

### **Open Borders Co-opt Illegal Aliens as Pawns**

- **Illegal Aliens Arrested in Workplace Raid Sue Fed Agents for Racial Profiling.** (February 22, 2019) Represented by an extremist nonprofit that lists conservative organizations on a catalogue of “hate groups,” seven illegal immigrants detained in a workplace raid are suing the federal agents that arrested them, claiming that they were racially profiled for being Latino. In a federal court complaint filed this week by their pro bono attorneys at the Southern Poverty Law Center (SPLC), the illegal aliens assert that Immigration and Customs Enforcement (ICE) agents violated their Constitutional rights against illegal seizures and to equal protection under the Fourth and Fifth Amendments to the U.S. Constitution. The raid occurred last spring at a slaughterhouse and meatpacking plant in a small rural town called Bean Station in east Tennessee. Agents from ICE and the Internal Revenue Service (IRS) raided the facility as part of a lengthy investigation into the owner’s multi-million-dollar tax evasion and fraud scheme. About 100 illegal aliens were arrested, most of them from Guatemala and Mexico and some had been previously deported from the U.S. more than once. At least 54 people were deported immediately, some were released and others faced federal or state charges, according to a local news report following the seizure.

### **Judicial Watch Chronicles Media Bias, Willful Blindness where Illegal Alien Criminals Are Concerned**

- **Media Fails to Note 6 Murder Suspects are Illegal Immigrants, MS-13 Gangbangers.** (September 5, 2019) The mainstream media conveniently manipulates the flow of information to keep with its liberal agenda and this week we have yet another example; widespread coverage involving the gruesome murder of a young Maryland man omits that most of the suspects are illegal immigrants affiliated with a violent criminal gang. The 21-year-old victim’s body was found at the end of July in Towson, a community of about 55,000 located roughly 11 miles north of Baltimore City. Police said the victim, Daniel Alejandro Cuellar, was found lying near an apartment building with “trauma to the body.”

### **Sanctuary Policies: Dangerous, Deadly & Illegal**

*“Sanctuary policies are dangerous and deadly – not to mention illegal and unconstitutional. Therefore, I call on the Justice Department to initiate criminal prosecutions of those public officials who aid and abet illegal alien criminals by implementing these unlawful policies!”*

~ Judicial Watch President Tom Fitton

*Such [sanctuary city] laws testify to the sheer political power of immigrant lobbies, a power so irresistible that police officials shrink from even mentioning the illegal-alien crime wave.*

~ Author Heather MacDonald

### **History of Sanctuary Jurisdictions**

Sanctuary policies that prohibit state and local officials from assisting and cooperating with the federal enforcement of federal immigration law are not new but their number has been increasing rapidly, and the state and local officials running in charge have become increasingly obstructionist in

and the headquarters of a sophisticated narco-terror ring operated by two of the FBI's most wanted. While local officials promote it as one of America's safest cities, Judicial Watch has exposed in a years-long investigation the disturbing reality gripping the municipality that sits along the Rio Grande across famously violent Ciudad Juárez, Mexico. The Drug Enforcement Administration (DEA) says El Paso is a major hub for Mexican opioids and methamphetamine enroute to the rest of the United States. Just a few days ago U.S. Customs and Border Protection (CBP) released figures showing that the El Paso sector had an astounding 1,588% increase in illegal immigrant apprehensions during the first month of 2019 compared to the first month of 2018. Most are coming from Honduras, Guatemala and El Salvador.

**Non-U.S. citizens committed 42.7% of all federal crimes in 2018, according to a report issued by the United States Sentencing Commission .**

- **Caravan Update: Africans, Bangladeshis, Syrians, Afghans in Mexico Awaiting U.S. Asylum.** (May 1, 2019) The chronic onslaught of illegal immigrants heading to the United States isn't just coming from Central America, the caravan includes large groups of Africans, Indians, Bangladeshis, Afghans, Pakistanis and Syrians that have made it all the way to Mexico. Africa is a hotbed of Islamic terrorism, according to the State Department, and Bangladesh is a south Asian Islamic country that's well known as a recruiting ground for terrorist groups such as the Islamic State of Iraq and Syria (ISIS) and Al-Qaeda Indian Subcontinent (AQIS). "More arrive every day" from these countries, according to a mainstream Mexican newspaper report that cites the country's immigration officials.
- **Somalis Welcomed as Refugees by Obama Charged with Terrorism in Arizona.** (August 6, 2019) Less than a year after Judicial Watch reported on the terrorist ties of an African refugee living in Arizona, federal authorities in the Grand Canyon State have arrested two refugees from the same continent for conspiring to provide material support to ISIS. In both cases the terrorists entered the United States legally under an Obama era program that welcomed—and offered residency—to hundreds of thousands from Muslim countries notorious for terrorist activity. Also, in both instances the terrorists settled in Tucson, about 70 miles north of the Mexican border.
- **Newslink: JW Suspicions Confirmed, Jihadists Are Entering U.S. Through Mexico.** (October 15, 2019) Islamic terrorist infiltration along our Nation's southern border is a very real threat, and it's an issue which Judicial Watch has reported on closely in recent years. This week, our suspicions of Islamic terrorist infiltration have been confirmed once again by the story of Abdulahi Hasan Sharif, a Somali ISIS terrorist who escaped deportation after entering the United States illegally. Read the Federalist's coverage of this disturbing series of events and how Judicial Watch has reported on this growing threat throughout the years. From The Federalist: The First Illegal Border-Crossing Terrorist Is On Trial, But Don't Expect The Media To Cover It
- **Mexico Reports 250% Spike in Africans Trying to Enter U.S. Through Border.** (October 29, 2019) Mexico has seen an astounding 250% increase in Africans trying to enter the United States through the southern border, according to the latest figures released by the Mexican government's immigration agency, known as Unidad de Política Migratoria. The stats include the first eight months of 2019 and reveal that, during the same period last year, 1,507 Africans were apprehended in the country compared to 5,286 this year. During the same period, 4,783 migrants from India and Bangladesh were also detained in Mexico, according to the data made public this month. The spike in Africans is worrisome considering the State Department has determined that Africa is a major hub of Islamic terrorism, including al-Shabaab in the eastern part of the country and Boko Haram and ISIS in the west.

