

New Scrutiny of Illegal Immigrants in Minor Crimes

The New York Times

June 20, 2006 Tuesday, Late Edition - Final

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Section: Section A; Column 1; National Desk; Pg. 10

Length: 1351 words

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Dateline: FORT COLLINS, Colo.

Body

It did not sit right with the sheriff in this law-abiding city that **illegal immigrants** who landed in his jail for **minor crimes** were later released into the community and never deported.

The **immigrants** had been arrested for drunken driving or striking a spouse, usual police blotter material in a foothills county on the eastern rim of the Rockies.

Immigration agents, overwhelmed by a decade-old surge in **illegal** immigration to Colorado, said they had neither the time nor the resources to pick up the **illegal immigrants** whose violations were not grave.

But to Sheriff Jim Alderden of Larimer County, the facts seemed plain.

"They violated our borders and then they committed other **crimes**," Sheriff Alderden said. "I think these offenders should be deported."

Across the country, local law enforcement officials and irritated taxpayers are turning up the pressure on federal immigration authorities to identify **illegal immigrants** who are behind bars and deport them after they are freed.

Although that has generally been the practice with violent felons, **illegal immigrants** who commit lesser **crimes** are often overlooked by federal authorities, who say their resources are scarce.

Now, however, immigration agents say they are beginning to take the first steps to change that. The agents say they are rethinking the triage that led them to pass over the estimated hundreds of thousands of **illegal immigrants** with lesser offenses, even if they were imprisoned.

In some cases, the federal agents are allowing local authorities to screen **immigrants** to help detect those who should be deported.

In 2005, at least 270,000 **illegal immigrants** spent time in local jails and state prisons, according to the Justice Department. In federal prisons, more than 35,000 inmates, 19 percent of the total, were **immigrants**.

Although not all the **immigrants** in federal prisons were **illegal** when they went in, their felony convictions made it likely that they would lose any legal status and be required to leave the United States when they came out.

In a report in April, the inspector general of the Homeland Security Department estimated that in the coming year 302,000 **immigrants** who should be deported upon release would be sent to local jails and state prisons.

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But based on recent deportation results, the inspector general predicted that most of those immigrants would be freed here. Shortages of money, agents and detention beds have created an unofficial "mini-amnesty" for criminal immigrants, the inspector general found.

The country is polarized between those who want a path to citizenship for illegal immigrants and those who want to deport them. But just about everyone agrees that the doubly illegal, immigrants with no documents and who have committed crimes, are not welcome.

In some states, the numbers have soared. Up to 25 percent of the 22,000 inmates in the Los Angeles County jails on any day are illegal immigrants, Steve Whitmore, a spokesman for the sheriff's office there, said. The county's annual costs for housing the illegal are at least \$80 million, Mr. Whitmore said.

In California state prisons, at least 20,000 inmates have been listed for deportation by immigration authorities, officials said.

In Colorado, immigrants behind bars have become part of the debate on the costs of illegal immigration. According to federal figures, Colorado paid \$46 million in 2005 for the upkeep of illegal immigrant inmates.

On average, Sheriff Alderden said, about 6 percent of the 546 beds in his spotless jail have been filled by Mexicans, a majority illegal. He estimated that illegal Mexican inmates cost Larimer \$1 million a year.

The overall crime rate in the county's immigrant communities is not high, officials said. But jail officers remember many illegal immigrants whom they book repeatedly.

It used to be that when an illegal immigrant's offense was a misdemeanor, "it didn't pay to call immigration," Sheriff Alderden said. Agents from Immigration and Customs Enforcement said they were busy rounding up violent felons, as the law requires, and most of the felons were in state prisons.

Last month, the situation changed. Under a pilot program, every day the sheriff sends the immigration agency a list of the foreigners in his jail. Federal agents visit regularly to interview those inmates and identify those who have to leave the country.

In the first two weeks, 26 inmates were added to the deportation list.

Fernando Guadarrama, 21, a construction worker from Mexico, was one of the 26 caught in the expanded net. Newly outfitted in an orange jail uniform, Mr. Guadarrama said his bad luck began when an officer pulled over his pickup because the rear license plate light was out. He had just a Mexican driver's license and, overconfident after seven years in the United States, he told the officer that he could not obtain an American one because of his illegal status.

Mr. Guadarrama found himself in the Larimer jail and then in an interview with an immigration agent, on the roster for a quick departure from the United States.

