

August 24, 2007

Police Voice Concerns Over a Directive on Immigrants

By KAREEM FAHIM and DAVID W. CHEN; Kareem Fahim reported from Newark and David W. Chen from Trenton.

One local police chief called it a publicity stunt. In a sheriff's office, the directive was passed out at roll call, by officials anxious to quickly comply. And another chief -- one of many who spoke on the condition he not be named for fear of ruffling the feathers of the state's top law enforcement officer -- said it seemed like a recipe for racial profiling.

A day after New Jersey's attorney general, Anne Milgram, ordered local law enforcement agencies to start inquiring about the immigration status of the people they arrest, local officials and advocates for immigrants across the state began grappling with how the edict would change the already complicated relationship between the authorities and immigrants on the streets they patrol.

In Englewood, where the police estimate that up to a fifth of the population of 26,000 are illegal immigrants, the authorities have long asked about immigration status, so "this doesn't change things at all," according to Arthur O'Keefe, the deputy police chief. But in Freehold, where a lawsuit recently ended attempts by borough officials to fine day laborers, a new police chief, on the job for only seven weeks, said he was still trying to divine what Ms. Milgram's instructions actually meant.

"I'm not sure how we're going to go about enacting it on the local level," said the chief, Mitchell E. Roth, adding that his 34 full-time officers do not routinely ask about immigration status. "We have special-interest groups. We have to be very diplomatic."

Ms. Milgram's order was motivated by the arrest of an illegal immigrant who was out on bail, his status unknown to the authorities, in a brutal triple homicide here this month. It brings immigration authorities more forcefully into local law enforcement matters.

For a list of offenses, ranging from theft to murder and including drunken driving, local police are supposed to ask about the immigration status of people they arrest. If they suspect that the person is in the country illegally, they are supposed to contact representatives from Immigration and Customs Enforcement.

But concerns are already being raised about the potential fallout on immigrants' cooperation with the authorities, despite Ms. Milgram's order that victims and witnesses should not be questioned

about their status. Many expressed particular concern about the consequences for victims of domestic violence, who are often already reluctant to report their partners to the police.

Immigration advocates said Thursday that many calls had started coming in from people worried about whether the new directive would be implemented fairly.

Shai Goldstein, executive director of the New Jersey Immigration Policy Network, said that members of his coalition were calling it "the law of unintended consequences."

"A mutual assault situation: Who's the victim?" Mr. Goldstein asked. "How do you ferret that out? A domestic abuse situation -- one spouse may want the other punished, but not deported. Is it going to have a chilling effect on reporting domestic violence?"

And what if a suspect is arrested and does not want to answer questions about immigration status? "The directive doesn't address that," Mr. Goldstein noted.

Mr. Goldstein also said he is concerned about people who are falsely arrested, or arrested and cleared before charges are brought, and hopes the directive will be amended so federal authorities are notified about immigration status only on indictment.

Lt. David Ackerman, the domestic violence response coordinator in Morristown, said he has seen some hesitance to report abuse by victims who think either they or their spouse will be deported. In New Jersey, he said, there are several situations that require mandatory arrests, including if there are signs of injury, or if a weapon -- even a dinner plate -- has been used.

"I do get a lot of people coming forward," Lieutenant Ackerman said, "but I don't know how many people are out there who are not."

Many questioned how federal authorities would handle all the new calls the directive was sure to bring. Chief O'Keefe, who called his department's relationship with Immigration and Customs Enforcement a good one, said that the federal agency's ability to respond to local calls about illegal immigrants was spotty at best.

"They are so overloaded, unless it's someone serious, they do not respond," he said, adding that when the Englewood police reported 40 or so illegal immigrants from Iran living in crowded housing, federal immigration agents came quickly.

At a meeting of the state's assignment judges in May, the notification of federal immigration authorities by the judges was discussed, according to the minutes of the meeting. Immigration and Customs Enforcement officials admitted to a court administrator that they were "not really set up to receive notifications on a large scale."

Scott Weber, the field office director for Immigration and Customs Enforcement's Office of Detention and Removal in Newark, said: "We're doing everything we can to be as accessible as we can."

Wayne R. Rupert, of the Ocean County Sheriff's Office, said it was "high time" for guidance on the arrest of illegal immigrants. His office, which patrols from Lakewood to Little Egg Harbor Township, already worked closely with federal immigration authorities, he said.

"This may create some more work. But I don't see any way around it," he said. He added that it would be a while before his officers know for sure.

"We haven't arrested anyone yet," he said.