implementing them. As a result, the threat to public safety and national security posed by illegal alien criminals has been on the rise.

Some Sanctuary Jurisdictions – Oregon, Los Angeles and New York City, for example – have been in place since the 1980s; and they have been endangering the public, immigrants included, ever since. For example, Manhattan Institute author Heather MacDonald recounted in a 2011 *City Magazine* article how in 1996:

A breathtaking *Los Angeles Times* exposé on the 18th Street Gang, which included descriptions of innocent bystanders being murdered by laughing *cholos* (gang members), revealed the rate of illegal-alien membership in the gang [60%].<sup>40, 41</sup> In response to the public outcry, the Los Angeles City Council ordered the police to reexamine [sanctuary-city regulation] Special Order 40.

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[Six months later, however] interim police chief Bayan Lewis told the L.A. Police Commission: “It is not the time. It is not the day to look at Special Order 40.”<sup>42</sup>

MacDonald puts sanctuary city policies into historical perspective:

The LAPD’s ban on immigration enforcement mirrors bans in immigrant-saturated cities around the country, from New York and Chicago to San Diego, Austin, and Houston. These “sanctuary policies” generally prohibit city employees, including the cops, from reporting immigration violations to federal authorities.

**Such laws testify to the sheer political power of immigrant lobbies, a power so irresistible that police officials shrink from even mentioning the illegal-alien crime wave.** [Emphasis added.]

She also explains how entrenched these policies were in New York City by the 1990s:

Immigration politics have similarly harmed New York. Former mayor Rudolph Giuliani sued all the way up to the Supreme Court to defend the city’s sanctuary policy against a 1996 federal law<sup>43</sup> decreeing that cities could not prohibit their employees from cooperating with the INS [Immigration and Naturalization Service].

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Though he lost in court, he remained defiant to the end.

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New York conveniently forgot the 1996 federal ban on sanctuary laws until a gang of five Mexicans—four of them illegal—abducted and brutally raped a 42-year-old mother of two near some railroad tracks in Queens. The NYPD had already arrested three of the illegal aliens numerous times for such crimes as assault, attempted robbery, criminal trespass, illegal gun possession, and drug offenses. The department had never notified the INS.<sup>44</sup>

After this horror, then-Mayor Michael Bloomberg in 2003 “revisited the city’s sanctuary decree yet again,” but the only action he took was to “tweak[ed] the policy minimally to allow city staffers to inquire into immigration status only if it is relevant to the awarding of a government benefit.” Montgomery County Executive Elrich’s recent “tweak” to the County’s sanctuary policies is reminiscent of Bloomberg’s “tweak” 17 years ago and invites skepticism.

During the Obama years, more municipalities adopted sanctuary policies. For example, Cook County, Illinois Sheriff Thomas Dart brazenly ignored the same 1996 law Mayor Giuliani and LAPD flouted 10 years earlier, which requires that whenever U.S. Immigration and Customs Enforcement (ICE)

issues an “immigration detainer” after an illegal alien has been arrested, local law enforcement officers are required to maintain custody of the alien for 48 hours. And, the law bans local and state officials from prohibiting their employees from communicating with federal immigration officials regarding the legal status of individuals they arrest. Dart refused to honor ICE immigration detainers and blocked federal immigration officials from accessing records regarding prisoners in his custody.

Judicial Watch challenged Dart’s actions by filing a taxpayer lawsuit in 2013 against Dart and Cook County on behalf of Illinois resident Brian McCann, whose brother, Denny McCann, was run over and killed in June 2011, by an illegal alien who had just completed a two-year term of probation for a 2009 DUI conviction.

