

HPD SHUNS TAKING ROLE IN TRACKING IMMIGRANTS

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Officers say they need foreigners' trust

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In an afternoon spent scouring hour-rate motels in search of a convicted sex offender, Sgt. Robert Ruiz interviews potentially helpful witnesses from around the world -- a maid who might be from Mexico, a manager who looks Korean, a desk clerk whose accent sounds Indian.

Ruiz knows some of these people might be in the country illegally, but he never asks. If the hotel workers have any information about the sexual predator in the mug shot, Ruiz wants them to know they can give him information without fear of finding themselves in immigration problems.

"Sometimes the most frustrating thing is to get some of these people to talk to us," says Ruiz, head of the Houston Police Department's East End tactical unit. "We have to convince them that we are not with the immigration service, and we are not there to deport them."

Avoiding immigration questions is not merely routine practice at HPD, it's official policy. Houston officers are not allowed to arrest people on suspicion of being in the country illegally or even question them about their visa status.

But now that long-standing policy is being challenged out of Washington, where Attorney General John Ashcroft has called on police departments around the nation to help the federal government track down illegal immigrants.

Some departments have agreed to have their officers undergo special training so that they can begin enforcing federal immigration laws. Others, including Houston, have so far resisted the federal call for help.

"The Houston Police Department does not engage in, nor assist in, checking on a person's citizenship status," Houston Police Chief C.O. Bradford said at a recent news conference in which he rejected Ashcroft's idea. "We don't do that because if you're working in Houston, if you're a productive (resident), if you're not breaking the laws, then you're welcome to Houston."

Before Sept. 11, even federal authorities questioned the use of police to enforce immigration laws. A 1996 opinion from the Department of Justice found that local police departments had no legal authority to detain immigrants for being in the country illegally, a civil offense. But after the terrorist attack, Justice attorneys under Ashcroft revisited the issue and found that local officers could enforce immigration laws, particularly if they

receive special training. Ashcroft has gone on record supporting the idea of working together.

Ashcroft and other advocates note that more officers work on the local level, and they best know their communities. They say joint federal and local operations to enforce immigration law represent a perfect way to improve cooperation between government agencies -- something that was seen as lacking before Sept. 11.

"It seems like common sense coordination of law enforcement resources," said David Ray, a spokesman for the Federation for American Immigration Reform.

But critics say the courts have found that such cooperation is not legal, particularly in Texas, where the matter has come before the state Supreme Court.

"In Texas, this (cooperation between federal and local authorities) upsets the understanding of the legal division of authority," said Joseph P. Berra, an attorney with the Mexican American Legal Defense and Educational Fund in San Antonio.

If the federal Immigration and Naturalization Service is not doing its job properly, Berra said, "then that is something to be resolved within the INS."

Past local attempts to enforce immigration law have not ended well. Katy police conducted raids in search of illegal immigrants in 1994, which resulted in the temporary detention of more than 80 Hispanics who were U.S. citizens or legal residents.

Civil rights groups filed a federal lawsuit on behalf of those detained, and the Katy Police Department eventually stopped its practice of arresting alleged violators of immigration laws.

Beyond legal issues, some local officers question the efficacy of chasing illegal immigrants. More than 750,000 Harris County residents are foreign-born, according to the latest U.S. Census, and police say their principal mission is to earn the trust of those immigrants who are not violent criminals.

Ruiz notes that armed robberies are a constant problem on the East End, where illegal immigrants often carry large quantities of cash and are unwilling to report crimes.

Asian gangs often target businesses run by Vietnamese, knowing that the immigrants are reluctant to call 911, Ruiz said.

"It doesn't take a smart crook long to realize that these immigrants are not going to report the crime," Ruiz said. HPD officers spend countless hours trying to educate immigrants on the importance of calling police.

There's also the question of resources. Even if HPD had authority to track down illegal immigrants, most officers would be too busy with more serious crime.

On a day spent near Telephone Road looking for a sex offender, Ruiz talks to a number of people who likely have committed crimes more serious than overstaying a visa.

He talks to scantily clad women who could be prostitutes. He asks questions of homeless men who might use drugs. He stops by to check up on a manager who appears to tolerate illegal activity in his motel. But in the absence of hard evidence, he doesn't arrest any of these people, some of whom might have valuable information in the search for the sex offender.

"When you are looking for the big fish," he said, "sometimes you let the little fish go."