



Press Release

Lake County Sheriff's Office
www.sheriffdunlap.org

Daniel A. Dunlap
Sheriff

PRESS RELEASE JULY 31, 2015

First and foremost I want to express my condolences to the Kostelnik family in dealing with her senseless murder. Our prayers go out to them, the woman shot on the Greenway Trail, and to the young girl that was the subject of an attempted to rape in the incident on Monday, July 27, 2015. I want to thank all of the law enforcement officers who responded to this shooting, and through their efforts the suspect was apprehended before he could kill or injure any other innocent people.

I have the utmost respect for the United States Border Patrol agents, as well as all Immigration authorities. However, I feel it is necessary that I clarify the facts concerning our initial encounter with Juan Emmanuel Razo on July 7, 2015.

For those unaware of this incident, on July 7, 2015 at about 8 pm Juan Emmanuel Razo was seen on foot (he was not driving a vehicle as some in the media have reported). When our deputy sheriffs approached him he was extremely nervous, sweating profusely, and making every attempt to avoid eye contact. When questioned he provided a false name, was unable to give any type of identification, and he admitted to being in the United States illegally. Although no crimes were discovered (i.e. burglary, theft, vandalism), and subsequent data base inquiries showed no criminal history, his behavior alone would have in other circumstances been considered probable cause to detain Razo for further investigation. The deputies had more than mere suspicion, but less than certainty, that Razo was an undocumented person.

Our deputies contacted the United States Border agents through their designated phone contact listing from the 800 number which our Lieutenant was carrying on his key ring. He received two phone calls in return from the agents. He logged those numbers for record. Our Lieutenant spoke to them and explained the situation. While on scene he had two of the Border agents speak directly with Juan Razo. As the conversations progressed Razo became less and less communicative, and he would not again admit to the Border Patrol, as he did to the deputies initially, that he was in the United States illegally. Subsequently the deputies requested the Border Patrol to issue a detainer/hold

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authorization to keep Razo in custody. The deputies explained that the Sheriff's Office could not further detain Razo legally without authorization from immigration authorities. Border Patrol would not issue a detainer. Without legal authority to further detain Razo, he was released. Until recently detainees were routinely issued when requested.

Our Office provided Razo's information to the Border Patrol, including his name and address. Why this information was never followed up on by Border Patrol agents is something for them to answer. It is important to note that when our Office contacted the Department of Homeland Security this week regarding Razo's immigration status, it took two days to finally receive confirmation of Razo's illegal status.

The fact is current rules and regulations are making it extremely difficult for any police officer on the street to know which laws they can or cannot enforce in the area of undocumented persons. Let us employ the probable cause standard to every encounter so that we at the local level may have the authority to detain undocumented persons. Permit Border Patrol agents and Immigration authorities to issue detainees/holds without the risk of being sued by suspects and third parties. In short, all law enforcement wants today is to do what we are entrusted to do by our citizens, and that is keep them safe!

The integrity of my deputy sheriffs and my Office are extremely important to me. I want to make clear that they did everything they legally could have done on July 7, 2015 when they encountered and interviewed Juan Emmanuel Razo.

As Sheriff I speak for all law enforcement across our Country when I only ask that law enforcement at all levels be provided with the tools we need to do the job we have been entrusted to do.

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