Whereas: The Community Advisory Council (CAC) has heard from community members, defense attorneys, immigration lawyers, law enforcement, and community activists regarding concerns of the immigrant community in Sonoma County and the voluntary cooperation of the Sheriff’s Office with Immigration and Customs Enforcement (ICE).

Whereas: Immigrant community members, community service providers, activists, and the above mentioned attorneys expressed an increasing palpable fear of deportation, the separation of families, and sense of injustice at being met by ICE officials after completing minor sentences at the jail, treatment center, or home detention, due to the voluntary cooperation of the Sonoma County Sheriff’s Office and this Federal agency.

Whereas: It currently is the SCSO policy to voluntarily assist ICE in enforcing federal civil immigration laws. This cooperation includes: 1. giving ICE notice, upon request, of the release date of an immigrant inmate; 2. allowing ICE agents to personally examine an inmate’s jail D-file as part of an ICE investigation; 3. holding immigrant inmates after the individual has posted bail and becomes eligible for release from custody; 4. notifying ICE of the immigration status of inmates; and 5. otherwise assisting ICE as requested.

Whereas: Sheriff’s Office representatives have expressed to the CAC that the Sheriff’s Office’s rationale for voluntary cooperation with ICE is rooted in concerns for public safety.

Whereas: the overwhelming research shows that communities are safer and economically stronger when local law enforcement limits cooperation with ICE (as evidenced by the summary attached as Exhibit A).

Whereas: Based on input from immigrant community members, the CAC has concluded that the Sonoma County Sheriff’s current policy of voluntary cooperation with ICE increases the fear in the immigrant community and creates an atmosphere
of distrust between these communities and local law enforcement. This distrust leads to a general lack of cooperation by members of these communities with local law enforcement. This can hamper the ability of Deputy Sheriffs to discharge their duties to protect and serve all members of our community.

Whereas: It is in the best interests of the Sonoma County Sheriff’s Office to have the full trust and cooperation of the communities they serve, and a shift away from the current policy of voluntary cooperation with ICE requests would likely improve those relationships and have a positive and meaningful effect on the lives of the immigrant families in this county.

Whereas: The CAC previously approved the statement titled “It Won’t Happen Here” pledging to “recognize the rights and dignity of all people” regardless of documentation.

Therefore: We, the CAC, do recommend that the Sonoma County Sheriff’s Office refrain from any cooperation whatsoever with ICE (including, but not limited to, release notifications, access to an inmate’s file, or personal interviews) unless the subject of the cooperation has been convicted of a serious and violent felony (as defined in the policy recommendations that were approved by the CAC on March 6, 2017, attached as Exhibit B), during the five years previous to the cooperation.
Summary of Findings
Recent research shows that the more local law enforcement cooperates with Federal Immigration, Customs and Enforcement (ICE), the more fear and distrust there is among the immigrant community, resulting in degraded police-community relationships and higher levels of crime, and greater obstacles to law enforcement carrying out its primary mission, protecting public safety. **In other words, the less local enforcement cooperates with ICE, the safer the community.** Furthermore, research shows that economies are stronger in communities that do not cooperate with ICE.

Review of Data/Research
Gill and Nguyen (2015), in a study of local law enforcement involvement in the Immigration, Customs and Enforcement (ICE) 287g program in two communities, found that “despite different jurisdictional implementation styles and contexts”, there was a consistent drop in civic engagement, and perceived vulnerability to crime. (Note: Section 287g enables the federal government to partner with state and local law enforcement agencies to enforce civil and criminal immigration violations) 287g even impacted immigrant owned business, who “experienced a disruption in economic activity and immigrants report greater exploitation by employers and landlords”. The study also found that this economic disruption spilled over to the entire community, even in the community where participation in 287g and Secure Communities was less rigorously applied. ([http://journals.sagepub.com/doi/full/10.1177/0042098014563029#_i22](http://journals.sagepub.com/doi/full/10.1177/0042098014563029#_i22))

