

Immigration

# Trump administration may allow local police to arrest immigrants

The program has been dormant since the Obama administration scrapped it in 2012 following multiple federal investigations, lawsuits and complaints.

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By [Maria Sacchetti](#)

The Trump administration is considering deputizing state and local law enforcement to arrest suspected undocumented immigrants at traffic stops and other locations, resurrecting a program that the Obama administration terminated amid allegations that it led to racial profiling.

Russell Hott, a top official at U.S. Immigration and Customs Enforcement, told the nation's sheriffs' association at a conference last weekend that the new administration is examining ways to restart the program, called the "task force model."

The program authorizes ICE to designate certain state and local officers to question and arrest people they suspect of violating federal immigration laws during their regular patrols.

Hott told sheriffs the agency is considering "potentially reigniting the task force model in the very near future."

## Trump presidency



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The task force program has been dormant since the Obama administration scrapped it in December 2012 following multiple federal investigations, lawsuits and complaints that local sheriffs' deputies and others abused their authority, harassed immigrants and subjected them to inhumane conditions in jails.

In Arizona's Maricopa County, Sheriff Joe Arpaio was convicted in 2017 of criminal contempt of court for ignoring a federal judge's order to stop detaining residents because he suspected them of being in the United States illegally. President Donald Trump pardoned Arpaio during his first term.

The task forces are part of a broader program known as "287(g)," for the section of the Immigration and Nationality Act that enables it. Congress created the program in 1996 as part of a crackdown on illegal immigration.

Currently the program operates only in jails. More than 130 agencies have allowed ICE to train some officers to enforce immigration laws against people in their jails who have already been arrested for a local crime, according to ICE and the Congressional Research Service. Some trained officers use federal databases, conduct immigration interviews and prepare deportation paperwork for ICE, particularly in Texas, where the governor has promoted the program. Others simply serve notices to immigrants in their jails for violating immigration laws.

Advocates for immigrants warn that restoring the task forces risks costly lawsuits.

Spencer Amdur, a senior staff attorney for the American Civil Liberties Union Immigrants' Rights Project, said local officers cannot arrest someone in the community without probable cause. Otherwise, he said, they risk violating someone's constitutional rights, which in the past has led to millions of dollars in litigation costs.

"It would be bad," Amdur said. "As we've seen whenever these have been used, they've led to all sorts of illegal stops and racial profiling and just unlawful enforcement activity by officers who don't really know immigration law well enough.

"There's a reason these went away and haven't come back for years," he said of the task forces.

### **How Donald Trump's deportation crackdown could unfold**

The Washington Post examined which groups of immigrants could be at higher risk of deportation under the second Trump administration, and what logistical and financial obstacles stand in the way.

State and local law enforcement are divided over their willingness to cooperate with ICE. Some refuse to enforce federal immigration laws because they say it destabilizes communities and makes undocumented immigrants afraid to work with them to solve crimes. Other states mandate cooperation, saying officers are merely enforcing the law.

Local police do not need to enroll in a program to cooperate with ICE, and many quietly hand over undocumented immigrants they arrest for crimes to the agency without going through that process. When Trump took office last month, he signed an executive order directing officials to expand such agreements to “the maximum extent permitted by law.”

ICE has about 5,500 officers nationwide, and historically most of their arrests are made inside state and local jails after police apprehend an undocumented immigrant for a crime. Immigration officers prefer making arrests in jails for safety and ease, instead of trying to locate fugitives at large, and officials say it helps to have extra assistance from local officers inside jails.

“I would welcome and certainly encourage folks who have interest to reach out to us,” Hott told the sheriffs at the conference, adding that they had some “big announcements coming.”

Outside New York City, Nassau County officials said Tuesday that they have joined the program, allowing 10 detectives to work with ICE to arrest undocumented immigrants who have committed crimes.

ICE did not respond to questions about the New York program Tuesday.

Trump’s border czar, Tom Homan, told the sheriffs at the same conference last weekend that he is scrambling to increase the number of ICE detention beds to carry out the president’s plans for mass deportations.

Homan has said he would like to more than double ICE’s detention space, from between 40,000 and 50,000 to about 100,000, and he told sheriffs that their county jails could boost their capacity along with U.S. military bases.

Contracting with ICE can provide sheriffs with a valuable revenue stream of federal dollars, but sheriffs say it can also be a burden because of lawsuits, political pressures and frequent federal inspections. Some sheriffs complained that ICE’s detention standards are sometimes higher than their own state’s requirements.

“That’s about to change,” Homan said to applause. “We’re rehashing detention standards.”

Homan told the sheriffs that he is also trying to reduce the officer training time on immigration issues from four weeks to little more than a week, and that he would try to persuade the federal government to protect sheriffs against lawsuits for detaining immigrants.

He said federal inspections of jails that detain immigrants for ICE should be reduced to one a year. Multiple inspections are “ridiculous,” he said.

“One federal inspection should be enough,” Homan said.

“That’s great news,” said National Sheriffs’ Association President Kieran Donahue, the sheriff of Canyon County in Idaho who interviewed Homan at the conference. “The sheriffs of this country are standing ready.”

