

# **Sanctuary on ICE? With Trump Pressure May Build to Aid Immigration Enforcement**

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TRIBUNE**

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During his campaign for the presidency, Donald Trump promised to cut federal assistance for state and local governments that do not cooperate with U.S. immigration enforcement, threatening funding for things like police services and public housing.

Still, as the president-elect prepares to take office next month, Democratic officials in California hope to maintain their policies that protect an estimated 2.6 million people living in the state illegally.

Cities including sprawling Los Angeles and small-town Coachella have adopted sanctuary status, a politically powerful, if mostly symbolic, designation aimed at expressing solidarity with immigrant communities. Activists in at least three other cities, Anaheim, Long Beach and Pomona, also are pushing for sanctuary status. And the city council in Santa Ana, one of Southern California's biggest Latino communities, on Dec. 6 voted 5-0 to adopt a resolution declaring the city a "sanctuary for all its residents, regardless of immigration status."

But questions remain about what sanctuary cities really can do, what they won't do — and what, if anything, Trump might do to stop them.

## **A SANCTUARY STATE**

Sanctuary has no meaning, legally speaking, and definitions vary across communities.

Generally, though, the term refers to cities and counties that limit how much local law enforcement will cooperate with Immigration and Customs Enforcement, or ICE. Nationwide, more than 300 counties and 39 cities have adopted some version of sanctuary, according to the Immigrant Legal Resource Center.

California is, by far, the leader in the movement. In fact, though it hasn't formally declared itself as such, the state is, in essence, a sanctuary. Under a 2014 law known as the TRUST Act, local jails in California are barred from detaining undocumented nonfelons simply because ICE agents are asking.

All 58 counties in California and most of the state's police departments also decline to honor any ICE requests to hold immigrants beyond their jail sentences, reflecting a series of federal court rulings that found local jurisdictions liable if they hold people after their release dates.

California's policies "make it harder for ICE to do its job," said Jessica Vaughan, policy studies director at the Center for Immigration Studies, a Washington-based think tank that favors immigration restrictions.

That's certainly been the case during the last two years of the Obama administration. Federal data obtained by the Texas Tribune shows California declined so-called "detainer requests" from ICE at five times the rate of the next least cooperative state, New York, during an 18-month period that started in early 2014.

But if Trump is to follow through with his pledge to deport at least a few million people, that will have to change, in California and elsewhere. There are only about 5,000 ICE agents nationally, and any national deportation program will need the help — and man hours — from local police departments.

"What Trump wants to do is create a criminal justice pipeline into the federal immigration system," said UC Davis Law School Dean Kevin Johnson, an expert in immigration law.

"It's politically popular to do so, and it's relatively easy to do so. That's why the federal government is really pushing hard to get as much cooperation as possible."

In the wake of Trump's election, many California politicians are pledging to uphold the state's sanctuary policies, even in the face of federal threats. A showdown seems possible.

But that's only part of the story.

## **SANCTUARY HAS LIMITS**

Most communities, including some sanctuary cities like Los Angeles and Santa Ana, still cooperate with federal immigration agencies, a fact that frustrates some immigration advocates.

"A statement of sanctuary is important in a lot of ways for communicating a general attitude, but the underlying policies obviously still matter," said Lena Graber, a San Francisco-based attorney for the Immigrant Legal Resource Center.

"There are all kinds of formal and informal partnerships that ICE has with local governments to help identify and pick people up," she added.

"Just saying you're a sanctuary doesn't mean anything unless you actually go and undo those policies," she added.

In San Bernardino County, for example, the sheriff's department allows immigration agents to interview detainees at jail facilities.

In Riverside, where Police Chief Sergio Diaz has insisted his agency won't be involved in any mass deportations, the sheriff's department continues to notify ICE when inmates are scheduled to be released and works with the federal agency on several joint enforcement operations.

In Orange County, ties between the sheriff's department and ICE are extensive, a result of a partnership that authorizes county sheriff's deputies to interview and process immigrant detainees for removal. This year, Orange County deputies also began serving warrants and detainer requests on behalf of ICE, according to sheriff's spokesman Lt. Mark Stichter.

Three Orange County jails — Theo Lacey, James A. Musick, and Santa Ana City Jail — also provide detention facilities for ICE to house undocumented immigrants, although the Santa Ana City Council has voted to phase out its contract.

In Los Angeles, one of the first U.S. cities to adopt a sanctuary policy, the L.A. County Sheriff's Department gives ICE broad access to jails and databases, and allows immigration officials to interview all inmates suspected of being in the country illegally. And three other cities in L.A. County — Pomona, Alhambra and Glendale — contract with ICE to keep immigrant detainees in their jails for limited periods.

Vaughan predicts that once the Trump administration takes control in Washington, California counties will expand their ICE partnerships rather than risk the loss of federal funding. Though immigration experts said it will be difficult for Trump to cut off all assistance to sanctuary cities, he might be able to block law enforcement grants from the Department of Justice and the Department of Homeland Security. Such cuts could cost California \$70.6 million, according to the National Immigrant Law Center.

"If sheriffs start losing money, I think you could start to see a pushback," Vaughan said.

## **THE LOOK OF RESISTANCE**

Immigration advocates want state and local governments to push hard against deportation efforts in the coming Trump presidency.

In Sacramento, Democratic lawmakers recently introduced a bill that would prohibit any law enforcement agency, including school police, from using its resources for immigration enforcement.

Leaders of the state's two university systems also recently issued public declarations that they will not cooperate with mass deportations.

And in places such as Los Angeles and Santa Ana, where local leaders have already promised to resist Trump, activists are calling on city officials to cut all ties with ICE.