

Most immigrants arrested for traffic offenses

Star Raleigh Bureau
July 6, 200

RALEIGH - Despite a perception that people being detained under an immigration enforcement program are felons and DWI offenders, most of the detainees are actually brought into county jails on traffic offenses.

The "287(g) program," in which federally trained deputies check out the immigration status of people who are arrested and taken to jails in a few North Carolina counties, is gaining in popularity in North Carolina.

Mecklenburg County has operated a 287(g) program for years. Alamance and Gaston counties began operating the immigration program last year. Cabarrus County recently started its program, said Eddie Caldwell, executive vice president of the N.C. Sheriff's Association.

New 287(g) programs have been approved for sheriff's offices in Wake, Cumberland and Henderson counties, Caldwell said.

"If it's an arrestable charge, he will be encountered by 287(g)," said Sgt. J.R. Hughes of the Gaston County Sheriff's Department.

"Everybody that is not U.S. born is screened," said Randy Jones, a spokesman for the Alamance County Sheriff's Department.

Rep. Alice Bordsen, D-Alamance, said a lot of people were under the impression that the program screened people arrested on felony and driving while impaired charges. She co-chairs an oversight committee that checks on public safety and law enforcement issues.

"That's not at all what we were led to believe," Bordsen said about the statistics showing that most people detained aren't arrested on felony or DWI charges. "I would guess that more people would be less enthusiastic if they knew they were low-level violations." Caldwell said the misconception could have come from previous legislation which called for officers to ask people charged with felonies or DWI about their citizenship.

Tony Asion, executive director of El Pueblo, a Hispanic advocacy group in Raleigh, suggested that that ads by U.S. Sen. Elizabeth Dole, R-N.C., could also have led to the

perception that the program was geared toward people charged with more serious crimes. Dole is making immigration enforcement an issue in her re-election bid. She has met with sheriffs regarding immigration and is a supporter of the 287(g) program.

In one of her campaign ads, sheriffs refer to Dole's help with immigration programs and use the phrases "hardened criminals" and "repeat offenders."

"The idea of the 287(g) program and the way it's being sold to the public is that we're getting rid of the criminal element," Asion said. "The majority of the people being deported are not felons. Very few are felons."

Sgt. Jerry Williams of the Alamance County Sheriff's Department said that out of the 235 immigration detainees placed on illegal immigrants this year, 164 were for traffic violations, mostly for driving without an operator's license.

An additional 39 were on DWI charges and 25 were on assault charges. Thirty-seven were for felony charges.

Traffic violations were by far the No. 1 charge filed against aliens coming into the Gaston County Jail in June. There were 30 traffic charges. The next highest was five drug charges.

Williams said every person who is arrested and brought into the jail is supposed to be asked where he or she was born.

"If you come into the jail and you are foreign born, we're going to question you on what your immigration status is," Williams said.

Hughes said that deputies ask pertinent questions, including where they were born, to everybody arrested and brought into the jail.

If the officers have reason to believe the person isn't telling the truth, they can do more checking, Hughes said. One sign that a person might not have been born in the United States is that the person has difficulty speaking English, he said.

People from Puerto Rico, where Spanish and English are spoken, can also be checked out, Hughes said. Puerto Ricans are U.S. citizens.

"There's nothing saying I cannot run a Puerto Rican on my machine just to check him," Hughes said.

Jones and Hughes emphasize that deputies aren't going out into the public and searching for immigrants who are in the country illegally.

"We're not out there beating down the fences trying to get them in here," Hughes said, noting that only people who are arrested are screened.

Jones said that even though many of those given immigration detainers were originally arrested for traffic offenses, a traffic charge isn't a deportable crime.

"The fact is, people who are getting caught on traffic violations would be deportable if they were just found on the street," Jones said.

The traffic charge was simply the way the illegal immigrant was found, Jones said.

Jones added that crime victims aren't screened. "You've got to be under arrest," he said.