Dart claimed federal immigration law enforcement is optional – merely a “request” from federal officials. In its brief to the court, Judicial Watch argued:

[The law] could not be any clearer...on its face, a detainer issued under [the law] is a direction from the U.S. Department of Homeland Security – in particular ICE – to a criminal justice agency – in this case [Dart] – to do something. He must maintain custody of the alien subject to the detainer for not more than 48 hours beyond the time that the alien would otherwise be released. The duty could not be clearer, and it does not authorize, much less require, the exercise of any discretion of decision-making.

[The law] imposes clear and mandatory legal duties on [Dart]. By prohibiting...personnel or employees from responding to inquiries by federal immigration officials about prisoners’ citizenship or immigration status [Dart] is defying his duties...By prohibiting federal immigration officials from having access to prisoners or the records of prisoners in [Dart’s] custody or using...facilities for investigative interviews to obtain information about prisoners’ citizenship or immigration status, [Dart] is also defying his duties [under the law].

Cook County jails released well over 1,000 criminal aliens sought by ICE in the 18 months prior Judicial Watch’s filing the lawsuit in 2013. The Circuit Court of Cook County found in Dart’s favor and the Appellate Court of Illinois Fifth Division upheld the Circuit Court’s decision to dismiss the case on March 27, 2015 on a procedural technicality.<sup>45</sup>

Here we are almost five years later, and the number of sanctuary cities has only grown. As Judicial Watch Tom Fitton said:

“There is mass resistance to the rule of law on immigration from localities across the nation run by leftists. The lawlessness is getting worse... You had the mayor of Oakland, California going out on television and warning of an impending Immigration and Customs Enforcement action in her locality, which allowed the criminals to scatter before they could be brought into custody and prevented from future criminal activity... These people hate President Trump so much, they are willing to put your lives at risk to make a political point.”<sup>46</sup>

**How Many Sanctuary Jurisdictions are There?** In July, 2015, the Center for Immigration Studies reported that, “The number of jurisdictions that are obstructing immigration enforcement has grown to roughly 340, according to the Department of Homeland Security.” ICE had identified 317 jurisdictions that, as of December 2014, had policies obstructing immigration enforcement, primarily policies to ignore ICE detainers. A Homeland Security spokesman said that roughly 340 jurisdictions had adopted non-cooperation policies, but that some of them had recently revised their sanctuary policies to allow at least some cooperation with ICE. According to CIS, the DHS spokesman declined

to provide either a list of the 340 total non-cooperative jurisdictions or a list of the ones that had allegedly improved their policies.

Then, in May 2018, Fox News reported a more expansive *estimate*<sup>47</sup> of the growth of Sanctuary Jurisdictions from the Federation for American Immigration Reform (FAIR), claiming that by then, “approximately half of all Americans [in 564 jurisdictions across the country] now live under some sort of sanctuary policy that shields illegal immigrants...and to some degree, protects illegal aliens or obstructs efforts by the federal government to enforce U.S. immigration law.”

In April 2019, the Center for Immigration Studies published a more conservative *estimate*<sup>48</sup> showing there are now ten states (California, Colorado, Connecticut, Illinois, Massachusetts, New Jersey, New Mexico, Oregon, Vermont and – as of May 2019 – Washington) and 174 cities and counties, including Washington D.C., that “have laws, ordinances, regulations, resolutions, policies, or other practices that obstruct immigration enforcement and shield criminals from U.S. Immigration and Customs Enforcement (ICE) — either by refusing to or prohibiting agencies from complying with ICE detainers, imposing unreasonable conditions on detainer acceptance, denying ICE access to interview incarcerated aliens, or otherwise impeding communication or information exchanges between their personnel and federal immigration officers.”

**The five judicial districts along the Mexican border—California, Arizona, New Mexico and western and southern Texas—have experienced an eye-popping 539.6% increase in immigration-related arrests in the last two decades.**

### **Sanctuary Policies Thwart the Use of ICE Detainers**

A detainer is a notice to a jail or other law enforcement agency that ICE intends to assume custody of an alien currently in the agency’s custody upon his or her release. It can include information on the alien’s previous criminal history, immigration violations, and their potential threat to public safety or security. It demonstrates probable cause to suspect the named individual should be deported, and it contains an administrative (civil) arrest warrant authorized by an ICE officer, which is the only type of warrant provided for in federal immigration law.

The information and notification components of ICE detainers are governed by the federal regulations at 8 C.F.R. §287.7(a), which states:

**Detainers in general.** Detainers are issued pursuant to sections 236 and 287 of the [Immigration and Nationality] Act [INA] and this chapter 1. Any authorized immigration officer may at any time issue a Form I-247, Immigration Detainer-Notice of Action, to any other Federal, State, or local law enforcement agency. A detainer serves to advise another law enforcement agency that the Department seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. The detainer is a request that such agency advise the Department, prior to release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible. The detention component is governed by regulations at 8 C.F.R. §287.7(d):

**Temporary detention at Department request.** Upon a determination by the Department [of Homeland Security (DHS)] to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by the Department.

