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County officials say ICE, not their policy, to blame for releasing San Jose homicide suspect

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The man suspected of killing 59-year-old Bambi Larson is in the country illegally, sparking criticism of county jail policies



San Jose Police Chief Eddie Garcia talks to the media during a press conference regarding the death of 59-year-old Bambi Larson at the San Jose Police Department in San Jose, Calif., on Tuesday, March 12, 2019. San Jose Police identified 24-year-old Carlos Eduardo Arevalo Carranza as the suspect in the death. (Randy Vazquez/Bay Area News Group)

By **THY VO** | tvo@bayareanewsgroup.com and **NICO SAVIDGE** | nsavidge@bayareanewsgroup.com | Bay Area News Group
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SAN JOSE — Santa Clara County officials are firing back at critics who say their policy of not notifying immigration authorities when undocumented immigrants are released from their jails led to the release of a homicide suspect who had nine detention orders issued against him.

Carlos Eduardo Arevalo-Carranza, 24, is suspected of stabbing to death Bambi Larson, 59, in her South San Jose home last month. On Tuesday, San Jose Mayor Sam Liccardo criticized the county's policy of "ignoring requests" by Immigration and Customs Enforcement that inmates about to be released be held until they are picked up by ICE. But county officials said on Wednesday that federal authorities, not they, were to blame for Arevalo-Carranza's release.

"ICE should've gotten a warrant here. They could've gotten a warrant here," said County Counsel James R. Williams, at a press conference late Wednesday afternoon. "And the county's practice has always been to honor warrants that are issued."

The disclosure Tuesday that Arevalo-Carranza is in the United States illegally, and that the county jail ignored six requests by immigration authorities to turn him over — Los Angeles County received three other detention requests from ICE — has renewed criticism that "sanctuary" policies allow serious and violent criminals to slip through the cracks.

Police arrested Arevalo-Carranza on Monday in connection to Larson's killing. Larson's body was found in her home on Knollfield Way on the afternoon of Feb. 28.

ICE confirmed Tuesday that Arevalo-Carranza entered the United States illegally in 2013 and had been held at jails in Los Angeles and Santa Clara counties on a number of prior convictions, including drug charges, burglary and one felony false imprisonment charge in 2016.

San Jose Police Chief Eddie Garcia on Tuesday criticized the county's practice of not notifying ICE as a policy to "shield admitted gangsters or violent criminals." In a statement on Tuesday, Liccardo said the county's policy of "ignoring" immigration detainees "undermines public safety and violates common sense." On Wednesday, however, he said that was referring to the fact that the county should notify authorities when they are going to release someone from their custody.

Immigration officials ask local agencies for civil detainees, a voluntary request for local jails to hold a person after their release date until immigration officials can come detain them.

According to officials with ICE, between October and November 2016, the agency requested three times that Arevalo-Carranza be detained at the Los Angeles Police Department's central jail, none of which were fulfilled. From June 2016 to January 2019, the agency also asked Santa Clara County to hold him six times, according to ICE.

In recent years, federal courts have ruled that holding people beyond their normal release dates, without warrants from ICE, is unconstitutional and a violation of people's right to due process. California's sanctuary law, which went into effect in January 2018 and which curtails how local law enforcement can work with immigration authorities, also prohibits such 'detainers.'

Williams said if the agency wanted to apprehend Arevalo-Carranza, it should have obtained a warrant, which the county would have honored.

Liccardo said in an interview Wednesday that county officials can still honor detention requests by notifying ICE when they are going to release an individual from jail.

“What we are all urging, is when the county has a predatory or violent person, they notify authorities if he will be released into the community,” said Liccardo. “No court has ever deemed that kind of notification to be unconstitutional.”

California’s sanctuary law generally prohibits law enforcement agencies from notifying ICE of a prisoner’s release date, unless they fall under a specific exemption for people who have committed serious, violent felonies.

The county does not proactively provide notification to ICE without a warrant, said Williams.

Liccardo said given Arevalo-Carranza’s false imprisonment charge, there was no legal reason for the county not to notify ICE of his release dates.

Garcia said the burglary and false imprisonment charges could have triggered exceptions in the law that allow for notification, “although there were other convictions that are concerning and would be considered,” he said.

Arevalo-Carranza, who is believed to be homeless, entered the U.S. illegally in South Texas in 2013 and days later was detained by the U.S. Border Patrol. He was in ICE custody for four months before he was released, pending immigration proceedings, and was required to report to ICE, according to ICE spokesman Richard Rocha.

Rocha declined to answer questions about whether Arevalo-Carranza was released in Texas or California, and would not say what facility Arevalo-Carranza was detained at, citing privacy issues.

Arevalo-Carranza is being held at the Santa Clara County Main Jail and has a scheduled court appearance Thursday. He was placed on a mental health hold, which was lifted Wednesday afternoon.

Supervisor Dave Cortese, who was part of the board that approved a 2011 policy limiting ICE detainers, said immigration authorities and other public officials are trying to shift blame onto the county.

In the past, before the county passed a policy to limit detainers, immigration authorities often didn't pick up people who they requested be detained, leaving them languishing in jail, he said.

"Part of their problem, frankly, what they've told me in meetings over the years, is they don't have...the capacity or agents to actually follow up on the detainers that they've had out in the past," said Cortese.

Williams echoed that criticism.

"A phone call or some other kind of notification — often that doesn't work. They don't show up," Williams said. "It's not an effective practice if you actually want to have the person taken into custody."

Liccardo said notifying ICE of violent criminals in their jails would likely affect a "very small number" of people.

"I'm no defender of ICE or proponent of this administration... but I fail to understand how one can justify releasing a predatory felon without giving federal authorities the chance to arrest him and keep him out of the community," said Liccardo. "That small number is responsible for, in this case, horrible acts of violence."

Maricela Gutiérrez, executive director of the Services, Immigrant Rights & Education Network (SIREN), said any interaction with immigration authorities would have a chilling effect on the willingness of undocumented immigrants and others to come forward to report violent crimes in an already hostile political climate.

She said the same standard for detention requests — probable cause or a warrant — should apply to notification to ICE.

“Notifications are in the same jurisdiction as detainees — there has to be probable cause of a crime to notify ICE,” she said. “And we shouldn’t make our police department pseudo-ICE agents.”

Contact Thy Vo at 408-200-1055 or tvo@bayareanewsgroup.com.

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Thy Vo Thy Vo covers government in Santa Clara County and the city of Santa Clara for The Mercury News. She's a Southern California native and started her journalism career watchdogging local government in Orange County, California for the nonprofit news website Voice of OC.

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Nico Savidge Nico Savidge is a reporter covering courts, crime and law enforcement for The Mercury News. He grew up in Berkeley, then lived in Wisconsin for nine years before returning to the Bay Area, making him both a local and a transplant. A graduate of the University of Wisconsin, he previously wrote for EdSource, the Wisconsin State Journal and The Janesville Gazette. He spends his time outside of work re-learning the Bay Area and losing his tolerance for cold weather.

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