

DEBATE TO BEGIN ON DEPORTATION SYSTEM PROGRAM WOULD TARGET JAILED ILLEGAL IMMIGRANTS

San Jose Mercury News (California)

February 19, 1998 Thursday MORNING FINAL EDITION

Copyright 1998 San Jose Mercury News All Rights Reserved

Section: FRONT; Pg. 1A

Length: 1746 words

Byline: ARIANA E. CHA, Mercury News Staff Writer

Dateline: VENTURA

Body

Illegal immigrants caught breaking the law in this coastal county get a double dose of punishment: First, they're thrown behind bars. Then they're thrown out of the country.

In sharp contrast, criminal **immigrants** in Santa Clara County -- as many as 17,400 each year -- are routinely released after serving their sentences. That often holds true even for those arrested a second or third time.

While U.S. Immigration and Naturalization Service agents have been patrolling federal and state prisons for years, agents have largely neglected the place most criminals spend their sentences: county **jails**.

In Santa Clara County, the reason is twofold: The INS has never pushed a **deportation program** in the county **jail**. And county officials have been reluctant to establish an aggressive policy on what has become a politically charged issue.

Officials in Ventura and other Southern California counties say the problem is easily fixed.

Under a **program** born in late 1996, two INS agents stationed at Ventura County **jails** snare **illegal immigrants** by questioning them and running high-tech fingerprint checks of all those who are foreign-born. Launched after an **illegal immigrant** shot a police officer, the **program** has become a federal model.

Today, the Law and Justice Committee of the Santa Clara County Board of Supervisors will **debate** a similar, although watered-down, version of the Ventura **program**. The proposal has been attacked by civil rights advocates --who say the **program** needs safeguards -- and by conservatives, who say the law won't catch enough **illegal immigrants**.

During the past fiscal year, INS officials flagged 943 **immigrants** -- about 3 percent of those booked in Ventura County **jails** -- for **deportation**. And in other Southern California counties, immigration agents visit **jails** daily.

In Northern California, communication between local and federal authorities who must trade information to effectively detect **illegal immigrants** is sporadic at best.

"We would gladly turn over cases for federal prosecution," Santa Clara County Assistant District Attorney Thomas Fahrenholz said in a 1996 INS report. "But local federal agencies (INS, Border Patrol and U.S. attorney) have not demonstrated an ability to successfully prosecute available cases."

Immigration agents drop by Santa Clara County **jails** only when they are notified that **illegal immigrants** are about to be released, said Bob Conroy, deputy director of the Santa Clara County Department of Correction.

DEBATE TO BEGIN ON DEPORTATION SYSTEM PROGRAM WOULD TARGET JAILED ILLEGAL IMMIGRANTS

Because they're not actively seeking out illegal immigrants, jail officials stumble across only a few dozen such people each year. And not all of those flagged for deportation end up being forced to leave the country.

Under federal law, Conroy said, "we're not required to hold these people more than 48 hours after they have served all local charges, so we don't. And if the INS doesn't come to pick them up, we release them."

INS spokeswoman Sharon Rummery said that because of staffing shortages, agents are able to visit jails in each Bay Area county only two to three times a week. No one is stationed permanently at any jail in the 49 counties in the San Francisco district, which stretches from Kern County to the Oregon border.

Up to a quarter here illegally

At any given time, as many as a quarter of inmates are here illegally, according to a preliminary survey of prisoners conducted in 1995. Most are Mexican nationals who have been booked for crimes ranging from driving with a suspended license to drug trafficking.

According to a report by U.S. Attorney Michael Yamaguchi, jailing illegal immigrants costs Santa Clara County \$22.4 million a year. County supervisors also are under pressure to relieve the over-crowded jails.

Under the Santa Clara County plan, only the most serious offenders -- detainees previously convicted for aggravated felonies and in custody for any new charges -- would be deported. Fahrenholz said that if this pilot program was successful and the INS office received more resources, it would be expanded.

Like the Ventura County program, the proposed plan targets all non-citizens: illegal immigrants as well as those legal permanent residents with "green cards." Under federal law, legal permanent residents are deportable if they are convicted of a crime of "moral turpitude," including domestic violence.

One reason the proposal has been so controversial in Santa Clara County is that -- unlike in most California counties -- the board of supervisors, not the sheriff's department, oversees the jail system, and the board is more sensitive to political pressure.

Bay Area more sympathetic

Bay Area residents have always been more sympathetic to illegal immigrants than Southern Californians are. Santa Clara was one of the few counties in which Proposition 187, aimed at curtailing health and education benefits to illegal immigrants, did not pass.

"I can't imagine why people anywhere would not want to deport criminals who are here illegally," said Joe Devorick, 36, a sheriff's deputy in Ventura County. "Public support here has been 100 percent."

But advocates for immigrants and even some law enforcement personnel argue that a broad program that targets both legal and illegal immigrants breaks up families.

"If in the deporting of a breadwinner, we put a family on welfare, is that an effective human or public policy?" asked department of correction spokesman Rick Kitson.

INS officials, however, said they've been welcomed with open arms by lawenforcement in most parts of the state.

