

EDITORIAL

WED L.A. Times  
12-12-12

# Hold on, sheriff

## Baca, like Beck, goes too far by taking lawmakers' role in setting immigration enforcement policy

**T**HE immigration-policy mess has once again subverted traditional civics lessons. The way most of us learned the process, lawmakers make laws and law enforcement enforces them. But some top cops have other ideas, the latest being Los Angeles County Sheriff Lee Baca.

Following L.A. Police Chief Charlie Beck into a political fight, Baca announced last week that his department plans to stop turning over to federal authorities some of the illegal immigrants it arrests for unrelated "low-level" crimes.

The announcement came a day after California Attorney General Kamala Harris issued a new state guideline telling law-enforcement agencies it's up to them whether to participate in the federal Secure Communities Program, under which suspected illegal immigrants' fingerprints are given to U.S. agents.

In one respect, Baca's move is less bothersome than Beck's: At least Baca is an elected official, not an appointed one like the LAPD chief. Baca is directly responsible to voters. If they disagree with his policies, they can decline to re-elect him; this recent policy reversal likely would be an issue, along with the allegations of prisoner abuse by L.A. County deputies, if Baca ran again in 2014.

But the principle remains: Policies pertaining to issues as big as illegal immigration should be the products of debate by elected legislators instead of decrees from individual law-enforcement agencies.

In fact, such a debate is going on in Sacramento. A bill just introduced by Assemblyman Tom Ammiano would prevent California cops from honoring federal immigration agents' detention requests unless the arrestees have been convicted of serious or violent offenses. The San Francisco Democrat's bill revives the principles of the so-called Trust Act legislation that Gov. Jerry Brown vetoed in October, saying it was too broad.

Understandably, state and local officials are impatient for clarity on immigration laws and are as frustrated as the rest of us by the lack of headway from Congress and

the Obama administration on comprehensive reform. This is a national issue, and the nation needs policies that limit illegal immigration and deal sternly with those who break the law, while dealing fairly with industries that benefit from migrant labor and families that include both illegal and legal residents.

But the inaction above them doesn't mean law-enforcement officials should be allowed to make up the rules themselves.

This goes for any law-enforcement official, whether it's an immigrant-friendly Baca and Beck or an immigration hardliner such as Joe Arpaio, the controversial sheriff of Maricopa County, Ariz.

Under the 4-year-old Secure Communities Program, arrestees' fingerprints are sent to immigration officials, and those found to be illegal immigrants can be held locally for 48 hours until federal agents take them into custody.

Neither Baca's nor Beck's softer approach to the program has been fully spelled out yet. A sheriff's spokesman says guidelines could be written by year's end. The department's hope is that by exempting those suspected of crimes like petty theft and graffiti, it will make immigrants less fearful of reporting crimes.

Such a judgment should be made above Beck's and Baca's level. They are within their rights as officeholders — or as citizens — to try to persuade lawmakers to see things their way.

But what to do with people suspected of illegal immigration is a subject for actual lawmakers. The state's legislators are working on it again, and here's hoping the nation's soon will be too.

Meanwhile, Baca and Beck should work on enforcing the law, not making it.