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Fewer Illegal Immigrants Stopped for Traffic Violations Will Face Deportation

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Fewer illegal immigrants stopped by police for minor traffic violations would be held for deportation under changes announced Friday to a federal fingerprinting program, [Department of Homeland Security](#) officials said.

The policy change on how federal agents will handle illegal immigrants arrested by state and local police for offenses like driving without a license came in the department's response to a report by a task force on the federal program.

One of the task force's central recommendations was that the program, called Secure Communities, should avoid deportations of traffic violators.

The sharply critical task force report, issued last September, argued that such deportations were inconsistent with the department's stated priorities of removing foreigners with serious criminal records. The increase in deportations of minor offenders under Secure Communities, the task force concluded, was undermining vital ties of trust between local police and immigrant neighborhoods.

In a 19-page response released Friday, Homeland Security officials forcefully reasserted their support for the program, which has been the center of fierce controversy since it began in October 2008. The program has put President Obama at odds with governors in Illinois, Massachusetts and New York, who are his political allies, and eroded support for him in Latino communities. Both Democrats and Republicans acknowledge that Latinos will be crucial voters in the presidential election.

Homeland Security officials also accepted almost all of the task force's recommendations, acknowledging that poor communications by [Immigration and Customs Enforcement](#), the administering agency, had caused major confusion about the program's goals and how it works.

The Obama administration's changes came after a hearing at the Supreme Court on Wednesday where government lawyers argued against an Arizona law that would expand the powers of the police to enforce [immigration](#) laws. Administration officials say Secure Communities is an example of the aggressive federal enforcement that makes action by state police unnecessary and counterproductive.

In its response on Friday, the department said the program remains "the single best tool" for focusing deportation resources on immigrants who have been convicted of serious crimes, pose a threat to public safety or repeatedly violate immigration law.

Under the program, fingerprints of anyone booked by the police are checked against F.B.I. criminal databases — long a routine procedure — and also against databases of the Department of Homeland Security, which include immigration violations. Immigration and Customs Enforcement, known as ICE, has been rapidly extending the program with the goal of reaching all 3,181 jurisdictions in the country by next year.

Homeland Security officials contended that the new policy on traffic violators could bring a major change in the program's impact.

As the program spread, more local arrests resulted in immigration holds, and illegal immigrants who did not have criminal convictions found themselves facing deportation because of tickets for speeding, burned-out tail lights or driving without a license.

In all but a handful of states, immigrants here illegally cannot obtain driver's licenses.

Under the refinement, when illegal immigrants are arrested solely for traffic offenses and do not have a prior criminal record, federal agents will only consider placing a hold — known as a detainer — after they are convicted.

“ICE agrees that enforcement action based solely on a charge for a minor traffic offense is generally not an efficient use of government resources,” the department response says.

Immigrants arrested for drunken driving would not benefit from the new policy, officials said.

In practice, most traffic violators are released well before they are convicted, and now immigrants stopped by traffic police will not remain in custody to be picked up by federal agents.

Detainers are only in effect as long as the immigrant is in local police custody, homeland security officials said.

ICE also reported that it held more than 700 meetings last year with law enforcement agencies and immigrant advocates to explain the program.

In February, ICE created a public advocate to hear concerns of immigrants facing deportation, and has stepped up training for its staff.

The task force chairman, Chuck Wexler, executive director of the Police Executive Research Forum, praised the department's response.

“It is encouraging in that they are not defensive and they recognize the issues we raised and appear to be committed to dealing with them,” Mr. Wexler said. His group conducts research on crime for police chiefs.

But dissension arose among task force members. Benjamin E. Johnson, executive director of the American Immigration Council, a pro-immigration group in Washington, said that ICE had not

actually accepted the task force's key recommendation, which was that no traffic offenders should be detained under Secure Communities.

Mr. Johnson said ICE would only further confuse local police by issuing immigration holds after traffic convictions.

"In a traffic setting, we were very clear that ICE should just get out of the business of issuing detainers," Mr. Johnson said.

<http://www.nytimes.com/2012/04/28/us/politics/traffic-violations-wont-earn-illegal-immigrants-deportation.html>