"In San Bernardino, I went one day to introduce myself and my agents, and the next day I came back and we had an office with 'INS' painted on the door and officers who greeted us with, 'Thank you for being here,' " said Kevin Jeffrey, who supervises the INS Alien Criminal Apprehension Program in the seven-county Los Angeles district.

Since illegal immigration became a hot-button issue in the early '90s, the INS has argued that it would be impossible to chase down and deport all 2 million illegal immigrants living in California. So, INS officials say, it's better to use the agency's limited resources to first get rid of the undocumented immigrants who pose a danger to society.

DEBATE TO BEGIN ON DEPORTATION SYSTEM PROGRAM WOULD TARGET JAILED ILLEGAL IMMIGRANTS

In the past few years, the INS has focused its resources along the United States-Mexico border. It has not matched those resources in the interior.

For decades, INS agents in counties near the border would interview inmates when they were about to be released. But the programs adopted in Ventura and other Southern California counties go further by having officials question inmates before their arraignments on criminal charges.

Ventura program to expand

The Ventura program has been so successful that President Clinton in December signed legislation to expand it to 100 counties over the next four years, an effort that is expected to cost \$84 million.

With its high concentration of illegal immigrants, Santa Clara County would be a shoo-in to be approved for the program, INS officials said. But county officials say they're not sure whether the county would apply for federal funding.

Officials in the district attorney's office use words such as "frustrating" and "disappointing" to describe federal efforts to purge the system of illegal immigrants. They point out that INS agents are disproportionately allocated to the north end of the bay. The agency has 81 enforcement agents in San Francisco and Oakland and 11 in San Jose.

Here's how the proposed Santa Clara County program would work:

INS agents would visit the jails on a regular schedule. Jail officials would provide them with a log of people who had been arrested since the last visit. The agents would interview all people who identified themselves as foreign-born and had previously been convicted of an aggravated felony, which includes violent crimes such as murder and rape as well as credit-card fraud.

The agents would ask simple questions such as "How did you get into the United States?" Most inmates, INS officials say, will tell the truth.

"They'll say, 'I walked across the border or I overstayed my visa.' They'll throw their hands up and say, 'The charade is over. You got me,' " said Jose Flores, a supervisor for San Diego's criminal immigrant program.

The inmates' answers during the interviews would be checked with a fingerprint database that has almost 1.5 million records of previously deported immigrants.

Those who have committed minor crimes such as public drunkenness would be immediately deported. Others might have their sentences reduced and then be removed from the country. Serious offenders would serve their sentences before being deported.

Immigrants who had been previously deported would be referred to the U.S. attorney, who could get them sentenced to up to 20 years in federal prison.

All immigrants are entitled to a hearing before they are deported. As is the case in Southern California, most criminal immigrants convicted of crimes would not be allowed to "voluntarily deport." Instead, they would be formally deported, which would mean they could be barred from entering the United States forever.

Some fall through the cracks

But without seven-days-a-week, 24-hours-a-day staffing, some criminals fall through the cracks, posting bond before INS agents arrive.

Steve Smiley, an agent stationed at the main jail in Ventura County, said that when he comes in each morning, almost half of the people on his interview list have been released during the night. The San Diego INS office is trying to solve the problem with videoconferencing technology, which cuts down ontravel time and lets the agency cover more hours with less manpower.

DEBATE TO BEGIN ON DEPORTATION SYSTEM PROGRAM WOULD TARGET JAILED ILLEGAL IMMIGRANTS

Santa Clara County Supervisor Pete McHugh, chairman of the committee that will consider the proposal today, said he supports the plan. But other supervisors, such as Blanca Alvarado, advocate a policy that **targets** only repeat violent offenders: those aggravated felons arrested for a second aggravated felony.

In addition, civil rights groups caution that local officials eager to reduce **jail** overcrowding and punish **illegal** immigration must also look at the human side of **deportation**.

Said Sara Campos of the San Francisco-based Lawyers Committee for Civil Rights: "These are people who are fathers and mothers, our neighbors, our taxpayers, our community."

CHART: MERCURY NEWS

A tale of two counties

Graphic

Chart

Classification

Language: ENGLISH

Subject: IMMIGRATION (92%); **ILLEGAL IMMIGRANTS** (90%); SENTENCING (90%); CORRECTIONS (90%); PRISONS (90%); COUNTIES (90%); COUNTY GOVERNMENT (90%); US FEDERAL GOVERNMENT (89%); LAW ENFORCEMENT (89%); SPECIAL INVESTIGATIVE FORCES (89%); CITIZENSHIP (79%); ARRESTS (79%); **JAIL** SENTENCING (78%); PUBLIC PROSECUTORS (77%); CORRECTIONS WORKERS (75%); BORDER CONTROL (74%); TERRITORIAL & NATIONAL BORDERS (73%); LEGISLATIVE BODIES (73%); CONSERVATISM (68%); SHOOTINGS (66%); CIVIL RIGHTS (65%); BOARDS OF DIRECTORS (65%)

Organization: US CITIZENSHIP & IMMIGRATION SERVICES (57%)

Geographic: SAN FRANCISCO BAY AREA, CA, USA (94%); CALIFORNIA, USA (93%)

Load-Date: October 18, 2002