

EXHIBIT D

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Undocumented immigrant ordered freed is still in jail

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Kearns • The Salt Lake County Sheriff on Friday said a state court judge cannot free a jail inmate who the federal government says is in the country illegally.

Sheriff Jim Winder said he will continue to hold the inmate, 22-year-old Enrique Antonio Uroza, until a federal judge orders his release or U.S. Immigration and Customs Enforcement removes the detainer it has placed on him. Uroza has been in the Salt Lake County Jail since June 13.

“You can’t let him out, judge,” Winder told a reporter Friday. “I can’t let him out.”

On Thursday, 3rd District Judge Bruce Lubeck ordered Uroza released on the \$5,000 bail he previously posted.

But Winder said he was following SB81, a law passed by the Utah Legislature in 2008. It requires sheriffs to make “a reasonable effort” to determine the immigration status of jail inmates. However, the bill says nothing about detaining inmates once their immigration status has been determined.

Meanwhile, Uroza’s attorney — who has been trying for five weeks to free Uroza — said she once again has been told the jail is honoring what’s called an “immigration detainer” placed on Uroza by U.S. Immigration and Customs Enforcement (ICE). Such detainers ask jails to hold suspected undocumented immigrants for 48 hours past the time the inmate would otherwise be released.

Jail staff are “essentially being vigilante immigration enforcers,” said attorney Debbie Levi. “So it’s not surprising they’re ignoring the court’s order ...”

Uroza has become the main exhibit in a lawsuit the American Civil Liberties Union says it plans to file against Winder next week in federal court. The ACLU says the jail is keeping suspected undocumented immigrants indefinitely, even when U.S. Immigration and Customs Enforcement requests detention for only 48 hours.

Uroza is charged with three felony counts of forgery and two counts of theft by deception in state court. He was able to post bail the day he was arrested but the jail did not release him, citing the hold placed on him by ICE. Uroza’s next court hearing is scheduled for Aug. 4.

There were differing opinions Friday on whether jails have to honor ICE detainers. ICE spokeswoman Virginia Kice pointed to policy language saying the agency considers such detainers to be "requests."

Winder, however, said he has to treat such detainers as orders.

"From our standpoint we've complied with SB81 — we've complied with what the feds say we should do," Winder said.

The federal government typically pays a fee to jails for every day someone with an immigration detainer is held there.

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