Wong (2017), more recently, in a systematic analysis comparing sanctuary and non-sanctuary counties across a range of social and economic indicators, found that **crime is statistically significantly lower in sanctuary counties compared to non-sanctuary counties.** [https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/](https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/)

This study also confirmed the finding that such policies impact local economic activity. In sanctuary cities, the economy was stronger along a wide variety of measures, including:

- There are, on average, 35.5 fewer crimes committed per 10,000 people in sanctuary counties compared to non-sanctuary counties.
- Median household annual income is, on average, $4,353 higher in sanctuary counties compared to non-sanctuary counties.
- The poverty rate is 2.3 percent lower, on average, in sanctuary counties compared to non-sanctuary counties.
- Unemployment is, on average, 1.1 percent lower in sanctuary counties compared to non-sanctuary counties.
- While the results hold true across sanctuary jurisdictions, the sanctuary counties with the smallest populations see the most pronounced effects.

“Altogether, the data suggest that when local law enforcement focuses on keeping communities safe, rather than becoming entangled in federal immigration enforcement efforts, communities are
safer and community members stay more engaged in the local economy. This in turn brings benefits to individual households, communities, counties, and the economy as a whole.” In addition to the author’s own research Wong cites The International Association of Chiefs of Police, and Major Cities Chiefs Association which conclude that involvement of local law enforcement with immigration enforcement leads to decreased reporting of crimes and cooperation between immigrant communities and police. Further Wong concludes that “By keeping out of federal immigration enforcement, sanctuary counties are keeping families together and when households remain intact and individuals can continue contributing, this strengthens local economies.”

A study published by the institute on Taxation and Economic Policy in February, 2016, (http://www.itep.org/pdf/immigration2016.pdf) quantified the potential level of economic disruption such non-sanctuary policies could produce, “The truth is that undocumented immigrants living in the United States pay billions of dollars each year in state and local taxes.”; i.e., at total of $11.64 billion a year. The California total is $3.17 Billion. The study also found that undocumented immigrants pay on average 8 percent of their incomes in state and local taxes, as compared to the 5.4% of income paid by to top 1 percent of taxpayers. Because immigrant owned businesses suffer when there poor police-community relations, it is not hard to assume that increased cooperation of local law enforcement with ICE could negatively impact local sales tax collection.

In a rigorous analysis of “Sanctuary Cities” (The Politics of Refuge: Sanctuary Cities, Crime, and Undocumented Immigration, August 16, 2016) the authors looked at whether such cities, defined as: “a city or police department that has passed a resolution or ordinance expressly forbidding city or law enforcement officials from inquiring into immigration status and/or cooperation with ICE”, compared to other statistically similar cities, had more crime, “be it violent, property, or rape, as claimed by some political candidates and opponents of sanctuary cities.” The study noted that “in recent years, a few high profile incidents where undocumented immigrants have committed...crimes have led some political candidates ... to make sweeping negative claims about the deleterious effects of sanctuary cities. The argument is that sanctuary cities bring crime: undocumented immigrants ... go to these cities to commit their crimes because they know there their chances of deportation are much lower.”

The study analyzed crime data in two ways – first at the individual-city level by observing whether crime rates change in the year following the implementation of a sanctuary policy within the city. The second method was to conduct a match between sanctuary cities and similarly situated cities that do not have sanctuary policies, then examine whether crime is different across the two groups. The results from both methods indicated that there is “no discernible difference on each type of crime we measured between sanctuary and non-sanctuary cities. Thus, when it comes to crime, we conclude that sanctuary cities have essentially no impact one way or the other.” (http://www.collingwoodresearch.com/uploads/8/3/6/0/8360930/shelter_nopols_blind.pdf)

Finally, Law Enforcement Leaders to Reduce Crime and Incarceration, an organization consisting of 200 current and former police chiefs, sheriffs, federal and state prosecutors, and attorneys general from all 50 states, recently released a report titled, “FIGHTING CRIME AND STRENGTHENING CRIMINAL JUSTICE: An Agenda for the New Administration”. One of their key conclusions clearly
articulates why increasing numbers of local law enforcement agencies are limiting cooperation with ICE:
“A mistrustful community puts police officers at risk. Without cooperation between law enforcement and the community, enhancing public safety is next to impossible.”

