

Immigration status not local matter;
Police, others resist U.S. legislation to have them enforce law

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Body

For many in Gwinnett County, concern accompanied the relief generated by the recent arrest of eight Latino suspects in a string of home invasions.

Six of the eight men apprehended are Mexican natives who are in the country illegally. One was arrested three times previously --- in 2002 on a concealed weapons charge and twice in 2003 for breaking into cars --- without anyone checking his legal status.

That's not unusual.
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Determining the legal status of an arrested person isn't a practice that local law enforcement officials engage in, said Cpl. Dan Huggins, spokesman for the Gwinnett Police Department.

Immigration laws are federal laws, he said, and local police don't charge county residents with violating federal laws.

"We don't charge people for the crime of being illegal," Huggins said. "That's just not something we do."

That activity falls under the purview of the U.S. Immigration and Customs Enforcement Agency, part of the Department of Homeland Security, he said. The agency handles questions of documentation and residency for local officials.

In the case of the eight home-invasion suspects, an immigration official saw an article about the arrests in the newspaper and contacted Gwinnett County, said Sue Brown, the spokeswoman for the Atlanta office of the U.S. Immigration and Customs Enforcement Agency.

Police say that masked, armed bandits battered and shot male victims, sexually assaulted some female victims and pistol-whipped a child. They stole money, jewelry and vehicles.

"When something is suspicious about a person, local law enforcement people will contact us," Brown said. "The local officers aren't trained to recognize or deal with fraudulent documents. That's something for immigrations officers to handle."

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That's how it should be, says Tisha Tallman, legal counsel for the Southeast office of the Mexican American Legal Defense and Educational fund.

Local police departments are **not** equipped, trained or authorized to undertake the civil enforcement of **immigration laws**, she said. Doing so would be at odds with the mission of **police** departments --- to protect people in their communities and make sure they're safe.

"It would completely erode the trust, built up over time, between **police** departments and communities, and would discourage people from reporting crimes," Tallman said. Day laborers and victims of domestic violence wouldn't come forward when they were victimized.

Deputies who work at the Gwinnett County Detention don't contact the **U.S. Immigration** and Customs Enforcement as part of the routine booking procedure, said spokesman Stacey Kelly. But **immigration** personnel are assigned to Gwinnett.

A couple of years ago, an **immigration** official was spending 25 to 30 hours a week at the Gwinnett County Detention Center, said Major J.J. Hogan. Jail officials provided him with office space. The official would review the intake roster, conduct his own investigations, interview people and then take action, when necessary, to have them deported.

"He stayed extremely busy," Hogan said. "We saw him every day, and he was a real worker."

A little more than a year ago, that official left Gwinnett for a different office. Another person was assigned to Gwinnett, but "we never see him," Hogan said. "I wouldn't know what he looks like. If he was in the room with me, I couldn't recognize him."

Some think that **local law** enforcement should be doing more to apprehend undocumented immigrants.

U.S. Representative Charlie Norwood (R-Ga.) has introduced the Clear **Law** Enforcement for Criminal Alien Removal Act. It requires that state and **local police enforce** civil **immigration laws**, or lose federal funds. But it does **not** provide them with additional resources or training to undertake this new role.

Introduced in the House in 2003, the measure has been taken up by a House subcommittee, while a companion bill has been introduced in the **U.S.** Senate. **Police** departments, **law** enforcement officials, immigrant advocacy groups, conservative groups and many mayors and city councils from around the country have spoken out against the CLEAR Act.

Opponents say it would make impossible demands on already overburdened agencies, undercut their missions and persecute **law**-abiding immigrants. Advocates think it would strengthen homeland security by ridding the country of criminals.

Graphic

Photo: Six of eight men accused of several home invasions appeared May 7 at their first court hearing. Of the eight, six are in the country illegally; one had been arrested three times. / CHARLOTTE B. TEAGLE / Staff

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