

Police take wait-and-see approach after federal immigration pact ends

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It ended 287(g) in Arizona, but ICE said it will work with local police in other ways, answering phone requests for citizenship checks and checking fingerprints for a suspect's criminal and immigration status. (Photo courtesy Arizona Department of Public Safety)

WASHINGTON – Arizona police agencies said the loss of a state-federal partnership might not be the critical blow to immigration law enforcement that some had feared.

After the Department of Homeland Security announced June 25 that it was ending its [287\(g\)](#) task force agreements in Arizona, politicians warned that the move would put state residents in “grave danger.”

But of the seven agencies in the state that had task force agreements under 287(g), three said they do not expect to be affected by the loss of the program and three others said it is too early to tell.

“There is no effect for the Pima County Sheriff’s Department for 287(g),” said Deputy Tom Peine, a department spokesman.

The program was created by Immigration and Customs Enforcement to let local police perform federal immigration enforcement functions, if the officers took training. It also gave local departments access to a federal database where they could check the immigration status of suspects.

The Arizona Department of Public Safety became a 287(g) partner in 2007, followed over the next two years by departments in Mesa, Phoenix and Florence and the counties of Pima, Pinal and Yavapai.

But the government announced that it was ending the program in Arizona on June 25, the same day that [the Supreme Court upheld a critical part of the state’s SB 1070 law that lets police check the immigration status of people they have arrested.](#)

“ICE has determined that 287(g) Task Force agreements are not useful in states that have adopted immigration enforcement laws like [SB 1070](#),” the Department of Homeland Security said in announcing the change.

ICE officials said they will continue to work in other ways with Arizona police, such as checking the citizenship status of someone in state custody if police call and ask.

The change did not affect a jail enforcement portion 287(g), under which correctional officers can perform federal enforcement functions. The agency also continues to run a similar program, Secure Communities, under which police across the state can send fingerprints to the federal government to check a suspect’s criminal background and immigration status.

ICE did not end its 287(g) partnerships in 23 other states, only in Arizona.

In the aftermath of the Supreme Court decision and the ICE announcement, many politicians charged the Obama administration with singling out Arizona for retribution.

“President Obama has demonstrated anew his utter disregard for the safety and security of the Arizona people,” Gov. Jan Brewer said in [a statement](#) on the day of the announcement.

In a letter two days later to ICE Director John Morton, four members of the state’s congressional delegation said the “current course of action puts Arizona citizens in grave danger.” The June 27 letter, signed by Republican Reps. Paul Gosar, Trent Franks, David Schweikert and Ben Quayle, called 287(g) a “critical public safety tool” and called on Morton to reinstate it.

In a separate statement at the time, Rep. Jeff Flake, R-Mesa, said suspending 287(g) in Arizona “will strip our local authorities of critical tools to deal with illegal immigration.”

But several weeks later, local police do not appear too concerned.

Mesa Police spokesman Sgt. Tony Landato said the department did have one officer with 287(g) training, but had to pull him off those duties for budget reasons. Sheriff’s department officials in Pima and Yavapai counties also said they expected little fallout from the program’s termination.

Other departments – those that tended to have more 287(g)-trained officers – said they were in wait-and-see mode.

“It has the potential to impact our day to day enforcement efforts,” said Pinal County Sheriff’s Office spokesman Elias Johnson. “But we’re going to sit back and see on what that impact will be, instead of speculating.”

Pinal County had 22 officers trained under 287(g) and the Arizona Department of Public Safety had 28. Phoenix officials could not immediately say how many officers they had trained under the program. But all three agencies said it’s too early to tell what effect the end of the program will have.

Police in Florence, the seventh department with a 287(g) agreement, could not be reached for comment on the impact of the change.

Those wait-and-see agencies did express concern that there might come a time when they have to release an undocumented alien if ICE does not respond to calls to come take the person into federal custody.

But ICE said that its Enforcement and Removal Operations office has received a “normal volume of requests from state and local law enforcement agencies” in recent weeks. The Phoenix office said it received eight calls between June 25 and July 2 that resulted in the arrest of 38 people for immigration violations.

Still, some elected officials said they would rather have the program than not.

“We’re not suggesting that 287(g) is a silver bullet, but it’s another arrow in the quiver of local law enforcement,” said Genevieve Rozansky, a press aide to Flake.

Gosar said Friday he stands by the letter “raising a red flag about the retaliatory actions of this administration.”

“These valuable partnerships to enforce securing our border and protect the residents of Arizona are a valuable part of a comprehensive plan to strengthen our communities,” he said in a statement, adding that canceling 287(g) shows “a disregard for the people of our great state.”

Rethinking relations

The Department of Homeland Security issued the following directions to officials in Arizona in the wake of the Supreme Court’s ruling on the state’s SB 1070 immigration law:

- Do not respond to a state or local traffic stop or a similar police encounter from police asking for help enforcing immigration laws unless the suspect meets DHS enforcement priorities – is a convicted criminal, has been removed from the U.S. and re-entered unlawfully or is a recent border crosser.
- Continue to comply with the legal requirement to respond to phone requests from police seeking to verify an individual’s immigration status.
- Immigration and Customs Enforcement has determined that 287(g) task force agreements are not useful in states with immigration laws like SB 1070. Consequently, ICE has rescinded its 287(g) task force agreements with the following Arizona state and local law enforcement agencies.
 - Arizona Department of Public Safety
 - City of Mesa Police Department
 - Florence Police Department
 - Pima County Sheriff’s Office
 - Pinal County Sheriff’s Office
 - Yavapai County Sheriff’s Office
 - Phoenix Police Department
- ICE continues to maintain 287(g) jail enforcement agreements with eight Arizona law enforcement agencies, four of which utilize trained 287(g) jail enforcement officers:
 - Arizona Department of Corrections
 - City of Mesa Police Department
 - Pinal County Sheriff’s Office
 - Yavapai County Sheriff’s Office

<http://azcapitoltimes.com/news/2012/07/16/police-take-wait-and-see-approach-after-federal-immigration-pact-ends/>