Fla.; Milwaukee County, Wisc.; Orleans Parish, La. (New Orleans); New York City; and Philadelphia.
- These 10 jurisdictions received more than \$342 million from DOJ, representing 63 percent of the total value of the active DOJ law enforcement funding at the time of the report.
- In addition to the 10 sanctuaries that were investigated, the report identified several others with problematic policies: Newark, N.J.; Taos, N.M.; New Orleans; and San Francisco.
- Common efforts by sanctuaries to evade the applicability of 8 USC 1373 with a "savings clause," for example by including language that says "except as provided under federal law" are not sufficient to be considered compliant with federal law and will not protect them from potential consequences of maintaining a sanctuary policy.

The OIG recommended four steps that DOJ could take to make sure that no federal funding is awarded to non-compliant jurisdictions: 1) tell jurisdictions that they are expected to comply with 8 USC 1373 as a condition for receiving DOJ funding; 2) require them to certify and document that they are compliant when they apply for funding; 3) consult with ICE about whether the jurisdictions are cooperating; and 4) ensure that jurisdictions inform their personnel that they are allowed to communicate and share information with ICE.

The application deadline for the State Criminal Alien Assistance Program funds, in which the DOJ provides partial reimbursement for incarcerating criminal illegal aliens, was in April, 2016. [DOJ has had language](#) on its web site about the requirement to comply with 8 USC 1373, together with a warning of the consequences for non-compliance, which include criminal prosecution for a false statement.

ICE provided the OIG with an updated list of 155 jurisdictions that have a policy or law that limits or prohibits cooperation with ICE and that had rejected detainees between January 1, 2014, and June 30, 2015. According to a similar [report published by the Texas Tribune](#) covering a slightly different time period, there were 165 counties and 1,160 detention locations in the United States that had rejected detainees between January 2014 and September 2015.

In the near future, the Center will publish an updated [map and list of sanctuary jurisdictions](#) to reflect this new information.





Date: July 13, 2016  
To: U. S. Immigration and Customs Agency  
From: Sheriff Mark T. Garber  
Subject: **Immigration Holds**

This shall serve as formal notice that effective immediately, the policy of the Lafayette Parish Sheriff's Office regarding the non-detainer of offenders, as set forth in the attached correspondence of September 2, 2014, has been rescinded in its entirety.

Further pursuant to this correspondence, it is confirmed that the applicable policies of the Lafayette Parish Sheriff's Office and Lafayette Parish Correctional Center are in compliance with all applicable federal statutes, including 8 U.S.C. §1373.

Thank you for your attention and understanding in connection with this matter.

Sincerely,

Mark T. Garber  
Sheriff of Lafayette Parish





## Lafayette Parish Sheriff's Office

Michael W. Neustrom, Sheriff

Serving the community with courtesy, professionalism and respect  
www.lafayette-sheriff.com



Date: September 2<sup>nd</sup>, 2014  
To: U.S. Immigrations and Customs Enforcement Agency  
From: Sheriff Mike Neustrom & Director Rob Reardon  
Subject: Immigration Holds

Effective September 1<sup>st</sup>, 2014, the Lafayette Parish Correctional Center will no longer detain offenders based solely on a detainer issued by the U.S. Immigrations and Customs Enforcement Agency.

On April 11, 2014, a federal district court in Oregon issued a decision in the *Maria Miranda-Olivares v. Clackamas County*, No. 12-cv-02317-ST. The court held that Ms. Miranda-Olivares' constitutional rights had been violated by detaining her without probable cause when Clackamas County held her on an ICE detainer (Form I-247). The court further held that the County was liable under 42 U.S.C. § 1983 for damages.

As a result of this recent court ruling and in an effort to avoid possible litigation the Lafayette Parish Correctional Center will only detain an individual when the detention is supported by judicial probable cause or court order. We will continue to provide your agency with any requested information, as well as access to our offender population in the performance of your duties.

Thank you for your understanding in this matter.

Sincerely,

Michael W. Neustrom  
Sheriff of Lafayette Parish

Rob Reardon  
Director of Corrections