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Baca shifts course on compliance with deportation program

The L.A. County Sheriff's Department will not detain suspected illegal immigrants arrested in low-level crimes. The state attorney general's directive is cited as the reason.

By Cindy Chang, Los Angeles Times

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Los Angeles County Sheriff Lee Baca has reversed his support for a controversial deportation program, announcing Wednesday that he will not comply with federal requests to detain suspected illegal immigrants arrested in low-level crimes.

The sheriff's dramatic turnaround came a day after [California Atty. Gen. Kamala Harris](#) issued a legal directive advising that compliance with the requests is discretionary, not mandatory.

Until then, Baca had insisted that he would honor the requests from U.S. Immigration and Customs Enforcement to hold some defendants for up to 48 hours. He was an outspoken opponent of the [Trust Act](#), which would have required California law enforcement officials to disregard the requests in many cases, declaring that he would defy the measure if it passed.

Baca has also been sued by the American Civil Liberties Union for allegedly denying bail to immigration detainees.

Now, he appears ready to do more or less what was proposed in the Trust Act, which was vetoed by Gov. Jerry Brown in September.

The change of heart from Baca, a Republican in a heavily Democratic county, comes as GOP leaders are warming to immigration reform in an effort to counteract dismal support from Latino voters. Last month, Baca closed the 1,100-bed Mira Loma immigration detention center, which earned his agency up to \$154 a day for each detainee, after contract negotiations with ICE broke down.

None of those considerations were at play, a Baca spokesman said. The sheriff's reversal was prompted solely by Harris' opinion, which contradicted advice from Los Angeles County attorneys that the requests were mandatory, said the spokesman, Steve Whitmore.

Baca joins [Los Angeles Police Chief Charlie Beck](#), who announced a similar policy in October. San Francisco and Santa Clara counties also decline to honor some types of ICE holds.

The change may not take effect until early next year. Baca's staff must first flesh out the details of the new policy, which would apply only to those arrested in misdemeanors who do not have significant criminal records. The department would still honor federal detention requests for those accused of serious or violent crimes.

Under the federal Secure Communities program, all arrestees' fingerprints are sent to immigration officials, who flag suspected illegal immigrants and request that they be held for up to 48 hours until transfer to federal custody.

Secure Communities has come under fire for ensnaring minor offenders when its stated purpose is to deport dangerous criminals and repeat immigration violators. According to federal statistics, fewer than half of those deported in Los Angeles County since the program's inception in 2008 have committed felonies or multiple misdemeanors. Critics say immigrants have become fearful of cooperating with police.

"The last thing we want is victims to be frightened to come forward," Whitmore said.

ICE officials said Baca's new policy is in line with federal priorities and will affect only a "very small number" of cases.

"The identification and removal of criminal offenders and other public safety threats is U.S. Immigration and Customs Enforcement's highest enforcement priority," the agency said in a statement.

Immigrant rights advocates called Baca's announcement a long overdue breakthrough.

"This will send a very strong message nationwide that in ... the most multicultural city in the nation, the sheriff is there to protect and to serve, not to deport," said Jorge-Mario Cabrera, communications director for the Coalition for Humane Immigrant Rights of Los Angeles.

Supporters of the Trust Act, which was reintroduced in modified form by Assemblyman Tom Ammiano (D-San Francisco) earlier this week, said it is still necessary because detention policies should not vary by jurisdiction.

"It's imperative that California have a uniform statewide policy. It's essential that people not receive different treatment under the law as they're driving up and down the 5," said Chris Newman, legal director of the National Day Laborer Organizing Network.

Baca has not taken a position on the new Trust Act, which is likely to evolve during the legislative process, Whitmore said.

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