

December 25, 2012

Immigration and Policing

The Obama administration on Friday [announced](#) a policy change that — if it works — should lead to smarter enforcement of the immigration laws, with greater effort spent on deporting dangerous felons and less on minor offenders who pose no threat.

The [new policy](#) places stricter conditions on when Immigration and Customs Enforcement sends requests, known as detainers, to local law-enforcement agencies asking them to hold suspected immigration violators in jail until the government can pick them up. Detainers will be issued for serious offenders — those who have been convicted or charged with a felony, who have three or more misdemeanor convictions, or have one conviction or charge for misdemeanor crimes like sexual abuse, drunken driving, weapons possession or drug trafficking. Those who illegally re-entered the country after having been deported or posing a national-security threat would also be detained. But there would be no detainers for those with no convictions or records of only petty offenses like traffic violations.

John Morton, the director of Immigration and Customs Enforcement, known as ICE, said this was a case of “setting priorities” to “maximize public safety.”

But wait, you ask, shouldn’t ICE have been doing this all along? Didn’t Mr. Morton say [in a memo](#) two years ago that ICE would use its “prosecutorial discretion” to focus on the most dangerous illegal immigrants? He did. But for nearly as long as President Obama has been in office, ICE has been vastly expanding its deportation efforts, enlisting state and local agencies to expel people at a record pace of 400,000 a year — tens of thousands of them noncriminals or minor offenders. By outsourcing “discretion” to local cops through a fingerprinting program called Secure Communities, it has greatly increased the number of small fry caught in an ever-wider national dragnet.

Some cities and states have resisted cooperating with ICE detainers for the very reasons of proportionality and public safety that Mr. Morton cited on Friday. California’s attorney general, Kamala Harris, told her state’s law enforcement agencies [this month](#) that ICE had no authority to force them to jail minor offenders who pose no threat.

Secure Communities and indiscriminate detainers have caused no end of frustration for many police officials, who rely on trust and cooperation in immigrant communities to do their jobs. They know that crime victims and witnesses will not cooperate if every encounter with the law carries the danger of deportation. They have shied away from a federal role that is not theirs to take.

ICE's announcement seems to make those efforts unnecessary. It puts the Obama administration on the same page as states and cities that have tried to draw a brighter line between their jobs and the federal government's. A stricter detainer policy is better for police and sheriffs, who can focus more on public safety. It makes people less vulnerable to pretextual arrests by cops who troll for immigrants with broken taillights. And it helps restore some sanity and proportion to an immigration system that has long been in danger of losing both.

<http://www.nytimes.com/2012/12/26/opinion/a-brighter-line-on-immigration-and-policing.html>