The legal authority and procedure for arresting the alien is governed by Section 236(a) of the Immigration and Nationality Act (8 U.S.C. §1226):

Detention and Arrest. §1226. Apprehension and detention of aliens

(a) Arrest, detention, and release

On a warrant issued by the Attorney General [now the Secretary of Homeland Security], an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General-

- (1) may continue to detain the arrested alien; and
- (2) may release the alien on-
  - (A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or
  - (B) conditional parole; but
- (3) may not provide the alien with work authorization (including an “employment authorized” endorsement or other appropriate work permit), unless the alien is lawfully admitted for permanent residence or otherwise would (without regard to removal proceedings) be provided such authorization.

One prevalent, perhaps distinguishing sanctuary policy is to thwart ICE detainers by prohibiting local law enforcement from cooperating with/informing ICE when they have a criminal alien in custody so that the federal government can pick up the convict when he or she is released from custody. Many sanctuary cities also refuse to detain the alien in custody beyond the release date for whatever reason he or she was in custody.

**A detainer is a precise tool employing the cooperation of state and local jurisdictions to gain custody of specific alien criminals for deportation without risking violence and harm to innocent parties. Unlike sweeps and raids, detainers are issued against specific individuals for which probable cause has been established, accompanied by an administrative arrest warrant as provided for in law. As ICE puts it:**

Sanctuary Jurisdictions that refuse to cooperate with federal immigration agencies and let incarcerated criminal aliens free to reoffend are simply inviting more crime into their communities. According to the National Institute of Justice (NIJ) “within five years of release, about three-quarters (76.6 percent) of released prisoners were rearrested. Of those prisoners who were rearrested, more than half (56.7 percent) were arrested by the end of the first year.”

**[The law] could not be any clearer...on its face, a detainer issued under [the law] is a direction from the U.S. Department of Homeland Security – in particular ICE – to a criminal justice agency – in this case [Dart] – to do something.**

When criminal aliens are released from local or state custody, they have the opportunity to reoffend. ICE is then required to expend extensive resources to mitigate potential risks and make arrests in a community setting. Oftentimes, ICE is unable to locate a released alien before the alien commits a new crime. It can be safer for all involved – the community, law enforcement, and the criminal alien – if ICE officers take custody in the controlled environment of another law enforcement agency.<sup>49</sup>

## Sanctuary Policies Lead Directly to Crimes

*“It’s one thing to release a criminal after they’ve served their sentence, even if they go on probation and then commit another crime; but to release someone who ought to be deported after serving time for the crimes he committed, and then to protect him on top of that – it’s an abomination unto the law.”*

~ Judicial Watch President Tom Fitton

### Obama-Era Declined Detainer Outcome Report

In October 2014, the Department of Homeland Security under President Obama released a partially redacted Declined Detainer Outcome Report showing 276 counties in 43 states had refused to comply with an ICE detainer<sup>50</sup>. The largest number of detainers was refused in the following jurisdictions:-

- Santa Clara County, California
- Los Angeles County, California
- Alameda County, California
- San Diego County, California
- Miami-Dade County, Florida.

The highlights of the report showed:

From January 1, 2014 to August 31, 2014, local law enforcement agencies refused to comply with a total of 8,811 detainers, resulting in aliens being released from custody. These detainers were associated with 8,145 individuals. Of those released, 5,132 (63%) had previous criminal convictions or were marked a public safety concern; 2,984 (36.6%) had felony charges or convictions; 1,909 (23.4%) had misdemeanor convictions or charges related to violence, assault, sexual abuse, weapons, or drug distribution; and 239 (2.9%) had three or more misdemeanor convictions.<sup>51</sup>

### Trump-Era Declined Detainers Outcome Reports

After President Trump assumed office, to publicize what bad things happen when municipalities protect criminal aliens, DHS began publishing weekly Declined Detainer Outcome Reports highlighting state and local governments that did not comply with ICE’s detainer program. The reports include details of criminal aliens who committed all sorts of atrocious crimes after “sanctuary cities” let them go.

- **Judicial Watch Explains History of the Declined Detainer Reports and the Desperate Effort by the Open-Borders Lobby to Scuttle Them.** (July 16, 2019)

Following a Judicial Watch lawsuit, the Department of Homeland Security (DHS) has reinstated a reporting system that informs the public about illegal immigrants who commit crimes after being released from state or local custody. The offenders are shielded by sanctuary policies that ban local law enforcement from honoring Immigration and Customs Enforcement (ICE) detainers placed on illegal aliens who have been arrested on local criminal charges. If the detainer is honored ICE takes custody and deports the criminal rather than release him or her back into the community. When law enforcement agencies fail to honor immigration detainers and release serious criminal offenders, it undermines the federal government’s duty to protect public safety.

DHS caved into the pressure and temporarily suspended the informative weekly Declined Detainer Outcome Reports. Judicial Watch immediately launched an investigation, requesting records from the agency under the Freedom of Information Act (FOIA) and subsequently suing for the information. Sanctuary cities violate federal law and put the public at risk. In the last decade Judicial Watch has also gone to court to fight sanctuary policies nationwide, including in Arizona, California, Illinois, the District of Columbia and Texas, to name a few. In California alone, Judicial Watch has sued several municipalities for protecting illegal immigrant criminals. Among them are San Francisco, Los Angeles and Pasadena, though practically the entire state shields illegal immigrants from the feds, including serious criminals.

