

When local law enforcement officers become immigration agents, communities suffer

*After 9/11 the federal government began to partner with state and local law enforcement to defend the U.S. from potential terrorist attacks. This expansion in law enforcement was a partnership with state and local governments, which allows law enforcement to enforce civil and criminal immigration violations. **Mai Thi Nguyen** examines the impacts of these new partnerships on local communities, finding that when local law enforcers become de facto immigration agents, the fear of deportation can lead to a reduction in civic engagement from immigrant communities, and to a breakdown in trust. She argues that in order to improve public safety without alienating immigrant communities, agencies granted enhanced immigration authority should be placed under greater scrutiny, especially at the local level.*



After the 11 September 2001 (9/11) attacks, the federal government began to partner with state and local law enforcement agencies through the ICE ACCESS 287g Program (287g) in order to defend its interior from terrorists. Believing that the 'war on terror' was insufficiently staffed, interior enforcement strategies spread rapidly across the country.

The attacks also raised concerns about the security challenges posed by the estimated 11–12 million unauthorized immigrants living in the U.S. Following numerous failed attempts to reform immigration at the federal level throughout the mid-2000s, state and local agencies began policing immigration using a variety of existing local regulations and ordinances. State and local government officials also passed new anti-immigration legislation, such as Hazleton, Pennsylvania's 'Illegal Immigration Relief Acts', Arizona's [SB 1070](#) and Alabama's [HB 56](#). The two statewide bills expanded the authority of public employees to ask for proof of legal immigration status.

These attempts by state and local governments to develop new immigration legislation have been controversial and challenged in court primarily because they overstep federal immigration authority. In contrast to these other strategies for immigration enforcement, 287g is a federal program, authorised through Section 287g of the Immigration and Nationality Act of 1996. Section 287g enables the federal government to partner with state and local law enforcement agencies to enforce civil and criminal immigration violations. A civil immigration violation involves illegal presence in the country, such as crossing the Canadian border illegally or overstaying a travel or student visa. Criminal immigration violations involve such acts as smuggling an unauthorised immigrant.

The ability to enforce civil immigration violations through 287g has broadened the legal authority of state and local law enforcers and expands the geographic territory that the federal government can police immigration. Given the rapid expansion of local interior enforcement programs, it is important to understand the effects of these programs on local communities. In new research, we take a look at two neighboring jurisdictions in North Carolina – a new destination state for immigration– that adopted the 287g program: the city of Durham and Alamance County, North Carolina.

We found that when local law enforcers become de facto immigration agents and start to enforce immigration laws, this can have far-reaching consequences for local law enforcement practices and marginalising immigrant families. The ambiguity about the role of law enforcement after the adoption of 287g and fear of deportation have made immigrants less civically engaged, less inclined to access public services and fear becoming victims of crime because they cannot turn to local law enforcement to protect them. Furthermore, immigrant businesses experienced a disruption in economic activity and immigrants report greater exploitation by employers and landlords. These are social and economic concerns relevant to the entire community, not just immigrants.

In Alamance County, North Carolina, the combination of local officials' anti-immigrant attitudes and the

mobilisation of police mechanisms that increase contact with immigrant populations in routine daily activities, created the possibility– and the normalised expectation – that local law enforcement should consistently be on the lookout for unauthorized immigrants. The knowledge that immigration status will be checked at the local jail enabled a wide range of individuals the authority to initiate the process of deportation, including public officials, law enforcers, public employees and the community at-large. This led to widespread abuses of the program by the Sheriff's Office and to the eventual dissolution of immigration enforcement powers due to egregious violations of racial profiling and civil rights abuses of Hispanics.



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In Durham, North Carolina, a city often considered a sanctuary for immigrants, and where 287g is limited to pursuing serious and violent crimes, the impacts to the immigrant community resemble those in Alamance County. Many immigrants living in Durham do not understand that the Durham Police Department's 287g implementation style has been different from all other agencies throughout the state of North Carolina. Moreover, knowledge about specific cases of police abuse or human and civil rights violations from other jurisdictions, such as neighboring Alamance County, had damaging effects on police-immigrant relations in Durham. Durham police officials have admitted that negative effects from other jurisdictions make their work with the immigrant community more challenging. Immigrants became wary of police and were less likely to report crime or cooperate in crime investigations.

Up until recently, the 287g Program was being replaced by Secure Communities, a local interior enforcement program in the process of nationwide implementation that closely resembles the 287g jail model. As of January 2013, the biometric information sharing capability of Secure Communities was activated by the U.S. Department of Immigration and Customs Enforcement in 3181 jurisdictions in 50 states, US territories and Washington DC. Though it was discontinued last November, Secure Communities was envisioned by the federal government to be more uniformly implemented, with less opportunity for racially biased discretion than 287g because every individual that is booked into jail is fingerprinted.

The realities on the ground, however, appeared to be much different than the federal government's expectations for the implementation of Secure Communities. We believe that these interior immigration enforcement programs transfer too much power to local law enforcement without enough oversight and transparency to make us confident that the abuses and violations in Alamance County are not repeated.

What steps should be taken to harness the capacity of state and local law enforcers to improve public security and safety while limiting the fear and harmful consequences to communities? First, greater scrutiny should be taken before and after an agency is granted enhanced immigration enforcement authority. Local agencies with histories

of racial profiling or human and civil rights abuses should not be given greater immigration enforcement authority.

Second, federal scrutiny should be applied to local jurisdictions with 287g and Secure Communities programs. There needs to be clear penalties for state and local enforcers who abuse their powers, engage in racial profiling, and fail to protect all residents from harm, regardless of their immigration status. To date, the consequences of program abuses have been long-term federal investigations and lawsuits, as in the cases of Maricopa County, Arizona, and Alamance County, North Carolina. It is unclear how effective these measures are in deterring and changing abusive and discriminatory practices.

Third, advisory or oversight boards comprised of community members not affiliated with law enforcement may be one way to check on local abuses of authority. Because of the limitations of the federal government in policing, monitoring and even cognizance of local-level variations in the implementation of local immigrant enforcement programs, greater scrutiny should be applied at the local level.

The existence of the 287g Program, Secure Communities and other interior immigration enforcement programs, as well as the uncertain future of federal immigration reform, indicates that subfederal agencies will become more involved in interior immigration enforcement in the future. As such, the federal government needs to have a clearer and more consistent interior immigration strategy, provide more education to eliminate abuses of the program, implement effective strategies to deter program abuses, and provide more oversight and monitoring at the local level to identify when problems or abuses arise.

This article is based on the paper, 'Interior immigration enforcement: The impacts of expanding local law enforcement authority', in Urban Studies.

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