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## Arizona sheriff balks at feds' enforcement change



By AMANDA LEE MYERS (AP) – 1 hour ago

PHOENIX — The self-proclaimed "toughest sheriff in America" has never gotten so much resistance from the federal government.

The Homeland Security Department wants Sheriff Joe Arpaio of Maricopa County, Ariz., to stop arresting illegal immigrants whose only crime was crossing the U.S.-Mexico border without documents.

The thing is, Arpaio doesn't much care.

"I'm not going to bend to the federal government, I'm going to do my job," he said. "I don't report to the federal government, I report to the people."

Shifting winds in Washington have led the Homeland Security Department to rework a federal program that has allowed Arpaio's deputies to make federal immigration arrests since February 2007.

It's not yet known whether Arpaio — who has 160 deputies and jail officers trained to make federal immigration arrests and speed up deportations — will sign the new deal.

If he doesn't, the feds say he would lose his authority to make any federal immigration arrests.

The revamped program would require Arpaio to clear plans for immigration sweeps beforehand with U.S. Immigration and Customs Enforcement and coordinate with ICE before releasing information about such enforcement actions to the news media.

Those requirements don't sit well with the sheriff, who is known for his independence and well-oiled media operation.

Even as he considered whether to sign the deal, Arpaio launched a three-day immigration sweep east of metro Phoenix on July 24. Deputies arrested 74 people; 25 of them were illegal immigrants.

Ten of the illegal immigrants were released because they had committed no other crimes, and that fact pitted Arpaio against Homeland Security. Arpaio says the feds told his deputies to let them go, while Homeland Security says the decision was exclusively Arpaio's.

That sweep was the latest of 10 Arpaio has conducted in the last two and a half years. Many were held in heavily Latino areas in metropolitan Phoenix, with deputies stopping drivers for traffic violations.

The sweeps sparked several angry protests from critics who said they amounted to racial profiling and led to a Justice Department investigation of Arpaio. Arpaio said the people who were pulled over were approached because deputies had probable cause to believe they had committed crimes.

Homeland Security's revamped program focuses on the most serious criminals and creates three priority levels for 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 other two levels pertain to immigrants with prior convictions, but people whose only crime is being in the country illegally are not covered under the program.

Eleven agencies in the country have signed the new so-called 287(g) agreement, while 66 agencies operating under the old program — including Arpaio's — were given 90 days starting July 10 to decide whether they want to agree to follow the revamped program, said DHS spokesman Matthew Chandler.

Arpaio called the new program an amnesty for illegal immigrants.

Chandler said changes to the new program were designed to spend Homeland Security resources wisely. "We feel that, you know, with the limited resources we have we need to be focused on criminal aliens who pose a public safety threat," he said.

Chandler declined to say whether DHS could take away Arpaio's option to sign the agreement.

Even if Arpaio doesn't sign it, he vows to continue cracking down on illegal immigration. He will do so by enforcing more limited state immigration laws that prohibit immigrant smuggling and ban employers from knowingly hiring illegal immigrants. Just on Wednesday, his deputies arrested 52 illegal immigrants, 48 of whom will face human smuggling charges.

In a news release about the arrests, Arpaio said: "This is yet another example of my continued promise to enforce all the illegal immigration laws in Maricopa County regardless of the ever-changing policies emanating from Washington, D.C."

Ira Mehlman, a spokesman for the anti-illegal immigration group Federation for American Immigration Reform, said it supports allowing local law enforcement agencies to make federal immigration arrests and that Arpaio should not be limited to targeting only serious criminals.

"If all police departments did was go after serious crimes, most of their other functions would fall by the wayside," he said. "Just because there are murderers in Phoenix doesn't mean cops shouldn't pull someone over for speeding and running a red light."

Alessandra Soler-Meetze, executive director of the American Civil Liberties Union of Arizona, said her group doesn't believe local agencies should be allowed to make any immigration arrests and that Arpaio has abused his power long enough.

"He's a rogue sheriff, and he is the clearest, most visible example of why these 287g ordinances are bad for local communities," she said. "Arpaio demonstrates what happens when there's absolutely no federal oversight of a program that has really led to some serious civil rights abuses."

On the Net:

- Maricopa County Sheriff's Office: <http://www.mcso.org>
- Homeland Security Department: <http://www.dhs.gov/>
- American Civil Liberties Union of Arizona: <http://www.acluaz.org/>
- Federation for American Immigration Reform: <http://www.fairus.org/site/PageServer>

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