

Immigration agency subpoenas sanctuary city law enforcement

By COLLEEN LONG January 16, 2020



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WASHINGTON (AP) — U.S. Immigration and Customs Enforcement has subpoenaed Denver law enforcement for information on four foreign nationals wanted for deportation and may consider expanding the unusual practice to other locations if necessary. It's an escalation of the conflict between federal officials and so-called sanctuary cities.

ICE, the Homeland Security agency responsible for arresting and deporting people in the U.S. illegally, could take the subpoena to a federal judge, who can order them to hand over information and find them in contempt if they don't comply, officials said.

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“We are reviewing the administrative subpoenas from ICE, which were not issued by a court of law,” said Theresa Marchetta, the director of strategic communications with the mayor’s office. “We want to be very clear that our immigration ordinance fully complies with federal law.”

Curbing immigration, both legal and illegal, has been a top priority for President Donald Trump, who has insulted Mexicans as rapists and murderers and who claims immigrants pose a safety threat, despite studies showing they commit less crime than non-immigrants. He has tightened rules on who can come, restricted who can receive public benefits and sent more than 50,000 people back to Mexico to wait out asylum claims.

The battle between sanctuary cities, localities that provide added protection to immigrants and refuse to cooperate with federal officials, and federal law enforcement has only escalated since Trump took office.

In 2017, then-Attorney General Jeff Sessions sent letters to 29 cities, metro areas, counties or states considered to have adopted “sanctuary policies,” saying those policies may violate federal law and threatening to withhold law enforcement grants. They eventually got the funds after courts chipped away at the threat. Thirteen states have enacted laws to allow immigrants to get driver’s licenses without proof they are in the U.S. legally, and some restrict data sharing with federal authorities.

The subpoenas were issued Monday. In three of the cases, officials have 14 days to respond with information, and in one case, three days. Ryan Luby, a spokesman for the city attorney’s office, said the subpoenas requested additional information than what was already provided.

“The subpoenas were not issued by a court of law and not signed by a judge. There is no indication they are related to a criminal investigation,” he said. “Denver does not comply with subpoenas unless they are Court-ordered or unless they are primarily related to a criminal investigation. Our immigration ordinance fully complies with federal law.”

Henry Lucero, deputy executive associate director for ICE’s Enforcement and Removal Operations, said the agency doesn’t want to get into the business of subpoenaing fellow law enforcement agencies— he called it a last resort. But because of changes in how municipalities work with ICE, it could be necessary, he said. And ICE officials believe they have the legal right to do it under the Immigration and Nationality Act.

“In the past, we had full support. We collaborated in the interest of public safety,” he said.

“This is a drastic change,” he said of the subpoenas. “And one ICE is forced to do, and puts other agencies on notice that we don’t want this to happen. We want to protect the public.”

The administrative subpoenas are usually sent by ICE to employers or landlords — but have never been sent to law enforcement agencies before, Lucero said.

The four men, three Mexican nationals and one Honduran, had all been arrested and jailed for violent offenses such as sexual assault and child abuse and had all been previously deported, according to ICE.

“ICE officials contacted Denver to request jail release notifications involving four inmates,” Luby said. “Contrary to what ICE is saying, we honored three of those requests for the three inmates released at that time. We will honor the request for the fourth inmate when he is released.”

ICE officers rely on help from local law enforcement to find suspects. Over the budget year that ended Sept. 30, officers arrested about 143,000 people, about 13,000 fewer than last year, and deported more than 267,000. More than 92,000 of the arrests were of people with criminal convictions, officials said, including for homicide, kidnapping, sexual assault and assault.



the suspect had beaten up his father during a brawl in November that resulted in an arrest. Federal officials sent a request to hand him over for deportation. New York City police say they didn't get a request, though ICE insists it was sent. But even if they did, under the terms of New York's local laws, they would not have turned over the 21-year-old.

In the Denver cases, one man from Mexico was arrested for sexual assault, another for vehicular homicide and a third for child abuse and strangulation assault. The Honduran man was released after he was arrested on domestic violence charges. All had been removed from the country previously.



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