

THE EXPRESS-TIMES

New illegal alien policy

authorities ordered to notify immigration and customs if arrest involves an indictable offense.

Thursday, August 23, 2007

By Trish G. Graber

The Express-Times

TRENTON | Attorney General Anne Milgram on Wednesday ordered state and local law enforcement officials to contact federal immigration authorities after arresting an illegal immigrant for a serious crime.

Prior to the directive, local, county and state police had discretion "as to if, when and how to notify immigration authorities," Milgram said.

The uniform policy comes in the wake of the March 4 execution-style murders of three college students in Newark. One of the six suspects arrested was in the country illegally and was out on bail after being previously indicted for child rape and aggravated assault.

"Had this directive been in place after the first arrest, notification would have been made to (U.S. Immigration and Customs Enforcement), to the county prosecutor and to the court," Milgram said.

Officials could have taken the status of Jose Carranza, the 28-year-old suspect, into account when determining bail or keep him in custody until future deportation proceedings.

Starting immediately law enforcement officers will be required to notify ICE, the prosecuting agency and the courts when they arrest someone for an indictable offense -- such as murder, rape, robbery, aggravated assault and theft -- or for driving while intoxicated. It will be up to federal authorities to act.

Greenwich Township police Chief Rich Guzzo said his department already follows that practice. He said unless an arrest involves a number of people, "(ICE) wouldn't even come out and do anything with it."

"Are they going to do something else with the information we provide," Guzzo said. "It's going to obviously be up to the higher authority."

Warren County Prosecutor Thomas S. Ferguson said police departments in his county already report such information, the result of a policy that precedes his tenure.

Some have questioned the ability for federal officials, already spread thin in New Jersey, to carry out the work required by the new policy.

U.S. Attorney Chris Christie said if New Jersey's federal manpower is not enough, "then we need to speak in a unified voice to the secretary of homeland security to let Secretary (Michael) Chertoff know that we need additional resources."

U.S. Immigrations and Customs Enforcement spokesman Michael Gilhooly said the department has already handled an increased workload in New Jersey this year.

In fiscal years 2005 and 2006, local law enforcement contacted ICE officials on average 7,400 times to inquire about citizenship status. To date this fiscal year, the Law Enforcement Support Center in Vermont received 9,400 inquiries, Gilhooly said.

While Milgram took an aggressive stance on reporting of violent criminals, she set limits to protect witnesses and nonviolent immigrants by prohibiting local authorities from investigating their status.

New Jersey Immigration Policy Executive Director Charles "Shai" Goldstein said he supported the protections included in the policy.

"The most important thing is not to demagogue the issue," Goldstein said.

Trish Graber is Trenton correspondent for The Express-Times. She can be reached at 609-292-5154.