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Federal Immigration Law and Community Policing

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Abstract. This article explores consequences of state and local police enforcement of federal immigration law.

The United States (US) Department of Justice (DOJ) continues to support the deputizing of state and local police as agents of the US Immigration and Naturalization Service to make arrests for immigration violations such as overstaying a visa or entering the US illegally.

Supporters of DOJ support posit that the deputizing of state and local police will contribute to the war on terrorism and to an upgrade of homeland security and defense through increasing the number of personnel directly involved in achieving such objectives. However, there are issues that may mitigate even the face validity of the above rationale.

First, as state and local police become more focused on federal immigration law, they would necessarily become less focused on other laws. In a world of finite numbers for law enforcement personnel, materiel, and money, the lack of a "free lunch" results in trading one kind of increased threat for another.

Second, trading increased threats might make sense if each threat had a differential value in probability and impact. However, the case has not been made that violators of immigration law are more of a terrorist risk than violators of other laws or even those people who have never yet violated a law. In support of the DOJ policy, however, is the assumption that the sorts of terrorism most likely to occur would result in a scope of death and destruction closer to what happened on 9/11 than to so-called "everyday" crime.

On the other hand, one commonly voiced assumption against the DOJ position--that a greater focusing by state and local police on federal immigration law violation would endanger efforts to build trusting and mutually beneficial relationships between law enforcement and local immigrant communities--may itself be suspect. The logic behind the commonly voiced assumption appears to be that an immigrant community is a homogeneous, amorphous mass that sticks together at all costs and would never "give up" one of its own regardless of the egregious nature of what some of their own may be up to. And such a community would be very quick to assume egregious discrimination and the makings of ethnic vendetta. This logic against the DOJ policy is itself ethnocentric, permeated with the notion that they (members of the community) are all the same and is suggestive of fundamental and non-fundamental attribution errors.

In actuality, any community likely constitutes diverse individuals with diverse motivations. The degree of diversity can fluctuate moment to moment from huge to infinitesimal dependent on intrapsychic and neuropsychological interactions with situational and historical factors. The upshot of all this is that, in specific cases, the DOJ position--if implemented--would generate all consequences through time. In other words, various arrests and attempted arrests would engender a strengthening, a weakening, and

International Bulletin of Political Psychology

no significant effect on trusting and mutually beneficial relationships between law enforcement and an immigrant community--again, all dependent on a particular moment in time.

Although other Issues--e.g., the possibility of a national police force, turf battles between federal and other law enforcement personnel, and various constitutional ambiguities--are also salient in the public discourse, any easy assumption about law enforcement/immigrant community relationship remains problematic. (See Jordan, J.V., Kim, D., & Silver, M.H. (2002). Shattered trust: Technical and moral lessons from an interrupted first visit. *Harvard Review of Psychiatry*, 10, 37-46; Miszral, B. (2001). Trust and cooperation: The democratic public sphere. *Journal of Sociology*, 37, 371-386; Ralph, I. (2001). Countertransference, enactment and sexual abuse. *Journal of Child Psychotherapy*, 27, 285-301; Roberts, J. (2001). Trust and control in Anglo-American systems of corporate governance: The individualizing and socializing effects of processes of accountability. *Human Relations*, 54, 1547-1572; Schmitt, E. (April 4, 2002). Ruling clears way to use state police in immigration duty. *The New York Times*, p. A15.)(Keywords: Immigration, Law Enforcement, Trust.)