

Federal immigration program gives some jurisdictions leeway

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Body

When D.C. Police Chief Cathy L. Lanier heard about a new **federal immigration** enforcement program last year, she said it could have prevented eight killings in the city in the previous two years.

But her enthusiasm was tempered by a concern that the program, designed to detect suspects in police custody who are undocumented immigrants, would also ensnare people who had committed minor offenses, prompting immigrants not to report crimes and domestic abuse to police.

Lanier worked behind the scenes last year with **federal** officials to redesign the program in potentially far-reaching ways, according to recently released internal documents by the U.S. **Immigration** and Customs Enforcement agency.

But Lanier's attempt to get the program to focus on serious offenses was stymied when the D.C. Council and community groups expressed reservations about participating in any fashion. Eventually, the city withdrew from the program.

Lanier's efforts offer a glimpse into the myriad ways in which communities in the Washington region and across the nation have grappled with the controversial **immigration** enforcement program known as Secure Communities. The District's experience also reveals how inconsistent **federal** guidelines have created widespread confusion. Arlington County, for example, was [forced to participate in the program against its will](#). Other **jurisdictions**, such as the District and Montgomery County, have been given significantly more latitude.

The Secure Communities program grew out of recommendations by the 9/11 Commission and has become a centerpiece of the Obama administration's effort to focus **immigration** enforcement on criminals.

Under the program, fingerprints routinely collected by local authorities are forwarded to **Immigration** and Customs Enforcement for a status check. If a fingerprint is matched with someone known to be in the country illegally, ICE can order the immigrant's detention as a first step toward deportation.

Initially, **federal immigration** officials promised many local governments that their participation would be voluntary. But in late 2009 and 2010, the officials modified their assurances. They began telling communities that the only

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voluntary part of the program was that a jurisdiction could choose not to receive information about why ICE wanted police to detain someone - a relatively minor aspect of the program.

"Because Secure Communities is fundamentally an information-sharing partnership between federal agencies, state and local jurisdictions cannot opt out from the program, though state and local jurisdictions can opt not to receive the results of immigration queries," ICE spokesman Brian Hale said.

Hale said he expected that every jurisdiction in the country would be actively participating in the program by 2013. He credited the program with apprehending more than 59,000 undocumented immigrants who committed crimes, including about 21,000 who had committed serious offenses such as murder, rape and child sexual abuse.

Last fall, the Arlington County Board cited the risk the program posed to community policing efforts and voted not to participate. But federal officials told the county that local jurisdictions cannot decide to opt out.

In Maryland, the situation is more mixed than it is in Virginia, where every jurisdiction in the state is participating in Secure Communities. The program has been activated in more than half of Maryland's 24 jurisdictions, including Prince George's, Baltimore and Anne Arundel counties, according to ICE. The city of Baltimore is not yet participating in the program.

Although it is not clear why, Montgomery County appears to have been given leeway in joining the program, according to internal documents from ICE obtained under a Freedom of Information Act request by various immigration and legal advocacy groups.

"Montgomery County is neither opting-in nor opting-out of the program," Montgomery County Police Chief J. Thomas Manger said in a statement. "When [Secure Communities] comes to the entire state of Maryland, we will participate."

Manger also said the county routinely shares with ICE the names of all suspects who have been arrested in violent or dangerous crimes, along with any available information about their nationalities.

In an interview, Lanier said that she had hoped to find a middle ground that targeted violent and dangerous offenders for immigration checks while withholding the fingerprints of suspects whom police picked up for minor offenses.

"In the case of domestic violence, or if it is a minor misdemeanor case, there is a concern people will not come forward and report it," she said, explaining why she thought suspects picked up in minor crimes should not be referred for an immigration status check.

She also said she was concerned that domestic abuse wouldn't be reported because the victims would fear the deportation of family members. "If they don't report it before it escalates, we don't have a chance to stop it before it escalates."

Lanier said she had conversations on modifying the program with members of Homeland Security Secretary Janet Napolitano's office. She characterized federal officials as cooperative and said she had hoped that a modified program could create a new model for the nation. The District, she added, does not run suspects' names through any immigration databases.

After the D.C. Council expressed opposition to joining the program - and immigration advocacy groups voiced strong opposition to the program in any form - Lanier said she broke off the discussion with federal officials and pulled out of the program.

Federal immigration authorities "permitted the District not to participate until 2013," Lanier said. "I was trying to negotiate some kind of agreement before it became mandatory in 2013. It's a different ballgame now."

Advocates for immigrants remain worried that the program is an overly broad dragnet.

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"The program's mandate is to target serious criminals that pose a threat to public safety," said Sarahi Uribe of the National Day Laborer Organizing Network, which obtained the internal documents through the FOIA request.

"We've seen a majority of those identified and deported pose no threat to public safety."

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