

PIP-NUKE

Suburbs focus on crime, not nationality
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Legal status often an issue only after arrest

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Montgomery County sheriff's investigators had suspicions that the 22-year-old suspect under surveillance for allegedly peddling drugs at a Woodlands ice cream shop might be in the U.S. illegally.

But Oscar Benitez's citizenship was a minor detail in the case. Investigators' first priority is to crack down on crime, not immigration, said Lt. Philip Cash, head of the sheriff's special investigation unit.

A close working relationship with U.S. Immigration and Customs Enforcement officials, however, turned Benitez's arrest last month on felony drug and child pornography charges into an immigration case.

Federal authorities checked his status and put a hold on the Mexican national, who could be deported for being here illegally.

Topics: illegal immigration, illegal aliens, illegal immigrants, crime, Oscar Benitez, U.S. Immigration and Customs Enforcement, child pornography, drugs, felony, Montgomery County, police officer Rodney Johnson, Houston

"We work with them daily," Cash, whose unit focuses on narcotics and gangs, said of ICE. "If it's an illegal immigrant, we involve them from the get-go. It's something we've been doing for years."

The Sept. 21 death of Houston police officer Rodney Johnson, allegedly shot by an illegal immigrant, prompted the Houston Police Department to speed up planned changes to its policy regarding illegal immigrants. The man accused in the slaying was found to be a Mexico native who had already been deported on a felony.

Police officials think the changes - asking all people arrested whether they are born in the U.S. and giving federal immigration officials more access to city jails - will make it tougher for illegal immigrants to slip through the cracks.

Limited resources

Montgomery County is one of the few suburban agencies where authorities ask about citizenship status only when a person has been arrested, but it is not mandatory for every agency. If the individual admits being an illegal immigrant or does not have proper identification and is thought to be in the country illegally, federal authorities are contacted.

Proper identification includes a state driver's license, a legal permanent resident card, also known as a green card, or a visa that allows an immigrant to live here temporarily.

But some Houston-area suburban police officials say they have no plans to change their policies. Some already mirror changes in Houston's policy.

People stopped on traffic violations and minor offenses are not asked about their legal status, suburban officials said, adding that most agencies do not have the time or resources for such inquiries.

Under Houston's policy, officers are still prohibited from asking people involved in a traffic stop or minor offenders who are not arrested about their legal status. But illegal immigrants detained or arrested for traffic violations or minor crimes will now be held if warrant checks show they are wanted by federal officials. Some suburban agencies already do that.

Not all suburban agencies have formal immigrant policies, instead often following unwritten procedures that have become common practice.

The Conroe and Pasadena police departments, for example, do not require officers to ask about citizenship status. If it is discovered during an investigation or questioning that a suspect is undocumented, ICE is notified, officials said.

Pasadena police ask people booked into jail where they were born, but not about their legal status.

Missouri City Police Chief Ron Echols said his officers also have some discretion in how they handle immigration matters.

Until last week, the Montgomery County Sheriff's Office had an ICE agent posted at the county jail. The agent handled anyone suspected of being an illegal immigrant and made decisions on how to handle the case, said Montgomery County sheriff's spokesman Lt. Dan Norris.

Nina Pruneda, a spokeswoman for the San Antonio ICE office, said the employee was removed because the federal agency is in transition, making changes to ramp up its effort to identify illegal immigrants who are criminal. Eventually, a federal detention and removal agent will be posted at the jail, she said.

A federal matter

Most police officials consider immigration a federal matter.

The mission of local police is to prevent and solve crimes and not to determine if someone is in the country illegally, said Assistant Chief Bill Hastings of the Katy Police Department.

In 1994, the League of United Latin American Citizens, a Hispanic civil rights group, filed a lawsuit against the city of Katy for "unlawful police tactics" during an immigration raid conducted with federal authorities.

Hastings said a condition of the lawsuit's settlement stipulated that the department could not actively participate in immigration affairs.

Liberty County Sheriff Greg Arthur said he does not have the personnel and his officers do not have the training to serve as immigration workers.

"Until the federal government gets serious about stopping people from crossing the border illegally, it can't expect a small-town sheriff to do it," Arthur said.

This article comes from Illegal Immigration: Americans Fighting Back
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