Other Sources
The premise that sanctuary cities are endangering our nation is fundamentally unsound. “Immigrants who are in the country illegally are less likely to commit crimes or be incarcerated than the general population”. This article cites the evidence presented in Tom K Wong’s afore referenced research.

Citing the above referenced report by Tom Wong as well as the National Immigration Law Center, and a 2012 congressional report, this article concludes that “sanctuary cities show lower crime and higher economic well being”. Further, that “mayors on both sides of the political aisle who have argued that conflating policing with immigration enforcement leads to a breakdown in community trust.”

New York Times Editorial
Editorial cited 2014 report that: “Unauthorized workers are paying an estimated $13 billion a year in social security taxes and only getting around $1 billion back, according to a senior government statistician. Stephen Goss, the chief actuary of the Social Security Administration (SSA) ... estimated 7 million people are currently working in the US illegally. Of those, he estimates that about 3.1 million are using fake or expired social security numbers, yet also paying automatic payroll taxes. Goss believes that these workers pay an annual net contribution of $12 billion to the Social Security Trust Fund. The SSA estimates that unauthorized workers have paid a whopping $100 billion into the fund over the past decade. Yet as these people are in the US illegally, it is unlikely that they will be able to benefit from their contributions later in life.”
https://medium.com/homeland-security/papers-please-1ce6811d39c7#.29w49dqwx

Preview attachment Secure or Insecure Communities_7 Reasons to Abandon Secure Communities Program group2.pdf
Preview attachment does_immigration_enforcement_reduce_crime_082514 group 2.pdf
EXHIBIT B

Subject: IOLERO Community Advisory Council Immigration Policy Recommendations

Booking-General Procedures- Detention Wide Version, version 22.5.15, Revised 12/2013

CAC RECOMMENDATION NO. 1

SCSO CURRENT POLICY:

SCSO Booking-General Procedures Detention Wide policy 4.2 (D), Bail Information 4.2 (D) currently allows SCSO to hold persons for 48 hours, even after a person has posted bail, in order to allow ICE to pick up an inmate be changed as follows:

4.2 BAIL INFORMATION: “D. Inmates booked on bailable charges which also have Immigration and Customs Enforcement (ICE) holds, may have bail posted on the bailable charges. After bail is posted, ICE has 48 hours (excluding Federal holidays and weekends) to pick up the inmate before they are released.”

RECOMMENDED POLICY CHANGE: After bail is posted, the inmate shall be immediately released, unless ICE has a warrant signed by a judge to hold the inmate.

CAC RECOMMENDATION NO. 2

SCSO CURRENT POLICY:

SCSO Booking-General Procedures- Detention Wide 4.6 (A) Immigration Information and Contacting Foreign Nationals’ Consulates policy states in part:

4.6 IMMIGRATION INFORMATION AND CONTACTING FOREIGN NATIONALS’ CONSULATES:

A. It is the general policy of the Sheriff’s Office to comply with ICE requests for information relating to a specific inmate...

RECOMMENDED POLICY CHANGE: 4.6 IMMIGRATION INFORMATION AND CONTACTING FOREIGN NATIONALS’ CONSULATES:

A. It is the general policy of the Sheriff’s Office not to comply with ICE requests for information, relating to a specific inmate unless: 1. It is for a legitimate law enforcement purpose relating to a criminal violation, or 2. ICE agents present a warrant signed by a judge to release information.
CAC RECOMMENDATION NO. 3

SCSO CURRENT POLICY:

SCSO Immigration Status- Detention Division 4.0 (A) and (B) General Information policy states:

4.0 General Information: “A. Immigration Enforcement Jurisdiction.

The U.S. Department of Homeland Security’s Immigration and Customs Enforcement agency (ICE) has primary responsibility to investigate and enforce federal immigration laws. Sheriff’s Office personnel may assist ICE in the enforcement of federal immigration laws upon its specific request and in those situations where ICE initiated investigations have led to the discovery of criminal violations of California law. Assistance to ICE will also be provided in response to officer safety issues.

