

## **Panel Rejects Detention Center for Illegal Immigrants**

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### **Body**

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A Virginia state **panel** on Tuesday **rejected** a controversial proposal to create the country's first state-run facility where **illegal immigrants** arrested for certain crimes could be held until federal officials deport them or while awaiting trial.

Instead, the **panel** recommended that the state provide additional money so local officials could build more jail space to house **immigrants** awaiting deportation. It also called on local jail officials to check the immigration status of all inmates and deny bail to most **illegal immigrants** who committed crimes.

In recent years, Virginia has become a testing ground for some of the strictest policies in the nation to curb **illegal** immigration.

This week, officials in Prince William County, Va., were weighing proposals to deny county services to **illegal immigrants** and to direct the police to jail those **immigrants** who could not show documentation proving they were in the United States legally.

This year, state lawmakers submitted a proposal to fine employers who hired **illegal immigrants** \$10,000 and to revoke the business licenses of anyone in the state convicted of hiring **illegal immigrants**. In 2003, the state was the first to pass a measure making it a crime to give **illegal immigrants** driver's licenses.

"Residents of our state are really frustrated when an **illegal alien** commits a crime and that person is let go after serving time, and we're trying to correct that problem," said State Senator Ken Stolle, Republican of Virginia Beach, who is chairman of the **panel** that acted on Tuesday, the **Illegal** Immigration Task Force of the State Crime Commission. "These measures are not targeting all **immigrants**, just those who commit crimes."

In Virginia, local jail officials keep only about 25 percent of the money that federal immigration officials pay per bed for **illegal immigrants** waiting to be deported, with the rest going to the state. The **panel** called for that amount to be increased to 100 percent and to increase the amount the state provided to counties to build new facilities. This extra revenue would enable local jail officials to add jail beds for **illegal immigrants** and eliminate the need for a centralized facility.

But immigration advocates say they worry that toughening immigration enforcement would have a chilling effect on crime victims and witnesses who may be in the country illegally, and they questioned whether increasing the amount of money available to county officials would create a financial incentive to round up people who are suspected of being **illegal immigrants**.

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"Even without any new measures, this chilling effect is a problem," said Jeanne L. Smoot, director of public policy for Tahirih Justice Center, an advocacy group in Falls Church, Va., for battered women, adding that women were more than twice as likely not to report violence against them if they were illegal immigrants.

The proposals in Virginia are further indications of how state and local officials are getting ahead of the federal government on the immigration issue and sometimes pushing measures that federal officials are unwilling or unable to support for legal, logistical or financial reasons.

Illegal immigrants who are arrested are currently placed in local jails, federal facilities or private prisons, and once they finish their sentences, those convicted of nonviolent offenses are often released because federal immigration officials say they lack the resources to detain them.

Last year, the state police in Virginia notified federal immigration officials of about 12,000 illegal immigrants in their jails. But the federal officials only picked up about 690, according to state officials.

State Delegate David B. Albo, Republican of Fairfax County, who is co-chairman of the state immigration task force, said that Virginia had an estimated 300,000 illegal immigrants.

Hope Amezcuita, a lawyer with the American Civil Liberties Union of Virginia, testified before the task force that the proposal to deny bail to virtually all illegal immigrants accused of committing crimes might be unconstitutional.

It would create a whole class of people who are exempted from due process, Ms. Amezcuita said, adding that the Constitution guaranteed that each criminal defendant, regardless of status, get an individualized review of their case.

Before the panel's recommendations can be adopted, the Crime Commission, the General Assembly and the governor must act on them.

Critics say the proposals are being driven by politics in a year when all 140 seats of the General Assembly are up for election.

"In Washington, here in the state Capitol, and even here in this building, illegal immigration is a debating exercise," William Campenni, 67, a retired engineer, said at the task force hearing. "In towns like my Herndon, it is a drive-by shooting, a D.U.I. fatality, a drug turf battle, a serial killing sniper, a deteriorating neighborhood."

Mr. Campenni added that though he had never been a victim of crime at the hands of an illegal immigrant, his wife was afraid to go to areas of their town that she used to visit regularly.

Mr. Albo said that illegal immigrants who committed violent crimes or felonies usually received sentences of more than a year, which gave federal immigration officials enough time to process their deportation. But illegal immigrants convicted of lesser charges, like drunken driving or domestic violence, often are released on bond and never return for their court date, or serve just days or weeks and are released.

The panel wants to hold most illegal immigrants and only release them on bail if lawyers can prove they are not a flight risk.

Asked why he had abandoned his idea of creating a centralized facility, Mr. Stolle said that countless people had told him the idea sounded too much like "a concentration camp" for immigrants.

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Photos: Protesters yesterday in Manassas, Va., as county officials took on ***illegal*** immigration issues. A state ***panel*** co-chaired by State Delegate David B. Albo, left, weighed in on them, too. (PHOTOGRAPHS BY JAY PAUL FOR THE NEW YORK TIMES)

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