



## **Program Allows Locals to Enforce Immigration Laws ACLU, Latino Group Concerned About Racial Profiling, Due Process**

by : Corey Hutchins

A program that gives local sheriff's offices powers similar to those the Department of Homeland Security wields in enforcing immigration law is expanding in South Carolina.

But whether the program will help deter crime is debatable.

As part of the federal [Illegal Immigration Reform and Immigrant Responsibility Act of 1996](#), the program authorizes sheriff's offices to enter into an agreement with Homeland Security to enforce immigration law once they receive training.

York and Beaufort counties have signed on to the program and Charleston County joined it in July.

To this point the Richland and Lexington County Sheriff's departments have not joined the program.

Whether they do hinges on whether they want to and whether federal funding is available to expand the program into the Columbia area.

Monique Mack, a spokeswoman for the Richland Sheriff's Department, says it has not been approached about becoming a partner in enforcing immigration law.

A spokesman for the Lexington Sheriff's Department said he was unaware of the program.

Nationwide, more than 60 local law enforcement agencies participate in the program and 840 officers have been trained and certified, according to U.S. Immigration and Customs Enforcement (ICE). Four-week training programs are held at an ICE academy in Charleston.

Some South Carolina organizations are wary of the program.

Myriam Torres, director of the Consortium for Latino Immigration Studies at USC, worries that it promotes racial profiling. If the effort expands in the state, Torres says, "I believe the whole community will be affected."

Many Latinos would be afraid to seek services their families need and be reticent to report crimes if they are aware of the program, Torres says. "These are the consequences of the [sheriff's deputies] or the police being able to detain someone because of a lack of proper documentation."

For Torres, it is also a social issue. "Families are being broken apart and will be broken apart," she says.

Victoria Middleton, director of the ACLU's South Carolina office, says she is also concerned about the program expanding in the state and whether local law enforcement agencies participating in it adhere to due process.

"The Constitution affords the right to due process to all persons, not just all citizens, but all persons," she says. "And if the government is going to exclude or deport people it has to do that fairly and humanely and consistent with the law."

Middleton says the enforcement program also raises questions about equal protection and racial profiling. "Looking Latino does not constitute probable cause for being stopped," she says.

Others say that even some sheriff's offices consider the effort counterproductive.

"There is a huge organization of sheriff's offices that are opposed to [it]," says Tammy Besherse, a staff attorney for the Columbia-based South Carolina Appleseed Legal Justice Center. "They feel that it keeps undocumented immigrants from reporting crime."

Besherse says women who were battered have told her and others working on behalf of the Appleseed Center that they were loath to report the abuse for fear that their local sheriff's office was cooperating with the federal government on immigration. "She won't call if she thinks that once [her husband] is picked up he will be deported," Besherse says.

Middleton says the ACLU's South Carolina office will monitor the program in the Palmetto State.

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