**The Declined Detainer Outcome Report has now been reinstated on a quarterly basis. According to DHS:**

The report will highlight cases where ICE issued a detainer, the detainer was declined, and the alien subsequently committed a crime after being released from state or local custody. Because ICE is often not alerted by uncooperative jurisdictions when a detainer has been declined, and because ICE may only learn of the detainer having been declined after an alien is arrested for a subsequent offense, the cases contained in this report are examples of a broader public safety issue and are not exhaustive.

**The comeback report offers alarming details of bad outcomes, such as:**

- Sixteen illegal immigrants who committed crimes after being released by various California law enforcement agencies during a three-month period. Some were arrested and released multiple times by the same local law enforcement agency after committing felonies. In all of the cases, ICE issued detainers but local police ignored the federal agency to protect the illegal alien from deportation, instead freeing the perpetrator back into the community.
- Offenders, including Mexican, Honduran and Salvadoran nationals charged with murder, rape, assault with a deadly weapon, spousal abuse, driving under the influence of alcohol, possession of illegal drugs and other serious crimes.
- One 23-year-old Honduran man was booked and released in San Francisco ten times in less than a year for crimes ranging from burglary, vehicle theft and driving without a license. In each of the arrests, ICE issued a detainer but the San Francisco Police Department disregarded it and let the man go.<sup>52</sup>

Chris Crane, a veteran ICE agent who serves as president of the union that represents some 7,600 officers, reminds that this is only a tiny snippet of a national public safety crisis because the agency doesn't have the manpower to track everyone released. "If I was working in a sanctuary city, my released criminal aliens that would reoffend would be more than five a year," Crane said.

Through its *Corruption Chronicles* series, Judicial Watch regularly reports on the crimes that occur when sanctuary cities deny detainers and allow repeat offenders to roam free to commit more crimes.

- **Sheriff Keeps Campaign Promise to Protect Illegal Aliens, Releases Violent Offenders.** (August 20, 2019)

The elected official in charge of enforcing the law in North Carolina's largest county has kept his campaign promise to protect illegal immigrants by releasing from custody numerous violent



offenders rather than turn them over to federal authorities for removal. Among them is a previously deported Honduran charged with rape and child sex offenses. Because Mecklenburg County offers illegal aliens sanctuary, the perpetrator, 33-year-old Oscar Pacheco-Leonardo, was freed by the county sheriff despite his violent history. Thankfully, Immigration and Customs Enforcement (ICE) recently arrested him during a targeted enforcement operation.

**That's why Judicial Watch has taken and continues to take direct action against sanctuary-city obstructionism by filing lawsuits aimed at overthrowing those obstructive and dangerous policies in the courts.**

The federal agency blasts officials in the North Carolina county of about 1 million, writing in a statement that by discharging a previously deported alien facing serious criminal charges, Mecklenburg County chose to release a serious public safety threat onto the streets of Charlotte where he was free to potentially harm others for nearly two months until his capture by ICE. "This is yet another example of a clear public safety threat being released onto the streets of Mecklenburg County rather than into ICE custody due to the current sheriff's policy on ICE non-cooperation," the agency's regional director said. "The Mecklenburg County sheriff's decision to restrict cooperation with ICE serves as an open invitation to aliens who commit criminal offenses that Mecklenburg County is a safe haven for persons seeking to evade federal authorities, and residents of Mecklenburg County are less safe today than last year due these policies."

When Garry McFadden got elected sheriff in 2018, he immediately ended a program known as 287(g) that notified ICE of jail inmates in the country illegally. The program enhances the safety and security of communities by creating partnerships with state and local law enforcement agencies to identify and remove aliens who are amenable to removal from the United States. It is a mutually beneficial agreement, ICE says, that identifies, arrests and serves warrants and detainers of incarcerated foreign-born criminals. The program has identified and removed from the U.S. gang members, sex offenders and murderers and has reduced the number of criminal offenders that are released back into communities. "Federal, state and local officers working together provide a tremendous benefit to public safety through increased law enforcement communication and overall community policing effectiveness," according to ICE.

Nevertheless, a growing number of local municipalities offer illegal aliens sanctuary and refuse to cooperate with federal authorities. The day after getting elected Sheriff, McFadden stopped cooperating with federal authorities as per his campaign promise. Pacheco-Leonardo is only one of many violent offenders who have been released recently from Mecklenburg County custody. More than 20 others have been discharged by McFadden's agency, including rapists, child molesters, kidnappers, burglars, and those charged with gun-related and drug crimes. Most of the illegal immigrants are from Central America and Mexico, but a few are from India, Afghanistan, Liberia and Sri Lanka. All of them are men in the U.S. illegally and protected by the North Carolina county's sanctuary policies which forces ICE to increase enforcement in those areas. "When law enforcement agencies don't honor ICE detainers, these individuals, who often have significant criminal histories, are released onto the street, presenting a potential public safety threat," the agency statement says. "When ICE Fugitive Operations officers have to go out into the community to proactively locate these criminal aliens, regardless of the precautions they take, it needlessly puts our personnel and potentially innocent bystanders in harm's way."

