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Homeland unveils immigration enforcement plan

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WASHINGTON -- An overhauled federal program allowing local and state law enforcement officials to arrest and deport immigrants will focus on the most serious criminals and limit officers' police powers, the Homeland Security Department said Friday.

The agency reworked the program, which had been criticized by the Government Accountability Office and led to a Justice Department investigation of the Maricopa County, Ariz., sheriff's office.

Government investigators said the previous program - cited as an example of misguided immigration enforcement by the Bush administration - did not clearly spell out when and how officers could use their arrest authority.

The revised program now requires local and state law enforcement agencies to first resolve any criminal charges that led to the arrest of the immigrants.

It also creates three priority levels for the immigrants who are to be arrested and detained. Immigrants convicted or arrested of major drug offenses or violent offenses such as murder, manslaughter, rape, robbery or kidnapping are the top priority.

The revamped program creates a consistent standard for state and local agencies and gives law enforcement tools "to identify and remove dangerous criminal aliens," said Homeland Security Secretary Janet Napolitano.

It also establishes a complaint process and requires participating agencies to provide language interpretation, the agency said. All participating officers are bound by federal civil rights regulations and nondiscrimination guidelines.

About 160 of Maricopa County Sheriff Joe Arpaio's deputies and jail officers were trained for immigration enforcement, as required. The Justice Department is investigating allegations of discrimination and unconstitutional searches and seizures by the sheriff's office, and the Homeland Security Department also is auditing Arpaio's use of federal immigration powers.

Arpaio denies the allegations. He says his deputies discovered some people were illegal immigrants only after they were approached in sweeps for probable cause.

Arpaio had not seen the new program regulations so said he was uncertain whether his agency would participate again. He said his deputies, during the course of their regular duties, arrested nearly 1,700 illegal immigrants on federal immigration violations even though they weren't charged with state crimes.

Illegal immigrants and legal permanent residents who have committed certain crimes can be deported. Some U.S. citizens and foreign-born U.S. citizens have been detained and deported by Immigration and Customs Enforcement and local law officers.

Law enforcement agencies must sign an agreement before they can participate in the new so-called 287(g) program, and are given training in exchange.

Sixty-six local and state law enforcement agencies had signed agreements to participate in the previous program. Those agreements were suspended.

Agreements are pending with 11 communities who were not in the previous program, said Homeland Security spokesman Matthew Chandler. The agreements themselves will not be made public because they are law enforcement sensitive, he said.

Monmouth County, N.J., Sheriff Kim Guadagno, whose department is seeking an agreement, said, "If you are an illegal alien and commit a crime in Monmouth County, you will be identified, turned over to federal authorities and deported if appropriate."

The other 10 agencies with accepted applications are Gwinnett County, Ga., Sheriff's Department; Rhode Island Department of Corrections; Delaware Department of Corrections Sussex Correctional Institution; Houston Police Department; Mesquite, Nev., Police Department; Morristown, N.J., Police Department; Mesa, Ariz., Police Department; Florence, Ariz., Police Department; Guilford County, N.C., Sheriff's Office; Charleston County, S.C., Sheriff's Office.

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