Mr. Guadarrama was philosophical as he made hasty plans to move his Mexican wife and two children, both American citizens, back to Mexico and start a small business there.

"I thank God every day for the United States," he said. "It allowed me to make enough money to have a decent life."

Immigration officials say limited resources had forced them to adopt a "pecking order" of immigrant criminals to detain. But John P. Torres, director of detention and deportation operations at the immigration agency, said it had stepped up screening in city and county jails, focusing on the centers with large numbers of immigrants.

Despite the political furor, there have been no moves to curtail prison terms for illegal immigrants or to deport them before they finish serving their sentences, corrections officials said.

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In some states, the agency has signed agreements with corrections departments to let prison staff members screen immigrant inmates. Immigration agents then place "holds" on the immigrants to be deported when they are released.

Now the bottleneck is detention space. A center with 340 beds in Aurora, a Denver suburb, is for all the detained immigrants from Colorado, Idaho, Montana and Wyoming, all with booming immigrant populations.

The center is run by the Geo Group of Boca Raton, Fla., a large company in the prison industry. Detainees said the center was clean and orderly. But they live in bunk barracks with at least 24 people to a room, and overcrowding often forces them to sleep in plastic cradles on the floor.

Criminal immigrants are held in a separate wing, with mauve walls. One inmate, Maria del Carmen Ramirez, 29, said immigration agents determined she had no legal documents in a screening in a county jail. Ms. Ramirez said she had worked for 12 years cleaning the houses of wealthy people in Denver.

"I'm here illegally, like every other Mexican," she said.

She had thrown a punch at her husband in a feud, she said, and he had called the police.

"I didn't hurt an American," Ms. Ramirez said. "I hit one of my own people."

Now scheduled for deportation, Ms. Ramirez said she would leave behind three young children.

In Colorado, sympathy for immigrants like Ms. Ramirez is dwindling. In 2006, the State Legislature adopted six bills that focused on illegal immigration. They include a law that requires the police to report suspected illegal immigrants to immigration authorities if they are arrested for any crime other than minor traffic violations or domestic violence.

Another measure that Gov. Bill Owens signed last week created a State Patrol unit of 24 officers to combat smuggling.

Republican lawmakers joined with former Gov. Richard D. Lamm, a Democrat, in a campaign to place an item on the ballot in November to bar illegal immigrants from using any state public service, except emergency medical care and public schools.

"We've got enough of our own homegrown criminals," Mr. Lamm said. "Why are we importing more?"

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Graphic

Photos: Sheriff Jim Alderden, top, says illegal immigrants who commit minor crimes should be deported. Above, Fernando Guadarrama, 21, an illegal immigrant, was arrested for a defective license plate light.

Beds in an overflow area at the Larimer County Jail in Colorado. A program alerts immigration authorities to the presence of foreigners in the jail. (Photographs by Kevin Moloney for The New York Times) Chart: "In a New Country And Behind Bars" According to the Justice Department, 270,000 illegal immigrants spent time in state and local prisons and jails in the 2004 fiscal year. Here are the 10 states with the most in both types of incarceration. California: 108,247 Texas: 36,407 New York: 23,183 Florida: 12,449 Arizona: 12,205 Washington: 6,977 New Jersey: 6,959 Colorado: 6,601 Illinois: 5,718 Nevada: 5,714

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: IMMIGRATION (94%); ***ILLEGAL IMMIGRANTS*** (94%); SHERIFFS (91%); DEPORTATION (90%); CRIMINAL OFFENSES (90%); JAIL SENTENCING (90%); SPECIAL INVESTIGATIVE FORCES (90%); CORRECTIONS (89%); LAW ENFORCEMENT (89%); PRISONS (89%); PRISONERS (89%); CITIZENSHIP (78%); CITIZENSHIP LAW (78%); ARRESTS (78%); IMMIGRATION LAW (78%); JUSTICE DEPARTMENTS (78%); FELONIES (78%); US FEDERAL GOVERNMENT (76%); CRIMINAL CONVICTIONS (73%); DRIVING WHILE INTOXICATED (73%); FEDERAL INVESTIGATIONS (73%); NATIONAL SECURITY (69%); NEWS BRIEFS (57%)

Organization: US DEPARTMENT OF JUSTICE (59%)

Geographic: COLORADO, USA (79%); CALIFORNIA, USA (79%); UNITED STATES (79%)

Load-Date: June 20, 2006

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