



## DHS Issues Report Listing Jurisdictions Failing to Cooperate With ICE Detainers

On March 20, the Department of Homeland Security (DHS) issued its first weekly “Declined Detainer Outcome Report,” which fulfills a requirement in President Trump’s January 25 Executive Order, “Enhancing Public Safety in the Interior of the United States.” These reports are prepared to “highlight jurisdictions that choose not to cooperate with ICE detainers or requests for notification, therefore potentially endangering Americans.”



In conjunction with the release of this report, the Immigration and Customs Enforcement (ICE) website posted this statement from Acting ICE Director Thomas Homan:

When law enforcement agencies fail to honor immigration detainers and release serious criminal offenders, it undermines ICE’s ability to protect the public safety and carry out its mission. Our goal is to build cooperative, respectful relationships with our law enforcement partners. We will continue collaborating with them to help ensure that illegal aliens who may pose a threat to our communities are not released onto the streets to potentially harm individuals living within our communities.

The statement posted by ICE notes that The Declined Detainer Outcome Report, in addition to listing the uncooperative jurisdictions, also includes examples of criminal charges associated with the aliens that local jurisdictions have released.

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It explains that the report “is intended to provide the public with information regarding criminal actions committed by aliens and any jurisdiction that ignores or otherwise failed to honor any detainers or requests for notification with respect to such aliens.”

A report from the March 20 *Los Angeles Times* noted that DHS’s detainer report listed 10 jurisdictions that fail to comply with detainers on a routine basis: Clark County, Nev.; Nassau County, N.Y.; Cook County, Ill.; Montgomery County, Iowa; Snohomish County, Wash.; Franklin County, N.Y.; Washington County, Ore.; Alachua County, Fla.; Franklin County, Iowa; and Franklin County, Penn.

The *Times* also cited the report’s data listing a three-day stretch in late January and early February when the Los Angeles Police Department and Los Angeles County Sheriff’s Department declined detainers for five people with criminal convictions.

The *Times* report continued:

California has been hotbed of opposition to President Trump’s immigration crackdown. Cities across the state have declared themselves “sanctuaries” for those here illegally, and police have expressed fear that if officers help with deportations, those here illegally will no longer cooperate with criminal investigations.



Written by [Warren Mass](#) on March 21, 2017

An [article posted by The New American on February 1](#) reported that — in response to President Trump’s executive order directing local and state agencies to enforce existing immigration laws or face losing federal funds — San Francisco is suing the Trump administration, claiming that the orders violate states’ rights provisions. And in further defiance of Trump’s order, California is also attempting to become the first-ever sanctuary state.

Democrats in the state Senate have advanced bills to create statewide sanctuary for illegal immigrants, as well as providing taxpayer money to pay for immigration lawyers on behalf of immigrants facing deportation. One of the bills, SB 54, also known as the California Values Act, would prohibit state and local agencies from enforcing immigration laws or from working with immigration enforcement agencies. The legislation reads, in part:

In no event shall state or local law enforcement agencies or school police or security departments transfer an individual to federal immigration authorities for purposes of immigration enforcement or detain an individual at the request of federal immigration authorities for purposes of immigration enforcement absent a judicial warrant....

Unlike many politicians, however, most of the nation’s sheriffs, who operate about 85 percent of U.S. jails, are supportive of Trump’s efforts to deport the many illegal aliens within our borders. Despite this support, we reported in [our article on February 13](#), some law enforcement personnel are uncertain about their legal right to hold prisoners for possible deportation, following a 2014 ruling by a U.S. District Court of the Northern District of Illinois that invalidated the federal government’s practice of issuing detainers against people in law-enforcement custody.

However, that ruling in the class-action lawsuit *Jimenez Moreno et al v. Napolitano* invalidates only detainers issued out of ICE’s Chicago Field Office, not the rest of the country.

That uncertainty aside, we wrote, Trump’s January 25 executive order has emboldened officials in many jurisdictions. In an [article posted on February 13 by The New American](#), journalist Bob Adelman observed that in response to Trump’s executive order a number of cities that formerly considered themselves as “sanctuary cities” for illegal immigrants are reversing their policies. Among the jurisdictions doing so are Miami-Dade, Florida; Dayton, Ohio; Saratoga, New York; Finney County, Kansas; and Bedford, Pennsylvania.

The report also listed a number of states with Republican majorities in their legislatures that are also ending sanctuary status, including Idaho, Texas, Iowa, Michigan, Ohio, Tennessee, Florida, North Carolina, and Pennsylvania.

As we noted previously, the DHS “Declined Detainer Outcome Report” will now be issued weekly, a practice that should help focus public attention on those jurisdictions that refuse to cooperate with ICE officers.

An article posted on *Hot Air* (a blog created by conservative author Michelle Malkin) on March 21 ran under the provocative headline: “Can Trump ‘name and shame’ sanctuary cities into compliance?”

Citing another report published by the AP, the article pointed out a curious aspect of the DHS report, notably, that two-thirds of the 206 jurisdictions named for failing to comply with ICE detainers were in Travis County, Texas.

The *Hot Air* article observed: “It might seem a little counterintuitive that Texas is being so promptly featured here, particularly given the reputation that the Lone Star State has for strict law enforcement



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and conservative policies.” It went on to point out, however, that “Pretty much all of this activity took place in Austin, widely considered to be the epicenter of liberalism in that otherwise red state.”

The writer then went on to analyze a possible reason for the DHS to focus so much on the Austin area:

I’m just reading the tea leaves here, but this might make a lot of sense. Clearly the White House is hoping to bring these renegade cities under control by “naming and shaming” them in the media. Unfortunately for Donald Trump, a lot of the cities in question are in very blue states [like California and New York] where they have either the full support of the state government or at least very little risk of coming under pressure from them. Not so in Texas. The governor there has already issued marching orders regarding cooperation with ICE and has, in a couple of cases, pulled block grant funding from law enforcement entities who are not in compliance.

Another advantage to exposing noncompliant law enforcement agencies in places such as Texas that support the deportation of illegal aliens is that it preserves states’ rights. If the state in question generally supports immigration enforcement, then naming the places that don’t comply will allow the state governments to take the local cities to task and deal with the issue internally. This relieves Washington from having to deal directly with recalcitrant cities in too heavy-handed a manner.

It will be interesting to see which places are listed in upcoming editions of the “Declined Detainer Outcome Report.”

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