



The Star-Ledger

A different tack on immigration

Edison balks on aiding the feds

Monday, September 25, 2006

BY SULEMAN DIN
Star-Ledger Staff

While some New Jersey towns have worked to make life more difficult for illegal immigrants, Edison is considering a policy that would prevent its police from cooperating with federal immigration authorities.

The Middlesex County township, whose population is one-third Asian, is mulling a written "no-coordination policy," prohibiting township police officers from informing federal authorities about an individual's immigration status, and from assisting or cooperating with federal immigration investigations.

"We are working with the Attorney General's office to ensure it is consistent with their guidelines," Mayor Jun Choi said, though the mayor has yet to ask for a formal opinion from the state.

Such a policy could help ease tensions between the police and Edison's Indian immigrant community, said Reema Desai, the New Jersey coordinator for South Asian American Leaders of Tomorrow, an umbrella organization that first presented Edison with the proposal. Desai said it would also make the township's immigrant community feel protected. Others, however, call it a "terrible idea" or potentially demoralizing to Edison police.

By considering the no-coordination policy, Edison is injecting itself into a national debate over how involved local governments should be in immigration matters.

Other communities in New Jersey have opted to go in the opposite direction. For instance, in Newton, a councilman wants to pass an ordinance requiring non-citizens to bring green cards, visas and working papers to town hall for verification before being allowed to rent a housing unit or be hired for a job.

Edison was prompted to react after the July 4 arrest of Rajnikant Parikh, a 30-year-old liquor store clerk, who claims he was roughed up by officers. During an August rally for Parikh outside town hall, he was arrested again -- this time by two agents from U.S. Immigration and Customs Enforcement, on an outstanding deportation order signed in Texas in 1996.

Immigration officials said Edison police told them about the rally for Parikh, despite initial denials from Choi and Police Chief George Mieczkowski.

Parikh's supporters claim Edison police reported him to ICE as a way to silence him, but the Edison Police Benevolent Association argues township officers did their duty to help make an arrest.

The controversy that followed stems from a long-standing tradition of local police departments steering clear of immigration matters. After the 9/11 terrorist attacks, though, federal authorities began seeking help from local police departments.

A 1996 law allowing local and state law officers to be deputized as federal immigration agents received renewed interest, and in 2002, the names of people with outstanding deportation orders were entered into the system police use to check for criminal backgrounds -- the National Crime Information Center.

Just three days ago, the House of Representatives voted to pass the "Immigration Law Enforcement Act of 2006," affirming the authority of state and local law agencies to assist in the enforcement of immigration laws if they decide to.

But not all police departments choose to assist ICE because most deportation orders in the NCIC are civil, not criminal warrants, said Mike Wishnie, professor at Yale Law School. ICE officials confirmed Parikh was arrested on a civil warrant.

"Most law enforcement agencies will tell you, if it's criminal, we'll do it, but don't drag us into civil matters, we're not trained, we'll make mistakes," Wishnie said.

Houston's police department is one.

"If ICE has a criminal suspect they're looking for, we will assist," said Craig Ferrell, deputy director of the Houston Police Department. "What we don't assist with is simple civil deportation issues."

Houston's police chief, Harold Hurtt, is also president of the Major Cities Chiefs Association, which recommended in June to President Bush and the Congress they should remove "civil immigration detainees" from the NCIC system.

However, immigration law enforcement advocates argue coordination and sharing information with local police departments is crucial to prevent another terrorist attack on American soil.

"Law enforcement is most effective when there is cooperation among agencies," said Michael Cutler, a fellow at the Center for Immigration Studies and a former criminal investigator with ICE's predecessor, the Immigration and Naturalization Service.

Cutler called the no-coordination policy "a terrible idea," and added if Edison police knew about Parikh's outstanding deportation order, they were obligated to report it to ICE.

"When you are sworn in as an officer, you must uphold the laws as they are written," Cutler said. "If you've violated our borders, you've committed a crime."

Currently, there are no specific guidelines from the state Attorney General's office for law enforcement and immigration, said spokesman David Wald.

Last year, it sent letters to Princeton Borough, which was considering an ordinance banning officers from going on immigration raids. The letters, which concluded the ordinance would be invalid, were specific only to Princeton Borough. Still, they offered no definitive answer.

Immigration advocates said they fear police misusing federal immigration information.

"We know individual officers use the threat of reporting individuals to immigration as a way of intimidation," said Maria Juega, chairwoman of the Latin American Legal Defense And Education Fund. "One thing is policy, another thing is what police officers will do."

Parikh's supporters suggested his arrest is an example of such abuse.

"He was alleging he was a victim of police brutality, and perhaps they wanted to teach him a lesson," said Ravinder Bhalla, who is representing Parikh in a federal civil rights lawsuit against Edison and its police department. "Our theory is that the purpose of the arrest was not to effectuate a lawful arrest, it was done to punish him for exercising his free speech rights."

Edison PBA President Michael Schwarz said Parikh's complaints were not the motivation for reporting him to ICE.

"Any assistance of a lawful arrest, in any capacity, as long as it's legal, shouldn't be questioned," he said.

Scott Weber, field office director of the ICE Office of Detention and Removal, acknowledged the agency arrested Parikh after receiving a call from the local police department.

"We're part of the law enforcement community and a lot of the information we get comes from our partners in law enforcement, and this was no different," Weber said. "We got a call letting us know about an alien that might have a warrant of deportation."

An internal affairs investigation into how Edison police coordinated the deportation arrest of Parikh has been ongoing since August, as officials probe "whether there was a break in the department's chain of command."

Schwarz defended the actions of Edison's police officers, and said a no-coordination policy would hurt morale on the force and damage police relations in the community.

"Until told by higher authorities, as far as we're concerned, Edison officers have a right to be involved in immigration arrests," Schwarz said.

Staff writer Brian Donohue contributed to this report.