

# Montgomery Steps Up Reporting in ICE Efforts; County Defends Plan To Flag All Suspects Of Violent Crimes

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## **Body**

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Montgomery County police will soon start telling federal immigration authorities the names of all suspects they arrest for violent crimes and handgun violations, an approach that reflects growing concerns about illegal immigration and crime but stops short of the broader enforcement efforts used in some counties.

The new policy, expected to be made public today, represents a compromise that could limit its effectiveness, but county leaders say it is key to maintaining the trust and confidence of Montgomery's 277,000 foreign-born residents.

"I believe this approach is balanced and realistic for our highly diverse community of nearly one million residents," Leggett wrote in a memo this week to his police chief, J. Thomas Manger.

Elsewhere in the Washington region, Frederick County and several agencies in Northern Virginia deputize officers to act as immigration agents, questioning suspects about whether they are in the country legally. They also turn over the names of illegal immigrants arrested for any crime, not just violent offenses.

"We're not getting into the immigration investigation business," Manger said yesterday.

Still, the policy marks a shift in a county that has prided itself on its liberal, tolerant leanings. And some Latino advocates remain concerned that any step toward immigration enforcement could entrap people who might not be guilty of local offenses, leading to deportations that could break up families.

Across the country, police are grappling with how to cooperate with federal immigration agents without scaring off crucial witnesses who may have immigration status issues but whose help is crucial to public safety. Reflecting that challenge, local police agencies handle immigration matters differently when it comes to those under arrest.

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Just as some counties are more aggressive than Montgomery, other jurisdictions are less aggressive: The District and Prince George's County discourage police officers from asking about immigration status.

Currently, officers in Montgomery routinely check to see whether people they detain have outstanding warrants, a broad search that can turn up immigration warrants. Officials at the county jail fax a list of foreign-born inmates to ICE once a week, and ICE has the authority to run the names through databases to check for expired visas and other violations.

The checks do not detect those who have entered the country illegally and have had no contact with authorities.

Manger began reevaluating the policy last year, when undocumented immigrants were linked to at least two high-profile killings, including the Nov. 1 slaying of an honor student on a county transit bus. By late last month, federal authorities had lodged immigration detainers against eight of 18 people held in the county jail on murder charges, meaning they might seek to deport those suspects after their criminal cases run their course. The detainers do not necessarily mean the suspects are in the country illegally.

The thinking behind Manger's proposal was that if dangerous people are arrested and officers could use their immigration status to get them off the streets, it was worth moving in that direction.

Manger originally proposed a policy that would apply to those arrested for violent crimes or weapons violations. That kind of policy, in theory, could have netted the two men accused of killing the honor student. Months before, one had been arrested on charges linked to carrying a machete down University Boulevard East, and the other for threatening a student and carrying a switchblade.

The policy that Leggett (D) has agreed to applies to those arrested for violent crimes or illegal carrying or transport of handguns. Leggett said yesterday he was concerned that someone carrying a small penknife could get caught up in the policy.

Manger said finding the right cutoff was a "delicate balancing act," but he was ultimately satisfied with the policy.

Leggett, who was lobbied heavily by advocates for immigrants and those seeking tougher enforcement, has said his goal is to give police as many tools as possible to remove dangerous people from the streets. Leggett called the new policy "quite cautious," saying it would yield an average of only three referrals a day to ICE.

The referrals would mean an electronic inquiry or telephone call to ICE's 24-hour help center in Vermont. If that inquiry didn't result in a clear answer from the databases, officials in Vermont could refer the matter to ICE agents in Baltimore.

"I think in many ways, it suggests Montgomery County is more tolerant compared to other jurisdictions," Leggett said.

But officials in counties with more aggressive policies say the efforts aren't about intolerance; they're about the best way to identify illegal immigrants who commit crimes.

In Frederick, Prince William and Loudoun counties and about 50 other jurisdictions nationwide, local departments have entered into so-called 287(g) partnerships with federal immigration agents. The program provides special training and access to federal databases.

Lt. Michael Cronise, who runs the program at the Frederick jail, said immigration issues are so complex that his officers could not evaluate suspects' claims if they did not have the training. He recalled one instance in which a suspect thought he was in the country illegally, but a check by Cronise revealed he was not.

He said Montgomery's proposal is better than doing nothing, "but there are more things available."

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James Pendergraph, a former ICE official who coordinated the agency's work with state and local governments, said Montgomery's approach would leave them too dependent upon overworked federal agents to start immediate investigations.

"I think it's maybe a good quarter measure," he said. "You're going to have too many fall through the cracks."

Police and prosecutors, however, say a more aggressive policy could drive witnesses and victims underground, ultimately making Montgomery less safe.

"We've spent years trying to build up their trust and faith," said State's Attorney John McCarthy. "I'm not sure federalizing our local police is the way to go."

A group of Latino advocates earlier told Leggett that any movement toward more cooperation with federal agents could spread fear through immigrant communities and undermine a relationship built over many years. They said the two men charged with murder in the killing of 14-year-old Tai Lam on the bus were arrested after police received tips from immigrants.

"When you jeopardize trust, public safety pays a price," said Grace Rivera-Oven, host of a local Spanish-language television show.

Advocates also say the proposal would not have prevented another high-profile killing last year by an alleged illegal immigrant, the slaying of a 63-year-old woman in her Bethesda home. The man charged in that case had not been previously arrested in Montgomery. Montgomery police acknowledge that they don't know whether undocumented immigrants are responsible for a disproportionate amount of crime.

Staff writer Tom Jackman contributed to this report.

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