

# Court Report

## Sanctuary Cities Denied 284 ICE Detainers In Three Months Involving Serious Offenses

Judicial Watch on October 12 released two new productions of documents (45 pages and 680 pages) from the Department of Homeland Security revealing that hundreds of counties across the U.S. denied Immigration and Customs Enforcement's (ICE) detainer requests for criminal illegal aliens in the first quarter of fiscal year 2017. The detainer requests, containing specific information about scores of criminal charges against released aliens, were not included in the Declined Detainer Outcome Reports (DDOR), which the Trump administration suspended in early April after only three weeks of publication.

Judicial Watch forced the release of the Homeland Security documents as a result of a court order in a May 26, 2017 FOIA lawsuit filed after Homeland Security failed to respond to an April 13, 2017 FOIA request (*Judicial Watch v. U.S. Department of Homeland Security* (No. 1:17-cv-01008)). Judicial Watch seeks:

- “All complaints received by ICE concerning the [Declined Detainer Outcome Report]
- “All records concerning the suspension of the weekly publication of the [Declined Detainer Outcome Report]
- “All records identifying the reporting methodologies used to create the [Declined Detainer Outcome Report]”

Among the documents Judicial Watch released were several spreadsheets compiling statistics on the nature of criminal activities illegal aliens had committed during the first four months of 2017; a nationwide list of jails that failed to cooperate with the ICE detainer program; and the top 50 jurisdictions that failed to cooperate with the ICE detainer program.

Leading the pack of counties denying detainers between July 6, 2015

and December 31, 2016 were Ventura County, CA (188); Miami-Dade, FL (93); Denver, CO (74); Clark, NV (68); and Los Angeles, CA (57).

Nationwide, a total of 284 detainers involving serious offenses were declined during the first two months of fiscal year 2017, including, in part, various forms of assault (16); drug-and alcohol-related charges (39); weapons charges and crimes against persons and property (18).

The Declined Detainer Outcome Reports highlighted state and local governments that did not comply with ICE's detainer program (also known as sanctuary cities). According to one new ICE email, the DDOR was meant to be easily understood:

“So an American citizen sitting at home can open the report, see the total number of detainers issued in a week, detainers issued to jurisdictions that don't cooperate, the confirmed declined detainer list, and the list of all jurisdictions that don't honor detainers.

★ ★ ★

**“These new documents confirm that sanctuary policies are dangerous and help the worst of the worst criminal element.”**

*~Judicial Watch President Tom Fitton*

★ ★ ★

### Report on the number of most serious offenses for which local law enforcement agencies denied ICE detainers

Obtained by Judicial Watch Via FOIA

#### ERO-LESA Statistical Tracking Unit

**For Official Use Only (FOUO)/Pre-decisional**

#### FY17 Q1 Declined by LEA Detainers with MSC Details

FY2017 ERO Detainer data are as of 02/11/2017 (IIDS v.1.22.1 run date 02/13/2017; EID as of 02/11/2017).

Starting in FY2013, Detainers are captured by filtering for the processing officer's program at the time of the encounter and not All stats are pulled based on Current Program which attributes all cases back to the Program of the processing officer of the ev

Most Serious Conviction	Number of Detainers Declined by LEA
<b>TOTAL</b>	<b>284</b>
Aggravated Assault - Family-Strongarm	1
Aggravated Assault - Family-Weapon	2
Aggravated Assault - Non-family-Strongarm	1
Aggravated Assault - Weapon	1
Amphetamine - Manufacturing	1
Amphetamine - Possession	1

See **DETAINERS** on page 10

## Detainers

From page 9

“A snapshot, in essence.”

In an April 6, 2017 email from Acting Director of Homeland Security, Thomas Homan, to Homeland Security staff in response to complaints about errors in the DDOR from U.S. Senator Chuck Schumer’s (D-NY) office, Homan said:

“Certainly, but NYC is extremely uncooperative. We will provide the information and work with OPLA and OGC staff to engage. They removed our officers from Rikers Island and will not honor detainers. I met with them personally last year in an effort to gain more cooperation. We will review asap.”

In at least one instance, local law enforcement actions went beyond a simple lack of cooperation with ICE to turn over detained illegal aliens to outright obstruction of ICE’s efforts to pick up illegal immigrants in local custody. For example, according to a March 21, 2017 ICE email: “Hennepin County Adult Detention Center released an alien out the front door of the jail as an ICE officer was waiting in their sally port to take him into custody.”

“These new documents confirm that sanctuary policies are danger-



Immigration and Customs Enforcement agents attempt to gain entrance to an apartment building in search of illegal aliens with a criminal record, Boston area, June 2006.

ous and help the worst of the worst criminal element,” said Judicial Watch President Tom Fitton. “The complaints of sanctuary politicians aside, the Trump administration must catalogue the continued threat to the public safety caused by lawless sanctuary policies.”

In April, Judicial Watch obtained 204 illegal alien Detainer Requests denied to U.S. Immigration and Customs Enforcement (ICE) by the Travis County, Texas Sheriff’s Office. The illegal aliens protected by the Sheriff’s Office were charged or convicted of 31 acts of violence, 14 thefts or burglaries, and three acts or threats of terrorism. Forty-four of the denied requests were for inmates originally detained by Homeland Security and temporarily transferred to Travis County (home to the state capital in Austin) for disposition of state or local charges.

According to CNN, the Trump administration suspended publication of the Declined Detainer Outcome Reports on April 11, 2017, after only

three weeks and three total reports due to “complaints.” *The Hill* further reported that according to ICE spokeswoman Sarah Rodriguez, the Declined Detainer Outcome Reports were halted in order to “analyze and refine [the organization’s] reporting methodologies.”

The Declined Detainer Outcome Reports highlight state and local governments, often referred to as sanctuary cities, that did not comply with ICE’s detainer program:

“ICE places detainers on aliens who have been arrested on local criminal charges and for whom ICE possesses probable cause to believe that they are removable from the United States, so that ICE can take custody of the alien when he or she is released from local custody. When law enforcement agencies fail to honor immigration detainers and release serious criminal offenders, it undermines ICE’s ability to protect public safety and carry out its mission.” **JW**





Join over 2 million Facebook Friends by “liking us” at [www.facebook.com/judicialwatch](http://www.facebook.com/judicialwatch)





Follow us on Twitter and Instagram