

The role of local police in immigration

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You can't please everyone. But when it comes to immigration reform, you're not on the right track until you're not pleasing anyone.

The Phoenix Police Department has adopted a new immigration enforcement policy that is taking torpedoes from those who think it goes too far and from those who insist it doesn't go far enough. That's our first clue that the folks in the Valley of the Sun might have found the sweet spot.

The policy change, recommended by a panel of former government prosecutors and implemented by Phoenix Mayor Phil Gordon, allows officers to question anyone suspected of a crime about their immigration status and gives officers the discretion about whether to notify federal immigration officials. But it prohibits officers from posing such questions to crime victims, witnesses or anyone stopped for civil violations such as speeding.

Immigrant-rights activists, Latino lawyer associations and civil libertarians condemn the policy change, calling it a sop to xenophobia. They worry about racial profiling and prefer the previous policy, in effect for more than 10 years, which barred officers from asking about immigration status in most cases. The Phoenix police union denounces the new policy as “smoke and mirrors.” It wants officers to be able to make judgments about who is in the country illegally – using the standard of “reasonable suspicion,” a lower threshold employed by immigration authorities.

So who is right and who is wrong? That's easy. The city is right and the critics are wrong.

I've long been opposed to local police officers playing Border Patrol agents. For me, the best argument is the one advanced by the hundreds of police chiefs who have resisted having their officers commandeered into the enforcement of immigration law – that, by making people afraid to go to the cops for help, you create ready-made victims to be preyed upon by bad guys and actually increase crime instead of curbing it.

But that doesn't mean local police should never cooperate with immigration authorities. That would only add credence to the myth that there are all these “sanctuary cities” in the United States where illegal immigrants can live out their days sipping margaritas with no fear of being deported no matter what crimes they commit.

That is not the case. In most cities in America, if an illegal immigrant is arrested and charged with a crime, he is almost certain to find himself with an immigration “hold” placed on him while federal officials are notified. Often, he will be deported.

The point of demarcation is whether the illegal immigrant in question is accused of committing an additional crime aside from the civil offense of coming into the country unlawfully. Once they're in the criminal justice system, all bets are off. That's not a case of local cops working as immigration officers. It's a case of local officers working with immigration officers. Big difference.

What concerns me is a scenario where local police officers, who lack the more than 20 weeks of specialized training that Border Patrol agents receive, tell themselves they're Wyatt Earp and try to clean up Anytown USA by removing illegal immigrants or anyone they think is an illegal immigrant. Before long, you've got U.S.-born Hispanics caught up in that dragnet.

Think that couldn't happen? It already has, in – how's this for irony – a suburb about 20 miles southeast of Phoenix. In July 1997, the Chandler Police Department allowed its officers to pair up with Border Patrol agents over several days to conduct a citywide roundup of suspected illegal immigrants. They caught about 400 of them, but not without also harassing and apprehending a number of U.S.-born Hispanics. The result was condemnation by the state Attorney General's Office, a series of lawsuits and a stain on the city's reputation.

At the time, I was a reporter for The Arizona Republic. The attorney general was Grant Woods, one of the former prosecutors who wrote the new policy for the Phoenix Police Department. In Woods' report on the incident, a Chandler police officer was asked what he was thinking as he was pulling over Hispanic motorists and asking for papers. He replied that there were various ways to detect if someone was in the country illegally, including not just physical appearance and English-language ability but also a “smell” common to illegal immigrants.

Your tax dollars at work. There are those who say we have to evict illegal immigrants to preserve our civilization. But there's nothing civilized about comments like those.