

ICE subpoenas San Diego Sheriff's Department; first time new tactic used in California

 [latimes.com/california/story/2020-02-14/ice-subpoena-san-diego-sheriff-department-california](https://www.latimes.com/california/story/2020-02-14/ice-subpoena-san-diego-sheriff-department-california)

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U.S. Immigration and Customs Enforcement took the rare step of serving four administrative subpoenas Friday to the San Diego County Sheriff's Department for information on four Mexican nationals wanted for deportation.

The immigration subpoenas are the first of their kind in California, though they're just the latest deployment of a new, month-old Trump administration tactic aimed at so-called sanctuary cities and states.

ICE, the Department of Homeland Security agency responsible for arresting and deporting people in the U.S. illegally, used the subpoenas Jan. 15 in Denver for what was believed to be the first time. The agency subsequently used them in New York and on Thursday in Connecticut.

According to an ICE spokeswoman, the subpoenas are not court-ordered or signed by a judge. But if the Sheriff's Department does not comply, ICE said it can coordinate with federal prosecutors to seek an order from a federal judge that would compel the Sheriff's Department to comply.

ICE officials said in a news release the agency has "not historically needed to use its lawful authority to issue subpoenas for information from other law enforcement agencies," but that so-called sanctuary laws have essentially forced them to turn to the tactic.

But an immigration attorney called the new tactic a "farce," a retaliation against states and cities seeking to protect immigrants and a "publicity stunt" aimed at vilifying immigrants.

"The cases cited are the most egregious cases, aimed at making all immigrants seem dangerous," Tessa Cabrera, an associate attorney with the immigration law firm Hurwitz Holt, said.

A Sheriff's Department spokesman confirmed in an emailed statement that his department had received the subpoenas and was in the process of reviewing them.

"If able to, the Department will comply with the lawful requests in a timely manner," Lt. Ricardo Lopez wrote in the statement.

Personnel from the Sheriff's Department's legal affairs unit declined to comment, referring all questions to the media relations unit.

The ICE news release said the subpoenas were aimed at forcing the Sheriff's Department to turn over information about four Mexican men, two who are still in Sheriff's Department custody, and two who have recently been released. They were arrested on serious charges, including sexual assault of a child, robbery, battery of a spouse and assault with force.

ICE said it lodged immigration detainers with the Sheriff's Department for all four men that were ignored "due to California sanctuary state laws."

Under the California Values Act, also known as Senate Bill 54, law enforcement agencies in California are limited in how they can interact with federal immigration authorities — partly in an effort to ensure undocumented immigrants can report crimes without fear of deportation — and the San Diego Sheriff's Department "does not hold individuals based on federal detainer warrants," according to Department policy.

Pedro Rios, director of the U.S./Mexico Border Program with the American Friends Service Committee, said he was not surprised the Sheriff's Department would comply with the subpoenas.

"They would openly collaborate if they could with ICE officials," Rios said, citing Sheriff Bill Gore's initial opposition to the California Values Act.

Both Rios and Cabrera, the immigration attorney, also questioned the validity of the subpoenas because they are not court ordered or signed by a judge. Rios likened them to ICE arrest warrants that are signed by ICE supervisors instead of a judge, and which his organization urges individuals not to comply with.

It was unclear how long ICE had given the Sheriff's Department to comply with the subpoenas. The Associated Press reported that when the federal agency served similar subpoenas last month in Denver, it gave the local law enforcement agencies 14 days to comply with three of the subpoenas, and just three days to comply with the fourth.