B. Records will review all immigration detainers to determine if the Sheriff’s Office will honor or deny the hold. In the absence of the Records staff, a Sergeant will review immigration detainers. (ICE Detainer form) (Exemptions form)”

RECOMMENDED POLICY CHANGE:

4.0 General Information:

A. Immigration Enforcement Jurisdiction. The U.S. Department of Homeland Security’s Immigration and Customs Enforcement agency (ICE) has primary responsibility to investigate and enforce federal immigration laws. Sheriff’s Office personnel may not assist ICE in the enforcement of federal immigration laws upon its request unless: 1. There is a situation where ICE initiated investigations have led to the discovery of criminal violations of California law, 2. to assist ICE in response to officer safety issues, or 3. ICE presents a valid warrant issued by a judge.

B. Inmates who are eligible for release from custody shall not be held pursuant to an I-247D form (I-247D-Immigration Detainer-Request for Voluntary Action) unless ICE agents present a warrant signed by a judge to hold the inmate.
CAC RECOMMENDATION NO. 4:

SCSO CURRENT POLICY:

5.0 PROCEDURES: SCSO Immigration Status- Detention Division 5.0 (A) through (D)

Procedures policy states in relevant part as follows:

“A. The Sonoma County Sheriff’s Office will no longer honor ICE immigration Detainers, in compliance with the Trust Act, unless ICE presents proof that it has probable cause for the detention, for example by providing an arrest warrant.

B. Immigration Violations Complaints.
   1. If members of the public contact the Sheriff’s Office to report suspected immigration violations, such person should be directed to ICE.

C. Notification of ICE of Immigration Violations.
   1. The Detention Division generally will not notify ICE of the Immigration status of inmates.

D. ICE immigration Detainees. The Sheriff’s Office regularly receives Immigration Detainer requests (Form I-247) from ICE. The detainer is a request that the law enforcement agency advise ICE, prior to releasing the individual, in order for ICE to arrange to assume custody. These detainer requests will not be honored except as stated below.

... 2. Immigration Detainers. Inmates who are eligible for release from custody shall not be held, pursuant to an immigration hold, beyond the time they would otherwise be released, unless conditions set forth in subparagraphs a-f apply.

   a. Immigration detainers shall be honored for inmates who are charged with certain felonies, if the individual is arrested on (i) a charge involving a serious felony (OC 1192.7(c)] or a violent felony, (PC 667.5(c)] (see listing below); or (ii) a felony punishable by imprisonment in state prison, other than domestic violence; and a magistrate has made a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code (i.e., a judge has signed the PC Dec”).

   ...  

   b. ICE detainers will be honored for any conviction or prior conviction for serious felonies (see PC 1192.7(c)) or violent felonies (see PC 667.5(c)), as listed in attachment 1;

   c. Detainers will be honored for any conviction or prior conviction for a felony punishable by imprisonment in the state prison;

   d. Detainers will be honored for any conviction or prior conviction for which the person is required to register on the California Sex and Arson Registry (CSAR) as a sex offender pursuant to PC 290 or as an arson offender pursuant to PC 457.1;

   e. Detainers will be honored for: (i) any misdemeanor conviction within the last five years, that could also have been charged either as a misdemeanor or as a felony (i.e., “wobblers”) involving the following specified crimes; or (ii) any felony conviction (at any time), involving the following specified crimes.

