

Police defend work with ICE; Federal report says program mismanaged.; Immigrant advocates say their fears of racial profiling supported.

The Atlanta Journal-Constitution
April 26, 2010 Monday, Main Edition

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The Atlanta Journal-Constitution
aje.com

Section: METRO NEWS; Pg. 1B

Length: 1106 words

Byline: Andria Simmons

Staff

Body

A **federal** oversight body's critical **report** has rekindled a debate about the effectiveness of a **program** touted by local law enforcement as a way to rid the community of dangerous illegal **immigrants**.

Immigration and Customs Enforcement is not adequately vetting, training or supervising the **police** forces that have been empowered to enforce immigration law, according to the March **report** by the Department of Homeland Security's inspector general.

The Gwinnett, Cobb, Hall and Whitfield County Sheriff's departments are among 71 law enforcement agencies nationwide that have inked agreements with **ICE**. The **program**, called 287(g), allows deputies to screen inmates booked into the jail to determine their immigration status. After their local charges are disposed of, undocumented inmates are handed over to **federal** immigration officers.

The **report said** it's difficult to determine if the **program** is achieving its stated goal of deporting dangerous criminals. Data collection has been focused on the total number of illegal **immigrants** detained, instead of weighted toward the types of offenses they committed.

Local law enforcement officials disagree that the **program** has been **mismanaged**.

"We have had no major issues with oversight and have always received very good **support** from **ICE**," **said** the Gwinnett County sheriff's spokeswoman, Stacey Bourbonnais. "We also have received excellent guidance and additional training since the **program** started here in November."

Cobb County Sheriff Neil Warren **says** the **program** he implemented in 2007 has helped to reduce the number of foreign-born and illegal **immigrants** booked into the jail.

Gwinnett County, which implemented the 287(g) **program** in November, experienced a 22 percent drop in the number of foreign-born inmates, which includes both legal and illegal **immigrants**, booked into the jail between mid-November 2009 and mid-April 2010. That's compared with the same time frame the previous year.

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It's unclear if fewer illegal immigrants are being arrested, because prior to that time, deputies did not check each inmate's immigration status.

Cobb County, which started 287(g) in July 2007, experienced a 22 percent drop in undocumented immigrants booked into that jail in the two-year interim. The ailing economy may be partly to blame, since jobs have become scarce in construction, manufacturing and agriculture --- industries that historically have relied on cheap immigrant labor.

Auditors from the inspector general's office conducted field inspections at multiple law enforcement agencies over the first six months of 2009. ICE officials agreed with most of their recommendations and took steps to address them beginning last fall.

"ICE has fundamentally reformed the 287(g) program since the audit was conducted and has fulfilled many of the report's recommendations," said agency spokeswoman Nicole Navas.

Since the report was released last month, immigrant advocate groups in Georgia have renewed calls for an end to the 287(g) program. They say the findings echoed concerns they have long voiced.

Critics of the program say poorly trained officers have engaged in racial profiling to boost arrests of illegal immigrants. And all too often, friends and neighbors who are undocumented are getting caught instead of hardened criminals.

"I think it was very affirming and kind of repeated some of the specific concerns and criticisms that we have had," said Xochitl Bervera, spokeswoman for the Georgia Latino Alliance for Human Rights. "Even according to their own statistics, they are not really focusing on violent criminals."

Auditors said ICE did not take into account the civil liberties records of the agencies it approved. Some have recently been involved in lawsuits involving allegations of civil rights abuses, although none of those agencies are in Georgia.

The 94-page report listed 33 recommendations, including:

ICE should require police forces that seek approval for 287(g) to provide information about past and pending civil rights allegations, and incorporate such information into the selection and review process.

ICE should provide clear guidelines on how police agencies should report complaints about officer misconduct, and retain them for future review.

ICE should increase monitoring of jurisdictions carrying out 287(g) and their effect on civil liberties by tracking the reasons for stops, the ethnic and racial information for those who are stopped, and the outcome of any resulting criminal charges.

Anecdotes in the report show how local officers have sometimes misused their immigration enforcement powers. One state Highway Patrol officer took an accident victim to jail to determine the victim's immigration status, even though the victim had committed no offense.

The report said use of interpreters within the program was inconsistent and recommended that ICE develop clear guidelines.

Inspectors also discovered that 88 percent of 287(g) officers had not completed all the required refresher training on immigration law, which is complex and constantly changing.

The Gwinnett County Sheriff's Department has been screening jail inmates since November. During that time, a third of the ICE detainees were jailed for traffic violations. In Cobb, two-thirds of the inmates detained for ICE since July 2007 were arrested for traffic offenses.

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Inmates picked up by **ICE** can plead their case before an immigration judge. It's not clear to what extent the seriousness of their offense is factored into the final removal decision. **ICE said** local statistics about removals were not immediately available.

ICE provided data collected nationally between October and March that showed only 16 percent of the individuals deported because of jail enforcement **programs** had committed minor crimes such as traffic violations. Eighty-four percent committed crimes such as murder, rape and kidnapping, as well as drug-related offenses and property crimes.

Last fall, **ICE** revised its agreements with participating law enforcement agencies. It now requires 287(g) officers to categorize inmates in a three-tiered priority level system based upon the type of offense they are accused of committing.

Number of criminal illegal **immigrants** identified

County 2007 2008 2009 2010*

Cobb 128 3,751 2,610 1,061

Ga. Dept. Public Safety --- 9 15 2

Gwinnett --- --- --- 1,115

Hall --- 873 1,077 377

Whitfield --- 101 378 241

Number of criminal illegal **immigrants** deported or leaving voluntarily

County 2007 2008 2009 2010*

Cobb 93 2,772 1,379 390

Ga. Dept. of Public Safety --- 4 6 0

Gwinnett --- --- --- 322

Hall --- 686 844 191

Whitfield --- 76 284 97

* As of April 11, 2010

Source: U.S. Immigration and Customs Enforcement

Classification

Language: ENGLISH

Publication-Type: Newspapers

Subject: IMMIGRATION (93%); PRISONS (90%); PRISONERS (90%); LAW ENFORCEMENT (90%); IMMIGRATION LAW (90%); ILLEGAL **IMMIGRANTS** (89%); NEGATIVE PERSONAL NEWS (75%); SPECIAL INVESTIGATIVE FORCES (75%); ARRESTS (74%); DEPORTATION (74%); **IMMIGRANT** DETENTION

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CENTERS (74%); **POLICE** FORCES (74%); POLITICAL DETAINEES (74%); US **FEDERAL** GOVERNMENT (70%); NATIONAL SECURITY (53%)

Organization: US DEPARTMENT OF HOMELAND SECURITY (57%)

Geographic: UNITED STATES (79%)

Load-Date: April 26, 2010

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