



## **ACLU of Northern California Sues Madera County for Violating Open Meetings Law**

*County Secretly Made Invalid Changes, Entangling County Jail Operations with Federal Deportation Machine*

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**San Francisco, CA** —The American Civil Liberties Union of Northern California today sued the Madera County Board of Supervisors for violating California's open public meetings law, the Ralph M. Brown Act, in changing immigration-related policy behind closed doors under the guise of making a personnel evaluation.

The lawsuit charges that Madera County supervisors failed to give proper public notice before they adopted significant changes to the way the county's jail interfaces with U.S. Immigration and Customs Enforcement (ICE). Made without public input, the decision came in a closed, non-public session, without putting the matter on the agenda or disclosing what the board was discussing.

"A public agency such as the Madera County Board of Supervisors simply cannot change a major policy behind closed doors—it's a clear violation of the Brown Act," said Julia Harumi Mass, Senior Staff Attorney with the ACLU of Northern California. "The federal deportation machine is tearing families and communities apart, and Madera County residents should have an opportunity to weigh in on such an important policy decision."

On March 7, 2017, the Board met in a secret session for the stated purpose of evaluating the performance of the county's Chief of Corrections, Manuel Perez. However, a subsequent press release by Madera County District Attorney David Linn, news accounts, and public records indicate that during the closed session the Board instead unanimously adopted a substantive and substantial change to Madera County jail policies.

Under the Brown Act, this decision required the opportunity for public input and could only be made in a public meeting after posted public notice of the proposed action.

The lawsuit signals to other public agencies in California that the ACLU remains vigilant and will challenge any efforts to do the public's business in private.

ACLU-NC also opposes Madera County's policy of notifying ICE when undocumented inmates are released and scheduling times for ICE to pick up them up.

“Counties like Madera should not engage in the business of immigration enforcement.” said Angélica Salceda, Staff Attorney with the ACLU-NC. “Madera County should invest in its community and children and steer clear of policies that induce fear.”

On June 2, 2017, ACLU-NC sent a letter to the Board of Supervisors asking to “cure or correct” its unlawful action taken during the March 7 closed session. On June 30, the Board declined to do so.

Filed in the Madera County Superior Court in Madera, California, the legal action asks a judge to declare that the county board violated the Brown Act, to nullify the decision made in secret session, and to order supervisors to comply with the open meeting and notice requirements of the Brown Act.

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The order is at:

[https://www.aclunc.org/docs/ACLU\\_Northern\\_California\\_v.\\_Madera\\_County\\_Board\\_of\\_Supervisors.pdf](https://www.aclunc.org/docs/ACLU_Northern_California_v._Madera_County_Board_of_Supervisors.pdf)

This statement is at:

[https://www.aclunc.org/docs/Madera\\_County\\_Board\\_Suit\\_Press\\_Release\\_7.17.2017.pdf](https://www.aclunc.org/docs/Madera_County_Board_Suit_Press_Release_7.17.2017.pdf)

More information about this case is at:

<https://www.aclunc.org/our-work/legal-docket/aclu-northern-california-v-madera-county-board-supervisors>