Burlington County Times

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Burlington County has become the latest New Jersey jurisdiction to stop honoring federal immigration officers' requests to hold undocumented immigrants in jail after they post bail or are lawfully released.

Burlington County Department of Corrections Warden Lawrence Artis revealed the policy change in an Aug. 14 letter to the American Civil Liberties Union of New Jersey, which began pressing New Jersey counties this summer to stop the routine practice of holding undocumented immigrants for up to 48 hours after they typically would be released so they could be turned over to the U.S. Department of Homeland Security's Division of Immigration and Customs Enforcement.

Recent court rulings have determined the detainers issued by the agency were merely requests and that jails have no legal obligation to obey them.

The county's new policy cites one of the court rulings and specifies that the county Department of Corrections would "advise ICE of the date and time of the inmate's pending release.

"However, effective immediately, the (department) shall not incarcerate individuals beyond the date and time they would otherwise be eligible for release."

The policy cites a March 4, U.S. 3rd Circuit Court of Appeals ruling, but neither the policy, nor the warden's letter to the ACLU specifies a date when the change was made.

The ACLU's New Jersey office sent letters to all 21 counties in New Jersey in July requesting they stop honoring the detainer requests, arguing that they undermine immigrant communities' trust in law enforcement and waste taxpayer dollars.

"By shifting the burden of legal liability and most of the direct and indirect costs of additional time in detention to local jurisdictions, honoring detainer requests imposes significant financial costs," the ACLU wrote in the letter.

On Wednesday, the organization applauded the county for formally adopting a policy change to stop honoring the detainer requests but warned that its policy of notifying the ICE of the dates and times of when inmates under detainers are being released is still a concern.

"While declining to honor warrantless immigration detainer requests is an important step for civil rights and liberties, Burlington County unfortunately continues to emphasize the county's role in assisting with enforcement of federal immigration laws," said Ari Rosmarin, ACLU-NJ public policy director. "The more local law enforcement agencies entangle themselves with immigration enforcement, the more the divide between immigrant communities and police will persist."

Burlington County's policy states it would advise ICE of the date and time of an inmate's pending release "in order to assist in the enforcement of immigration laws and to ensure the safety of all Burlington County residents."

Besides Burlington County, the city of Newark, Princeton and Union County have adopted policies rejecting immigration detainers. Middlesex and Ocean counties also have made changes to their policies so that they no longer automatically honor the requests, as have several other jurisdictions outside of New Jersey, including Philadelphia, New York City and Chicago.

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