      (A) Assault (except for 240 PC)
(B) Battery (except for 242 PC)
(C) Use of threats
(D) Sexual abuse, sexual exploitation, or crimes endangering children
(E) Child abuse or endangerment
(F) Burglary, robbery, theft, fraud, forgery, or embezzlement (except for the following: 487, 496, 503, 530.5, 532, 550 PC)
(G) Driving under the influence of alcohol or drugs, but only for a felony conviction,
(H) Obstruction of justice
(I) Bribery (except for the following: 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138 and 165 PC)
(J) Escape
(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction
(L) Possession of an unlawful deadly weapon under the Deadly Weapons Recodification Act of 2010 (PC 16000)
(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances (except for 11350, 11357 and 11377 H&S
(N) Vandalism with prior convictions (except 594.7 PC)
(O) Gang-related offenses
(P) An attempt, or any conspiracy, to commit an offense specified in this section
(Q) A crime resulting in death, or involving the personal infliction of great bodily injury
(R) Possession or use of a firearm in the commission of an offense
(S) An offense that would require the individual to register as a sex offender
(T) False imprisonment, slavery, and human trafficking
(U) Criminal profiteering and money laundering
(V) Torture and mayhem
(W) A crime threatening the public safety
(X) Elder and dependent adult abuse
(Y) A hate crime
(Z) Stalking
(AA) Soliciting the commission of a crime
(BB) An offense committed while on bail or released on their own recognizance
(CC) Rape, sodomy, oral copulation, or sexual penetration
/DD) Kidnapping
(EE) A violation of CVC 20001 (c)
f. Detainers should also be honored for any conviction of any federal crime that meets the definition of an aggravated felony as set forth in the Immigration and Nationality Act (8 U.S.C. Sec. 1101 at Section 1101 (a)(43)(A) to (P). The full listing of specified crimes follows:
(43) The Term “aggravated felony” means-
(A) Murder, rape, or sexual abuse of a minor
(B) Illicit trafficking in a controlled substance
(C) Illicit trafficking in a firearms or destructive
(D) Laundering of monetary instruments if the amount of funds exceeded $10,000
(E) An offense relating to explosive materials
(F) A crime of violence, but not including a purely political offense for which the term of imprisonment is at least one year
(G) A theft offense or burglary offense for which the term of imprisonment is at least one year
(H) The demand for or receipt of ransom
(I) Child pornography
(J) Racketeer influenced corrupt organizations or gambling offenses, for which a sentence of one year imprisonment or more may be imposed
(K) Owning, controlling, managing or supervising of a prostitution business; peonage, slavery, involuntary servitude, and trafficking in persons
(L) Gathering or transmitting national defense information relating to disclosure of classified information relating to sabotage, relating to treason, relating to protecting the identity of undercover intelligence agents or relating to protecting the identity of undercover agents
(M) Fraud or deceit in which the loss to the victim or victims exceeds $10,000; tax evasion in which the revue loss to the Government exceeds $10,000
(N) Alien smuggling (except in the case of a first offense for which the alien had affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien’s spouse, child or parent)
(O) An offense described in section 1325(a) or 1326 of this title committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph
(P) Falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument and for which the term of imprisonment is at least 12 months (except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien’s spouse, child, or parent (and not other individual)
g. If none of the conditions listed in a-f above are satisfied, an individual shall not be detained on the basis of an immigration hold after the individual becomes eligible for release from custody.

3. Changed Circumstances:
a. Compliance with ICE detainer requests will be rescinded and the detainer request will not be furthered honored whenever the factors justifying the detainer no longer exist.
b. Similarly, if new evidence is developed meeting the requirements for honoring the detainer request, a prior determination not to honor the detainer request will be reevaluated pursuant to the provision of the Trust Act.
4. Equality Access. All persons arrested for a criminal offense and held in our custody pursuant to an ICE detainer will have equal access to custody programs if otherwise program eligible.

5. Warrants. Detainers and warrants are entirely separate and should not be confused. Duly issued warrants in all cases will be honored.

RECOMMENDED POLICY CHANGE:

5.0 PROCEDURES

A. The Sonoma County Sheriff's Office will no longer honor ICE immigration Detainers, in compliance with the Trust Act, unless ICE presents proof that it has probable cause for the detention, for example by providing an arrest warrant.

B. Immigration Violations Complaints.
   (1) If members of the public contact the Sheriff's Office to report suspected immigration violations, such person should be told that SCSO does not enforce federal civil immigration laws.

