



Troopers may police immigration

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Virginia State Troopers could soon be enforcing civil law and have the unprecedented power to crack down on illegal immigration.

The House of Delegates Militia, Police and Public Safety Committee overwhelmingly passed a bill Friday that will allow the Homeland Security Department to give the Virginia Department of State Police the ability to enforce civil immigration violations.

HB487 sponsored by Del. Jeffrey M. Frederick, R-52 District, is not clear on how to implement the bill if it does become law. The bill's language only says that it gives the governor the authority to enter into an agreement with Immigration and Customs Enforcement of Homeland Security in allowing State Police to handle immigration infractions they encounter while performing their usual law enforcement duties.

"It's saying that it's his responsibility ... for doing it if he sees fit," said James Towey of the attorney general's office.

Frederick, who represents Dumfries, Woodbridge and the town of Quantico, noted that illegal immigration is a growing problem in Northern Virginia, in which case state police should be allowed to enforce the federal statute outlawing illegal aliens.

"The fact is, it is a federal issue, but we have to do everything [on the state level] to alleviate the problem," he said in an interview after his bill passed the committee. "This is the one thing that we are able to do."

During the committee meeting, delegates raised questions about understaffed districts that do not have enough troopers to even train in the enforcement of federal civil codes such as immigration laws.

"I certainly can't support a measure that's going to burden my police officers," said Accomack County Del. Lynwood W. Lewis Jr., D-100th District.

Towey said the bill could help localities increase their number of state police, since enforcing immigration laws will be an added responsibility.

"It could actually benefit the state," he said.

Current law requires troopers to hold traffic violators who are in the country illegally for up to 72 hours and notify Immigration and Customs Enforcement.

Towey argued that the detainment process causes illegal immigrants to slip through the cracks.

"It's under very limited circumstances because [state police] have to confirm ... that the illegal

immigrant committed a felony," he said.

"They can't do anything about it; they can't hold them," said Salem Del. H. Morgan Griffith, R-8th District. "They just have to say, 'well, see you later.' "

State troopers typically involve Immigration and Customs Enforcement if the illegal alien pulled over has a history of prior offenses or is held on a felony charge, said Sgt. Terry Lickliger, the public information officer for the Northern Virginia State Police headquarters.

"Our written policy says if someone's been arrested for a felony or a Class 1 misdemeanor, such as a DUI, then we do contact Immigration and Customs and advise them that we have somebody in custody for a state law violation," he said.

If the traffic violator is stopped for a minor infraction and does not have proper documentation, then the state trooper can decide whether to just cite the violator or arrest him, Lickliger said. "It's up to the trooper's discretion," he said.

In Northern Virginia, state troopers come across illegal aliens two or three times a week, the officer noted; however, Immigration and Customs officials pick them up only half of the time.

Federal officials act quickly when state police are holding violent offenders who are in the country illegally.

Federal law enforcement "has worked well with us," Lickliger said.

Those who oppose the bill believe that its implications can spread fear of the police among immigrant communities.

"Successful community policing efforts need to be based on trust," said Tim Freilich, an attorney with the Virginia Justice Center for Farm and Immigrant Workers.

"Many immigrant families are mixed-status families," he said, noting that the bill can cause concern among legal immigrants who are worried about the potential deportation of a family member.

Other opponents of the bill are concerned that it may result in biased policing.

"This will have the tendency to authorize police to make decisions based on ethnicity," said Claire Guthrie Gastanaga, a lobbyist with the Virginia Coalition of Latino Organizations.

Gastanaga noted that Alabama and Florida are the only states in the country that give state police some authority in enforcing immigration laws, but that each state has different measures.

She was disappointed that committee members passed the bill without outlining ways to apply it.

"They are endorsing a policy without any idea of how it's going to be implemented," she said.

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