

Trump Immigration Policies Pose Conflict for Police in ‘Sanctuary Cities’

President Trump’s sweeping new immigration policies — which include efforts to shine a harsh national spotlight on cities that released undocumented immigrants who went on to be accused of serious crimes — are sharply increasing the legal and political risks confronting local law enforcement officials.

As Mr. Trump ratchets up the pressure on so-called sanctuary cities through what some advocates are denouncing as a “name-and-shame” campaign to force them to work more closely with federal immigration authorities, police and sheriff’s departments are being caught in a crossfire.

In Denver, Sheriff Patrick Firman, who runs the local jail, has long received one set of instructions from the Democratic-run city government and local advocates.

The city attorney warned him against detaining anyone without a warrant. The American Civil Liberties Union threatened to sue him if he did. Immigrants’ rights groups applied the added deterrent of local political pressure.

So Mr. Firman’s department began doing what many law enforcement officers around the country have learned to do: balance contradictory requests.

When the federal [Immigration and Customs Enforcement](#) agency wants to deport one of his inmates, the jail sends a fax notifying ICE before the inmate is about to walk free — leaving it to federal agents to show up and make an arrest.

But the fax is not necessarily sent with a great deal of advance notice.

In the case of Ever Valles, 19, a Mexican national awaiting trial for car theft, the Denver jail’s fax was sent in the middle of the night in late December, 10 hours after Mr. Valles posted bail but less than a half-hour before he walked free. ICE was nowhere to be seen.

Last Friday, Mr. Valles was charged with a much more serious crime: murdering a man at a light rail station in a robbery gone awry. Now, Mr. Firman is in the eye of a political storm that highlights the precarious position confronting many law enforcement officials.

Immigration officials accused Mr. Firman of ignoring their detainer request. “Had the officer for ICE been sitting at the fax machine, waiting for it to come in, it still would not have been enough time for us to come and get him,” said Shawn Neudauer, an ICE spokesman.

The Fox News host Bill O'Reilly declared that Mr. Firman and Denver's mayor had "blood on their hands." Angry messages quickly began flooding the sheriff's department and its social media pages.

Mr. Firman declined to be interviewed. Officials at the jail, which releases about 100 people a day and receives three to five detainer requests a week, say they try their best to cooperate with immigration officials and to notify them in a timely manner, despite calls from local advocates not to communicate with the agency and to release undocumented immigrants through a side door to elude federal agents.

The Trump administration hopes the firestorm will help shift public opinion in cities that have vowed to protect their undocumented populations. Yet, the attacks on Mr. Firman do not acknowledge the confusing and often conflicting rules that have led to complaints by the law enforcement agents.

United States appeals courts have ruled that federal detainer requests are not a substitute for a warrant or for the probable cause required to get one.

"You can't just pick up the phone and say, 'Please hold an individual,'" said Jonathan F. Thompson, executive director of the 3,000-member National Sheriffs' Association.

When federal officials began issuing detainers in 2008 under a pilot program called Secure Communities, most jurisdictions treated the requests as mandatory. But after American citizens were mistakenly held, filed suit and won costly damage awards, some jurisdictions stopped cooperating.

More confusion occurred when cities and states adopted their own policies spelling out when to turn over undocumented immigrants. As compliance with detainers dropped sharply, the Obama administration ended the program and introduced a new one allowing local jurisdictions far more leeway to decide when to cooperate.

But that has caused even more confusion among law enforcement officials, when what they want is clarity about their obligations, Mr. Thompson said.

He said his members were relieved this week when Mr. Trump reinstated the Secure Communities program. But Mr. Thompson said the rules surrounding federal detainers were still "a work in progress."