C. ICE immigration Detainees. The Sheriff’s Office regularly receives Immigration Detainer requests (I-247 N Form- Request For Voluntary Notification of Release of Suspected Priority Alien) from ICE. The I-247N is a request that the SCSO voluntarily notify ICE, prior to releasing the individual, in order for ICE to arrange to assume custody. I-247N requests may be honored when the subject of the request has been convicted of a serious or violent felony (as listed below) during the five years previous to the request;

As used in PC 1192.7(c), “serious felony” means any of the following:
   1. Murder of voluntary manslaughter;
   2. Mayhem;
   3. Rape;
   4. Sodomy by force, violence, duress, menace, threat of great bodily injury on the victim or another person;
   5. Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
   6. Lewd or lascivious act on a child under 14 years of age;
   7. Any felony punishable by death or imprisonment in the state prison for life;
   8. Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
   9. Attempted murder;
   10. Assault with intent to commit rape or robbery;
11. Assault with a deadly weapon or instrument on a peace officer;
12. Assault by a life prisoner on a non-inmate;
13. Assault with a deadly weapon by an inmate;
14. Arson;
15. Exploding a destructive device or any explosive with intent to injure;
16. Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
17. Exploding a destructive device or any explosive with intent to murder;
18. Any burglary of the first degree;
19. Robbery or bank robbery;
20. Kidnapping;
21. Holding of a hostage by a person confined in a state prison;
22. Attempt to commit a felony punishable by death or imprisonment in the state prison for life;
23. Any felony in which the defendant personally used a dangerous or deadly weapon;
24. Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, or any of the precursor s of methamphetamines;
25. Any violation of PC 289(a) where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
26. Grand theft involving a firearm;
27. Carjacking;
28. Any felony offense, which would also constitute a felony violation of PC 186.22;
29. Assault with the intent to commit mayhem, rape, sodomy, or oral copulation;
30. Throwing acid or flammable substances;
31. Assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or fire fighter;
32. Assault with a deadly weapon against a public transit employee, custodial officer, or school employee
33. Discharge of a firearm in an inhabited dwelling, vehicle or aircraft;
34. Commission of rape or sexual penetration in concert with another person;
35. Continuous sexual abuse of a child;
36. Shooting from a vehicle;
37. Intimidation of victims or witnesses;
38. Criminal threats;
39. Any attempt to commit a crime listed in this subdivision other than assault;
40. Violation of PC 12022.53 (Enhancements for use of a firearm in 18 specified felonies);
41. Violation of subdivision (b) or (c) of Section 11418;
42. Any conspiracy to commit an offense described in this subdivision. And any offense committed in another state, which if committed in California, would be punishable as a listed serious felony.

As used in PC 667.5(c), “violent felony” means any of the following:
1. Murder of voluntary manslaughter;
2. Mayhem;
3. Rape;
4. Sodomy;
5. Oral copulation;
6. Lewd or lascivious act;
7. Any felony punishable by death or imprisonment in the state prison for life;
8. Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
9. Any robbery;
10. Arson;
11. Sexual penetration;
12. Attempted murder;
13. A violation of PC 18745, 18750, or 18755 (explosives);
14. Kidnapping;
15. Assault with intent to commit a specified felony, in violation with Section 220;
16. Continuous sexual abuse of a child;
17. Carjacking;
18. Rape, spousal rape, or sexual penetration;
19. Extortion, which would constitute as a felony violation of PC 186.22;
20. Threats to victims or witnesses, which would constitute as a felony violation of PC 186.22;
21. Any burglary of the first degree, wherein it is charged and proved that another person, other than the accomplice, was present in the residence during the commission of the burglary;
22. Any violation of PC 12022.53 (Enhancements for use of a firearm in 18 specified felonies);
23. A violation of PC 1418 (b) or (c) (weapon of mass destruction). And any offense committed in another state, which if committed in California, would be punishable as a listed violent felony.

D. I-247N requests shall not be honored for inmates who are merely arrested and charged with a crime.