- **North Carolina Jails Free Hundreds of Illegal Immigrant Criminals Wanted by Feds**  
(September 10, 2019)

Weeks after Judicial Watch reported that the sheriff of North Carolina's biggest county released numerous violent illegal immigrant criminals from custody, new federal stats reveal that the problem is statewide. Nearly 500 offenders with Immigration and Customs Enforcement (ICE) detainers have been discharged into communities throughout the Tar Heel State this fiscal year, which doesn't end until next month so the number is likely to grow. A Charlotte news outlet obtained the latest figures from ICE, which operates under the Department of Homeland Security (DHS). In the article a senior DHS source condemns North Carolina law enforcement officials, reminding them that they are obstructing federal law and endangering the American public.

### **Judicial Watch Sues Sanctuary Jurisdictions that Aid and Abet Illegal Alien Criminals**

One tactic of the Trump administration to stop state and local jurisdictions from sabotaging ICE detainers is to cut off their federal aid. The Department of Justice requires that most recipients of federal grant money certify their compliance with all federal laws.<sup>53, 54</sup> Judicial Watch President Tom Fitton says that's a good idea but there probably is not enough money at stake to entice or pressure state and local governments run by radical, open-borders politicians to cease and desist such policies. Indeed, several states are actively challenging the Trump administration's funding cut-off in the courts.

That's why Judicial Watch has taken and continues to take direct action against sanctuary-city obstructionism by filing lawsuits aimed at overthrowing those obstructive and dangerous policies in the courts. Two such cases are currently under litigation: San Francisco and Santa Clara County in California.

- **San Francisco.** Juan Francisco Lopez-Sanchez, an illegal immigrant, had seven felony convictions in the United States and had been deported from the country five times. Yet, the Sanctuary City of San Francisco declined to execute an ICE detainer on him while he was in custody and released him into the community. In July 2015, Lopez-Sanchez was charged with murdering Katie Steinle in San Francisco.<sup>55, 56</sup>

Judicial Watch filed its lawsuit in December 2016 challenging San Francisco's restrictions on the ability of sheriff's deputies to communicate freely with Immigration and Custom Enforcement (ICE) about inmates' citizenship, immigration status, and release dates (*Cynthia Cerletti v. Vicki Hennessy, Sheriff (No. CGC-16-556164)*)<sup>57</sup>. The lawsuit alleges Sheriff Hennessy's restrictions on communications with ICE conflict with federal immigration law and are therefore invalid. The trial is scheduled for February 2020.

**A detainer is a precise tool employing the cooperation of state and local jurisdictions to gain custody of specific alien criminals for deportation without risking violence and harm to innocent parties.**

- **Santa Clara County, CA.** On February 28, 2019, Bambi Larson, a Santa Clara County, resident, was murdered inside her San Jose home. According to court documents, she suffered extensive and deep wounds consistent with a cutting tool. A few weeks later, Carlos Arevalo-Carranza was arrested and charged with Larson's murder. Arevalo-Carranza reportedly had multiple, prior convictions in Santa Clara County, including a conviction for burglary in 2015, convictions for battery of an officer, resisting arrest, and entering a property in 2016, and a conviction for false imprisonment in 2017. He also reportedly had multiple, prior arrests in 2015-2018 in both Santa Clara County and Los Angeles County, including arrests

for possession of drug paraphernalia and methamphetamine, prowling and false identification. At the time of Larson's death, Arevalo-Carranza reportedly was on probation for possession of drug paraphernalia and methamphetamine, false imprisonment, and burglary.

ICE officials sent six separate requests to Santa Clara County, when Arevalo-Carranza was about to be released from its custody, asking that he be detained long enough for federal immigration officials to take him into custody for removal proceedings. Each request was ignored because of Santa Clara County's sanctuary policies.

The Santa Clara County jail in California is the nation's worst at refusing to honor detainees. According to ICE statistics, Santa Clara turned loose 1,349 immigrants that U.S. Immigration and Customs Enforcement agents had asked to be held for custody transfer. Los Angeles and Santa Rita jails were tied for second worst, with 572 releases each.

On August 21, 2019, Judicial Watch filed a [lawsuit](#) on behalf of a County of Santa Clara, California taxpayer to overturn the sanctuary policy that protects aliens in Santa Clara County's custody from removal proceedings by federal immigration authorities. (*Howard A. Myers v. Laurie Smith et al.* (No. 19-CV-353510)). Santa Clara County Board Policy 3.54(B) requires ICE agents to obtain a "judicial arrest warrant" in order for the county to transfer custody of an alien. Federal law however does not require "judicial arrest warrants" for federal authorities to detain aliens, especially for those who had been incarcerated or arrested by local authorities.

