Dallas County sheriff eases immigration holds on minor offenses

The campaign for her fourth term as Dallas County sheriff begins now for Lupe Valdez, the 68-year-old incumbent who stunned the establishment as the first Latina to hold that post in the U.S. But that celebrity gets tested when it comes to immigration issues.

Valdez recently changed policies on holding immigrants in the Dallas County jail for federal immigration officials once the person is past his or her release date. People who committed minor offenses won't be held for up to an additional 48 hours for agents of U.S. Immigration and Custom Enforcement, Valdez said.

The move follows similar decisions across the nation, as legal and community pressure builds over the controversial holds. Some 300 counties and cities have officially restricted the extent that they work with ICE, according to a count late last year by the Catholic Legal Immigration Network.

Others insist that local law enforcement increase its vigilance, particularly after the San Francisco murder in July of a woman by an immigrant who had been deported from the U.S. multiple times. There had been a federal request to hold him for immigration officials, but he was released after marijuana charges were dropped against him.

"No matter what we do, someone is going to get upset," Valdez said in an interview with *The Dallas Morning News*. "We can't base our decisions on who is going to get upset with us. We have to base our decisions on what is best for the whole."

The Dallas County change isn't as extensive as California's Trust Act of 2013, which shields immigrant inmates from federal deportation agents unless they have been convicted of serious crimes, such as assault, sexual abuse or felony DUI. Immigrants lawfully in the U.S. can also face deportation if convicted of certain crimes.

This second video of Dallas County Sheriff Lupe Valez is not viewable on this device.

'Whose side is she on?"

Immigrant advocates like Danny Cendejas have pushed for less harsh policies, arguing that those with minor traffic offenses have faced immigration holds that spun into deportations. Cendejas, immigration campaign field director for the Texas Organizing Project, calls the change a good first step but adds, "Whose side is she really on? If she is on our side, prove it."

Valdez detailed the policy change in an office decorated with what she called "diversity" artifacts. Among them is an old sign that reads: "No Dogs, Negroes, Mexicans."

Criticized if you're too tough, criticized if you're not tough enough — that's the dilemma Valdez said she faces.

As controversy and legal challenges to immigration holds have grown, the number of such holds has held steady in Dallas County over the last two fiscal years. In fiscal 2014, ICE placed about 1,930 holds in Dallas County, or about 160 a month. In the fiscal year that just ended, there were about 2,048 holds, or about 170 a month, according to statistics from the sheriff's office.

Immigration holds, or detainers, are requests for locally operated jails to hold

people for up to 48 hours beyond their scheduled release date. Holds were part of the "Secure Communities" program launched by ICE during the end of the George W. Bush administration.

Critics say it breaks up families over low-level offenses, when the only other infraction was that the immigrant detained was in the U.S. unlawfully. The bulk of immigration laws consist of civil or administrative offenses — not criminal offenses.

This third video of Dallas County Sheriff Lupe Valez is not viewable on this device.

Oregon case

Last year, a federal district court found that a Clackamas County sheriff in Oregon had violated the Fourth Amendment right against unlawful seizure of a Mexican immigrant woman who was kept on a hold after her release from state charges. The judge also ruled that detainers were voluntary, not mandatory. The plaintiff was awarded $30,100 in damages, her Portland attorney said.

This year, Secure Communities was replaced by the "Priority Enforcement Program," which tightens the focus on immigrants who are a national security or public safety threat. It includes those convicted of felonies and those convicted of misdemeanors such as domestic violence, or driving under the influence.

Valdez said immigrants involved in violence are not here to search for a better life. "These folks we don't need here no matter what background they have," she said.

Valdez said decisions about ICE holds would be made on a case-by-case basis.

Cooperation with ICE won't be based on felonies vs. misdemeanors. Certain domestic violence charges are misdemeanors, she noted.

"It is not even felonies. It is things that are violent toward the community. Abuse of children. Abuse of women. Violence with an instrument such as even a car. If you're drinking and you get in a car, you are using that car as an instrument."

Some defendants are found not guilty based on a "technicality," she said. "Do we let that person go to hit again?"

Valdez, who once worked for U.S. Customs, said she's not a federal cop. Yet she gets hate mail and verbal attacks from both sides on immigration issues.

"Immigration is a federal law. I don't know why they keep expecting me to take care of federal issues. ... We make our decisions based on reason, safety and what's best for the community," she said.

Dallas staff writer Jasmine Aguilera contributed to this report.