

# Localized immigration enforcement on rise

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Federal inaction means more than ever, nation's law agencies take issue into own hands

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Local and state law enforcement agencies throughout the country are taking unprecedented steps to police illegal immigration, a responsibility historically reserved for the federal government.

So far this year, officers from 23 county and state agencies from Virginia to California have been trained under a 1996 federal law that allows them to make immigration arrests and process jailed illegal immigrants for deportation. That's more than five times the number of training requests made to Immigration and Customs Enforcement in all of 2006.

On the Southwest and Northern borders, local police are using \$12 million in federal funding to conduct anti-terrorism patrols under the supervision of the U.S. Border Patrol. The program is called Operation Stonegarden.

Meanwhile, the void of immigration reform in Washington, D.C., has prompted eight states to enact a dozen laws relating to immigration enforcement this year. The laws were among the 182 immigration-related bills passed in 43 states, more than double the number enacted in 2006. This year, Texas enacted legislation requiring immigration authorities to be notified when a noncitizen is convicted of misdemeanor family violence charges.

"It is definitely a trend, and the major reason is the obvious one — federal inaction on the issue," said Ann Morse, director of the immigration policy project at the National Council of State Legislatures.

The trend is occurring against the backdrop of this summer's failed immigration-reform effort and last year's immigrant marches, as well as record deportations and increased workplace raids that have nabbed thousands of migrants.

But the push toward more local enforcement raises concerns in many quarters. Nestor Rodriguez, director of the Center for Immigration Research at the University of Houston, said using local police to enforce complex immigration laws can lead to abuses, including racial profiling and unlawful detention.

"The worst consequence is not what the police do, but how the people begin to feel," Rodriguez said. "Latinos who are U.S. citizens begin to feel the police are after them."

**Texas rejects enforcement**

The tool driving some of the enforcement shift can be attributed to a federal program that sounds more like an IRS tax form: Called 287 (g), this section of the 1996 immigration law authorizes jailers and police officers to conduct immigration arrests and process deportation paperwork under ICE supervision.

Since the program began in 2002, 33 state and local agencies have entered into agreements with ICE, and 597 local officers who received training have made 26,000 arrests, said Carl Rusnok, an ICE spokesman.

In Texas, no department has signed up for the federal cross-training. Texas Department of Public Safety spokesman Tom Vinger said there are no plans to undergo the training in the future. "Our stance has always been that we don't enforce immigration policy," Vinger said.

Other states, however, have embraced it.

In Arizona, the largest corridor for illegal entry on the Southwest border, state highway police and 160 Maricopa County sheriff's deputies are working with ICE on smuggling cases and deportation proceedings for illegal immigrants who land in jail.

"It's immensely helpful. We see it as a force multiplier for us and them," said Alonzo Pena, special agent in charge of the ICE district office in Arizona. "We have Arizona highway patrol officers and criminal investigators working drop house cases, extortion cases and over the road (smuggling) cases."

In Colorado, ICE trained the 22 highway patrol officers assigned to the state's Immigration Enforcement Unit, which began patrolling highways in July. In the first month, the unit made more than 1,000 traffic stops and detained 87 illegal immigrants, including 15 with criminal records, said department spokesman Lance Clem.

Next month, Oklahoma will begin enforcing a sweeping state law that makes it a felony to transport and harbor illegal immigrants and prevents them from posting bond.

Republican state Rep. Randy Terrill, a history and law professor who co-authored the bill, said the law was needed. "The federal government has absolutely and utterly fallen down on their responsibility to protect our nation's borders," Terrill said.

### **Harris County assistance**

Beyond 287 (g) and new state laws, local authorities are also employing the ICE Criminal Alien Program to help police immigration.

As part of the program, Harris County officials say they began asking county jail inmates in September 2006 if they were in the country legally.

So far, the policy change has resulted in jail officials making 5,556 referrals to ICE agents, said Lt. John Martin.

After the county makes the referrals, ICE can place detainers on the immigrants, preventing their release.

Rusnok, the ICE spokesman, said the agency so far has lodged 4,028 detainers against illegal immigrants in the Harris County jail but could not provide the number deported.

The same Criminal Alien Program has ignited protests in recent weeks in Irving, the Dallas suburb where ICE agents are working closely with city jailers and deporting more than 300 illegal immigrants a month. Local activists complain Irving police are targeting immigrants in raids on apartment complexes, but city officials say they are only arresting people who have committed crimes.

On the Texas border, sheriff's deputies are using federal funds to take part in security operations designed to crack down on border crime. Gov. Rick Perry's office dispersed \$9.8 million in federal grants to pay overtime for Operation Linebacker in 2005 and 2006 and is funding Operation Border Star, the state's latest effort to increase the number of patrols along the border.

"This isn't an operation to target illegal immigration," said Krista Moody, a spokeswoman for Perry's office. "These operations are focused on deterring crime, drug smuggling and human trafficking in our border communities."

Activists Like Iliana Holguin, an attorney at the El Paso Catholic Diocese, say the operations overstep their mission.

"These border law authorities want the money to combat border crime, but in the end it's being used to go after individual undocumented immigrants and their families, many who are U.S. citizens," Holguin said.

### **Harassment alleged**

Activists say that happened last month in Chaparral, a border community in New Mexico near El Paso, where 28 undocumented migrants were deported after they were detained.

"It just goes beyond even what we've seen here in terms of harassment," said Briana Stone, an attorney with the Paso del Norte Civil Rights Project, who is investigating the Chaparral operation.

Residents there say officers forced their way into homes after saying they were responding to 911 calls or complaints about barking dogs or investigating code violations, Stone said.

Ramon Rivera, a spokesman for U.S. Customs Border Protection at the agency's Washington headquarters, said local police did nothing wrong.

Rivera said Stonegarden does not give local officers authority to enforce immigration law. "They're not looking for illegal aliens, but when they come across them they turn them over to Border Patrol," he said.