## **JUDICIAL WATCH COURT CHALLENGES TO LOCAL SANCTUARY POLICIES**

### **San Francisco, California**

On December 27, 2016, Judicial Watch filed a taxpayer lawsuit on behalf of California taxpayer Cynthia Cerletti challenging the San Francisco sheriff's sanctuary policy. The lawsuit challenges restrictions on the ability of sheriff's deputies to communicate freely with Immigration and Custom Enforcement (ICE) about inmates' citizenship, immigration status and release dates (*Cynthia Cerletti v. Vicki Hennessy, Sheriff* (No. CGC16-556164)). In the lawsuit, Judicial Watch argues Sheriff Hennessy's restrictions on communications with ICE conflict with federal immigration law and are therefore invalid. Sheriff Vicki Hennessy moved to end the lawsuit, but on November 21, 2017, a California Superior Court judge overruled Hennessy's motion to dismiss the case and allowed the suit to move forward. The lawsuit was filed after San Francisco's sanctuary policy received national attention on July 1, 2015, when Kathryn Steinle was

gunned down at one of the city's most popular tourist spots, by Jose Ines Garcia Zarate (formerly known as Juan Francisco Lopez-Sanchez), an illegal alien who had been released from the San Francisco Sheriff's Department despite a request from ICE that he be detained for possible deportation. A San Francisco jury acquitted Zarate of murder in November 2017. The case is set for trial in February 2020.

### **Santa Clara, California**

On August 21, 2019, Judicial Watch filed a lawsuit on behalf of a County of Santa Clara, California, taxpayer to overturn a policy that protects aliens in Santa Clara County's custody from removal proceedings by federal immigration authorities. The taxpayer lawsuit, filed on behalf of Howard Myers, is against Laurie Smith, sheriff of Santa Clara County, and Carl Neusel, acting chief of correction of Santa Clara County (*Howard A. Myers v. Laurie Smith et al.* (No.

19-CV-353510)). Santa Clara County Board Policy 3.54(B) requires Immigration and Customs Enforcement (ICE) agents to obtain a “judicial arrest warrant” in order for the county to transfer custody of an alien. Federal law however does not require “judicial arrest warrants” for federal authorities to detain aliens, especially for those who had been incarcerated or arrested by local authorities. Judicial Watch is asking the court to grant an injunction against the sanctuary policy because: (1) It is an “illegal local regulation of immigration;” 2) It is “preempted by federal law;” and 3) It is “barred by the doctrine of intergovernmental immunity,” which prevents a state from intruding on the federal government’s sovereignty. On February 28, 2019, Bambi Larson, a Santa Clara County resident, was murdered inside her San Jose home. According to court

documents, she suffered extensive and deep wounds consistent with a cutting tool. A few weeks later, Carlos Arevalo-Carranza was arrested and charged with Larson’s murder. Arevalo-Carranza reportedly had multiple, prior convictions in Santa Clara County, including a conviction for burglary in 2015; convictions for battery of an officer, resisting arrest, and entering a property in 2016; and a conviction for false imprisonment in 2017. He also reportedly had multiple, prior arrests from 2015-2018 in both Santa Clara County and Los Angeles County, including arrests for possession of drug paraphernalia and methamphetamines, prowling and false identification. At the time of Larson’s death, Arevalo-Carranza reportedly was on probation for possession of drug paraphernalia and Metham-phetamine, false imprisonment and burglary.

### **Sanctuary Jurisdictions Place Open-Borders Ideology above Safety of their Residents**

*“American’s safety is second to the politics of amnesty and these sanctuary policies.”*

~ Judicial Watch President Tom Fitton

Tim Robbins, ICE’s head of enforcement and removal operations, testified to Congress on October 22 that as many as 100 criminal illegal immigrants are being released every day onto the streets of metropolitan Los Angeles, which he attributed to sanctuary policies. He made the point that:

When a local jurisdiction refuses to collaborate with ICE or obstructs the agency’s lawful enforcement activities, it places at risk both public and officer safety, misuses limited resources, and forces ICE to arrest criminal aliens at-large in the communities, instead of the secure jail environment...“sanctuary” laws and policies have a direct human cost: people are being hurt and victimized by aliens who are illegally present and who have ended up in local custody after being arrested on criminal charges, but are released back into the community to commit additional crimes, instead of being turned over to ICE for removal... “sanctuary” laws and policies in place in several jurisdictions force ICE to expend significant resources and utilize less efficient methods to locate and arrest criminal aliens and other immigration violators at large in the community. When ICE is unable to assume custody of criminal aliens directly from state and local jails, ICE must arrest these aliens in the community; most likely at their homes, places of employment, or courthouses. These sanctuary laws and policies make apprehensions more dangerous for our officers and more disruptive to our communities. They also provide criminal aliens with the opportunity to commit further offenses.

Robbins went on to describe a recent ICE operation made necessary by lack of cooperation by sanctuary city officials:

Within the last few weeks, ICE conducted...a targeted, intelligence-based operation targeting criminal aliens at-large...Among the nearly 1,300 aliens taken into custody, many had extremely serious criminal histories: three had convictions for manslaughter or murder, and 100 had convictions for sexual assault or related crimes, with nearly half of the victims being children. Additionally, 70 had convictions for crimes involving drugs, and 320 had convictions for driving under the influence of drugs or alcohol. Almost 200 of the aliens arrested during the most recent operation could have been taken into custody at local jails if the detainer had been honored.

