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Enforcement of Georgia's immigration law will vary

By [Jeremy Redmon](#)

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Some state and local police might decide not to enforce a central part of Georgia's sweeping [immigration](#) law, and those who do will rely heavily on federal authorities for information, state law enforcement officials are predicting.

For example, the Georgia State Patrol is emphasizing the law is discretionary and is letting its officers decide whether to investigate the [immigration](#) status of suspects they encounter. A spokesman for the agency said troopers would contact federal [immigration](#) officials to determine the legal status of their suspects.

At the same time, critics of the law are vowing to sue if they spot any civil rights violations as police begin to carry out the statute. They also worry police won't have adequate training concerning the nation's complex [immigration](#) laws and will mistakenly detain immigrants who have a right to be here.

Meanwhile, the Georgia Police Academy is preparing to help keep officers on the right side of the law with additional training, including a one-hour online course expected to be available during the first quarter of next year.

Georgia's law gives police the option to investigate the [immigration](#) status of suspects they believe have committed state or federal crimes and who cannot provide identification or other information that could help police identify them. It also authorizes police to detain people determined to be in the country illegally and take them to jail.

On Tuesday, a federal judge lifted a preliminary injunction he had issued against the law last year. U.S. District Judge Thomas Thrash lifted the injunction after the state appealed successfully to the 11th U.S. Circuit Court of Appeals in Atlanta. Civil and immigrant rights activists had sued to block the law, saying it is pre-empted by federal law and is therefore unconstitutional.

Wally Marchant, the Georgia Police Academy's legal training section supervisor, guessed some police agencies might not enforce the law because of limited manpower, tight budgets and other crime-fighting priorities.

"Because it is discretionary, there are going to be some agencies that are not even going to mess with it," he said. "Nothing."

Frank Rotondo, executive director of the Georgia Association of Chiefs of Police, talked about how the law could be enforced in farming communities, which rely heavily on migrant Hispanic laborers.

“Clearly, the police chiefs are not going to encourage their people to stop everybody and arrest them because they don’t have the right paperwork,” he said. “They are going to use a lot of discretion because the economy of the whole community relies upon that. They may take that officer’s staff time and dedicate it to something else.”

Lt. Kermit Stokes of the Georgia State Patrol underscored how the law is optional for police.

“We cannot and will not force them to attempt (an investigation). That would be up to the individual trooper,” he said. “I would expect that you will see some variances both by the region of the state and the individuals who are assigned to those areas.”

Stokes added that his agency hasn’t determined whether it will draft a new policy covering how to enforce the law. As for training, Stokes said his agency’s legal staff has distributed information about the law to troopers, who attend the Georgia Police Academy for training.

Police in DeKalb County and Atlanta had no immediate comment on whether or how they will enforce the law. Cobb County police said they are still reviewing the law. A Fulton County police spokesman said his agency will work with the Georgia Association of Chiefs of Police on developing training, policies and procedures. A Gwinnett County police spokesman said his agency doesn’t see the need to change its policies or procedures since it already participates in a federal program — called 287(g) — that gives some county authorities [immigration](#) enforcement powers. The Forsyth County Sheriff’s Office declined to comment.

Local [immigration](#) attorneys worry local police are not equipped to deal with federal [immigration](#) law, parts of which are exceedingly complicated. They wonder, for example, how police will treat people who don’t have legal status but still have a right to remain in the U.S. because the Obama administration has given them a two-year reprieve from deportation.

“Most [immigration](#) lawyers don’t know all the law, much less [immigration](#) officers, much less local police,” said Glenn Fogle, a local [immigration](#) attorney. “That is where the problem is. ... A lot of people are going to be arrested who shouldn’t be arrested in the first place.”

Fogle and other critics of the law said they will be watching closely how local police enforce it. Of particular concern to critics of the law is the possibility of racial profiling — even though the statute explicitly prohibits that — and unlawful search and seizure.

“This will be watched by all of us who deal with immigrant rights — very, very carefully,” said Carolina Antonini, a local [immigration](#) attorney who teaches at Georgia State University. “And I want that message to be clear: We will be watching.”

The Georgia Police Academy already trains police how to avoid constitutional rights violations, said Marchant, the academy’s legal training section supervisor. But the academy will be

emphasizing those lessons as it teaches officers about the new [immigration](#) law as part of its existing courses. Marchant said he will also be available to travel to local police stations and give presentations about the law.

The head of the Georgia Public Safety Training Center, which includes the academy, issued a statement about the additional training this week.

“This will ensure that all officers, from front-line patrolmen to experienced, high-ranking supervisors, will be trained” on the state’s [immigration](#) law, said Tim Bearden, the center’s director.

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