Boston Tests System Connecting Fingerprints to Records of Immigration Violations

By ERIC LIPTON

WASHINGTON, Sept. 8 — Immigration officials will automatically be notified anytime the local or state police do a federal fingerprint check on a suspect who also happens to be wanted for serious immigration violations, under a new system being tested in Boston.

The automated notification is part of a Department of Homeland Security program that could expand the role that the local and state police nationwide play in the immigration enforcement effort.

To federal officials, it is a natural next step as police forces have hundreds of thousands of officers who routinely come into contact with illegal immigrants, while Immigration and Customs Enforcement has a squad of only about 6,000 criminal investigators.

"We are giving more information to more people who can act on the information," said Robert A. Mocny, acting director of US-Visit, the Department of Homeland Security program coordinating the effort. "It only makes sense."

But some immigration and civil liberties advocates objected.

"Once the police become viewed as immigration agents, as opposed to simply safety and law enforcement patrols, they will lose the cooperation and trust of a significant portion of the communities they serve," said Marshall Fitz, director of advocacy at the American Immigration Lawyers Association. "That ultimately undermines all of our security interest."

Barry Steinhardt, director of the technology and liberty program at the American Civil Liberties Union, said he was also concerned. The Homeland Security Department's records rely upon just two fingerprints, instead of 10, and are therefore more subject to error, Mr. Steinhardt said, which could result in someone's being wrongly detained on immigration charges.

"It is an unreliable system being run by a barely competent agency," Mr. Steinhardt said.

The new program has started off in a relatively modest way. When the Boston Police Department does a fingerprint check of federal criminal records for crime suspects, it will also check a Homeland Security Department database of 420,000 people who have violated immigration laws. The federal list includes people who have been previously deported from the United States or tried to enter but were denied a visa.

If the police happen to stop one of those people, both the Boston Police Department and Immigration and Customs Enforcement, a division of the Homeland Security Department, will

be notified. The department may then ask the Boston police to hold the person for up to 48 hours, until the federal authorities can take him into custody or otherwise begin deportation proceedings, an Immigration and Customs Enforcement spokesman said.

Eventually, as more cities and states participate, the Homeland Security Department intends to add nine million sets of fingerprints to the database to include people with less serious immigration records, like someone caught trying to cross the border from Mexico who then voluntarily returned home, Mr. Mocny said.

The local and state police in many cities, including Boston, already routinely contact Immigration and Customs Enforcement to see if suspects they have detained might also be wanted on federal immigration violations. Federal criminal databases already include some people wanted on felony immigration violations.

But the immigration-related inquiries have previously been based on a names and dates of birth, which may be forged. And the checks are not frequently done on every arrest and fingerprint check, as is now the case in Boston."You can't hide from the fingerprint," Mr. Mocny said.

Mr. Fitz, of the immigration lawyers group, said he had no objection if the fingerprints were checked for immigration violations only after an individual had been charged with another crime.

His concern, he said, is that the local police might begin to submit these kinds of requests routinely during traffic stops or patrols simply to determine if someone was in the United States legally.

William M. Casey, deputy superintendent of the Boston police, said Boston did not plan to take such a step.

"We are doing nothing differently than we were doing before last Sunday," Mr. Casey said. "We are enforcing the laws the Boston police always enforce."

Mr. Mocny said the Homeland Security Department was already moving to a 10-fingerprint system to address the potential for fingerprint mismatches. He added that he understood that this new program might provoke debate.

It is also unclear how much demand it will place on the federal immigration enforcement authorities in detaining illegal immigrants and conducting deportation proceedings.

That is why the project is being tested in Boston before being expanded nationally over the next two years.

"Eventually,'' Mr. Mocny said, "it will be all violators of all immigration laws. But we are going to give this 22 months to cook to make sure that we are getting it right."