

Police Report Noncitizens to U.S., Official Says

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Body

New York **police** officers routinely inform federal immigration authorities whenever they arrest a **noncitizen**, even a lawful permanent resident, a **police official said** yesterday at a hearing of the City Council Committee on Immigration.

The remarks drew an angry reaction from committee members, including the chairman, Councilman Kendall Stewart of Brooklyn, who called the practice a violation of the spirit of an order from Mayor Michael R. Bloomberg, Executive Order 41, which was written to reassure the city's immigrants that their immigration status would be kept confidential after interactions with city agencies.

Under sharp questioning by Mr. Stewart and other council members, the **police official**, Thomas P. Doepfner, an assistant deputy commissioner, **said** that anyone arrested is asked whether he or she is a citizen of the **United States**. Those who answer that they are not are asked their nationality, and no matter how minor the offense, it is automatically **reported** to Immigration and Customs Enforcement, which is part of the Department of Homeland Security.

"Anybody can be arrested," Councilman Stewart **said** in an interview after the hearing. "Arrested doesn't mean you're guilty. You know what it is in our society today -- they arrest you based on profile, on minor things. And as long as they arrest you, that's an excuse for them to give that information to ICE."

He **said** the practice was alarmingly different from the policy of privacy that most immigrant New Yorkers had come to expect.

But Mr. Doepfner **said** that the practice went back many years and was well within the language of the mayor's executive order, which explicitly exempts from confidentiality immigration information about a person whom a **police** officer suspects of criminal activity "other than mere status as an undocumented alien."

In a statement issued after the hearing, **police officials** stressed that information about nationality was passed on only when it was volunteered by those arrested. The **Police** Department's deputy commissioner for public information, Paul J. Browne, **said** that those who refuse to **say** whether they are citizens are not **reported** to immigration authorities.

At the hearing, Mr. Doepfner **said** the policy was not new. "The **reporting** that we do to ICE is something that we've been doing for a very long time," he **said**. "It existed well before 9/11. It's simply a **report** to ICE of individuals we have arrested who have indicated that they are not citizens." What Immigration and Customs Enforcement does with the information, he **said**, "is up to them."

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Immigration officials may have done less with the information before Sept. 11, 2001. But since then the federal government has stepped up local enforcement of immigration laws, including the use of predawn raids to seize people with outstanding deportation orders for immigration violations.

Yesterday's hearing was called to examine one aspect of the increased enforcement, the addition of thousands of noncriminal immigration violators to the National Crime Information Center database, a computerized index maintained by the Federal Bureau of Investigation.

Mr. Doepfner told the committee that anyone whose driver's license is checked by the police, even in a random traffic stop, will have his or her name and birth date run through the database. If someone is listed there as an immigration violator, "we will call ICE," he said, and if immigration authorities issue a "detainer," the person will be held for 48 hours for pickup by federal officers.

Pressed by Mr. Stewart to say whether any law required the police to notify federal immigration authorities in database cases, Mr. Doepfner acknowledged he did not know of any, but he said, "We believe it's prudent and it's a good law enforcement practice."

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