According to the *Washington Times*, Robbins departed from the text of his written statement to emphasize the irony of sanctuary cities saying they want ICE to focus on deporting criminals:

“But by refusing to cooperate at their jails they’re actually pushing the agency’s 6,800 deportation officers out into communities, meaning they are more likely to pick up rank-and-file illegal immigrants while arresting fewer criminals. It also means ICE needs more money and more agents to staff deportation teams that go out into the communities, rather than the one or two officers needed to take custody of people in a jail.

“There’s a true cost,” Mr. Robbins said. “ICE enforcement will no longer be in the jails. It’ll be in the communities — the same communities these sanctuary policies are trying to keep ICE out of...I will have to send officers out onto the street, which is less safe for officers, the community and the subject at large.”<sup>58</sup>

## Conclusion

The national criminal alien crisis generated by local law enforcement agencies’ offering sanctuary to even the most violent illegal immigrants is driving federal officials to resort to desperate measures.

Judicial Watch has reported on this extensively and just recently exposed<sup>59</sup> yet another elected law enforcement official who freed a child sex offender and forbids his department from honoring ICE detainees.

Now ICE is trying to strike preemptively by publicly disclosing convicts<sup>60</sup> complete with mug shots, scheduled to be released before they are actually let go by police in municipalities that proudly offer illegal aliens sanctuary. It indicates that the federal agency is determined to do its job amid a growing wave of local resistance. In November, 2019 ICE targeted six offenders incarcerated in two Maryland counties notorious for shielding illegal immigrants from the feds. These are no boy scouts and ICE is pleading with authorities in Montgomery and Prince George’s counties to hand over the prisoners instead of freeing them into the community.

Most of these predators are incarcerated for sexual crimes involving children, including rape and serious physical abuse that resulted in death. A couple of the offenders are in jail for murder and assault, and ICE wants them all transferred to its custody, so the illegal aliens don’t reoffend.

“The county leadership has chosen misguided politics over public safety,” said ICE’s Baltimore office director, Francisco Madrigal, in the statement<sup>61</sup> announcing the upcoming scheduled releases. “The individuals we have lodged detainers against have been arrested in the community and will likely

be released directly back into that community under these dangerous policies. We aren't asking Montgomery County or Prince George's County to conduct immigration enforcement. We're asking them to honor a lawful request to transfer these individuals into our custody where they can avail themselves of due process in the immigration court system."

Judicial Watch reached out to law enforcement officials in both Maryland sanctuary counties and called for criminal prosecutions of public officials "who aid and abet illegal alien criminals." When local jurisdictions refuse to cooperate with immigration enforcement, they betray their duty to protect public safety and should be held accountable.

Besides Montgomery and Prince George's counties, two other large Maryland jurisdictions—Baltimore County and the city of Baltimore—shield illegal immigrants from the feds and deportation.

**Now even the United States Government is spending millions of dollars to give delinquent, gangbanger and pregnant illegal immigrant minors special care.**

As Judicial Watch reported in October 2019, the federal government is spending \$125 million to provide illegal immigrant minors, UACs, with a multitude of services in the private sector including medical care, special housing arrangements for delinquent, pregnant and gang-affiliated teens as well as long-term counseling. A division of the Department of Health and Human Services known as the Office of Refugee Resettlement (ORR) will pay nonprofits, local governments, small businesses, school districts and other assorted entities to take care of the illegal alien minors once they're released from federal government custody. The handsomely funded ORR claims to provide new populations with the opportunity to achieve their full potential in the United States. "Our programs provide people in need with critical resources to assist them in becoming integrated members of American society," according to its website.

The agency announced three major grants dedicated to minors who entered the country illegally, the largest for \$55 million, followed by a \$50 million allotment and another for \$20 million. The taxpayer dollars will buy an assortment of benefits and individualized services that cater to the UACs' needs. For instance, taxpayer-funded residential accommodations will feature a heightened level of supervision for children with delinquent behaviors, including gang involvement, serious behavioral problems, and/or who present a low to moderate flight risk, according to one of the grant announcements. Long-term foster care funded by Uncle Sam will also be catered to "pregnant/parenting teens and/or UACs who are especially vulnerable or with other needs." The government will provide "residential care services" until the UAC is released from ORR custody, turns 18 or gets deported.

Even when the UAC is released to relatives in the United States, the government will pay to have them monitored if ORR considers them to be "at risk" or "display special needs." In a hair-raising admission by the agency, it admits it may release children to sponsors who themselves present a "safety risk to the UAC," in which case it will, of course, monitor the situation. "In order to promote the safety and well-being of UAC, after their release to a sponsor in the United States, certain categories of children, who display special needs, are referred for post-release services," one of the grant announcements states:

Post-release services are required for all UACs who receive a home study. For cases where there is no safety risk in releasing a UAC to a sponsor but additional assistance is required to connect the UAC and sponsor to needed resources upon discharge from ORR custody, the case may be referred for post-release only services.