

The New Immigration Cops

Cities and States Take On Difficult Duty Of Handling Undocumented Workers

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Alabama state trooper Gary Hetzel usually stops people for going over the speed limit. Now, he sometimes arrests them for illegally crossing over the U.S. border, too.

Recently he pulled over a van for speeding and ended up detaining 14 undocumented immigrants who had paid smugglers at the Mexican border to transport them to Atlanta. The van's driver and co-driver were charged with human smuggling; the 14 immigrants were deported. "If I hadn't been trained, I would have just ticketed the driver for speeding and sent them on their way," said Mr. Hetzel.

Such actions are normally the province of federal immigration agents. But even though some police groups have concerns, a slew of cities and states in the U.S. are increasingly taking on the duty of verifying the immigration status of people stopped for traffic infractions and other violations. In Alabama, about 160 illegal immigrants have been arrested since the state entered a special partnership in 2003 with the Immigration and Customs Enforcement unit of Homeland Security, or ICE as it is known. Under this arrangement, officers such as Mr. Hetzel are specially trained in some immigration enforcement duties.

Alabama decided to join the program because local officials believed ICE's small staff in the state was unable to cope with the swelling numbers of illegal immigrants. Last fall, Gov. Bob Riley pledged to double the number of state troopers trained to deal with illegal immigrants, saying: "Alabama welcomes those who enter the country legally, but we won't stand idly by and do nothing when we catch illegal immigrants in our state."

Forty-four of the 650 state troopers in the state, a figure that includes administrative and field officers, have taken the five-week training course and are now authorized to enforce federal immigration law. That training involves detecting false identification, understanding the details of federal immigration law as well as the pitfalls of racial profiling and other possible civil-rights violations.

The ICE partnership empowers local officers to temporarily detain someone who has violated federal immigration law -- something that they are typically not allowed to do. That is a valuable tool in states where there are few ICE agents. The trained officers usually don't participate in sweeps or actively search for illegal immigrants; the emphasis is on human smugglers and convicted felons that officers come across during the course of their duties.

The federal program to train local police officers in such duties has existed since 1996. Florida, the first state to join the federal program in the wake of the Sept. 11, 2001 terrorist attacks, tailored its version to help block possible terrorist infiltrators. Interest in the program has taken off recently as the national debate over illegal immigration has heated up.

In recent months, ICE has received requests from several states in New England and the Midwest, as well as counties in Texas and California, which are interested in immigration training.

"It has proven very difficult for the federal government to increase manpower in the enforcement of immigration law fast enough," says Kris Kobach, a law professor at the University of Missouri, Kansas City,

who oversaw the application of the program when he served as counsel to the U.S. attorney general from 2001 to 2003. "This provision allows those states that want to help to fill in the gap."

The ICE program has sparked emotional debate in some regions. In December, the city council of Costa Mesa in southern California became the latest jurisdiction to decide to enter the ICE program. Mayor Allan Mansoor, who proposed joining, said the initiative would designate specialized officers, such as gang specialists and investigators, to do immigration checks. The program's primary focus would be on identifying criminals.

Mr. Mansoor, who is also a deputy sheriff of Orange County, estimates that 10% to 15% of all inmates in the county's jails are illegal immigrants. He said that many undocumented immigrants convicted of crimes were released into the streets of the U.S. after serving their prison term rather than being sent home. "We want to make sure they are deported," he said.

But Costa Mesa wasn't unanimously behind the mayor. Before the vote, several city council meetings were rocked by opponents shouting that the plan was discriminatory and would undercut fragile ties between immigrants and the police. Ultimately, the council voted 3 to 2 in favor.

Some police organizations and human-rights groups are concerned that deputizing local officers to handle immigration enforcement might violate civil liberties -- and undermine safety.

"A key concern is that state and local enforcement involvement in immigration can have a chilling effect on the relationship with the immigrant community in their jurisdiction," says Gene Voegtlin, legislative counsel for the International Association of Chiefs of Police. That could lead immigrants to become reluctant to report crimes or cooperate with officers investigating incidents. While the association, which has 20,000 members, hasn't taken an official stance on the ICE program, he said it also was concerned that the complexities of immigration law can create liability issues.

Some critics argue that federal authorities are specialists and therefore better suited to handling specific tasks such as immigration enforcement. Lisa Navarrete, a vice president for the National Council of La Raza, the largest Hispanic advocacy group in the U.S., says that local police officers who enforce immigration law are bound to engage in racial profiling, in part because they are stopping people they meet during the course of the day instead of pursuing specific investigations based on solid leads.

"That can result in harassment of immigrants who are here legally, simply because they are Latino and speak accented English," she said.

Some also worry that the federal government is trying to spread the burden of rounding up illegal immigrants at a time when state and local police departments are already strapped for resources. Virginia Kice, an ICE spokeswoman, stresses that the program is entirely voluntary. "We are not going out and soliciting participation," she says. But, "we are receiving inquiries from all over the country."

Los Angeles Mayor Antonio Villaraigosa recently said that the city wouldn't follow the lead of Costa Mesa and involve police officers in identifying illegal immigrants.

However, civilian jail personnel in Los Angeles and San Bernadino counties who have undergone ICE training are screening foreign-born inmates to determine whether they can be deported, according to an ICE spokeswoman.