

Lawyer Wants Police to Turn in Illegals

By JULIANA BARBASSA **Apr 5, 11:30 PM EDT**
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SAN FRANCISCO (AP) -- An activist attorney wants a judge to compel San Jose police to follow state law and turn suspects who might be in the U.S. illegally over to immigration authorities.

The claim, filed last week on behalf of San Jose residents Barbara Allen and Carol Joyal, demands that San Jose police contact federal authorities when suspects believed to be undocumented immigrants are arrested in connection with drug-related offenses.

"We're rearresting illegal aliens several times, and that takes a lot of police time, judicial time, jail space, and taxpayer money," said Allen, who, in the past, has organized rallies against amnesty for illegal immigrants.

The legal request comes amid raids nationwide by U.S. Immigration and Customs Enforcement officials, who are arresting and detaining thousands of illegal immigrants. Police in San Jose and elsewhere say if they had to turn in illegal immigrants, it could erode trust in ethnic communities.

The police chief has explained in the past the department has a policy of not arresting people solely based on their immigration status. Generally, police do not ask a person's status in the course of interviewing victims, witnesses and others.

Attorney David Klehm's filing in Santa Clara County Superior Court demands that police comply with a state law that requires them to report the names of any illegal immigrants arrested on suspicion of certain drug-related offenses, including possession and trafficking.

In order to comply with the law, the claim argues, the police would have to find out the immigration status of those arrested and then report any suspected illegal immigrants.

"We're not talking about getting the hound dogs out there and going after every illegal immigrant," Klehm said. "We're just talking about people who committed crimes."

The San Jose Police Department referred all questions to city attorney Richard Doyle who did not immediately return calls for comment.

Immigrant advocates and the attorneys who work with them say Klehm is unfairly targeting undocumented immigrants. Instead, advocates say, people upset about immigration should focus on changing the laws that compel people to enter the country illegally.

The advocates also argue that entire communities benefit when immigrants feel comfortable working with police, reporting crimes, serving as witnesses or answering the door when officers knock.

Mark Silverman, director of Immigration Policy for the Immigrant Legal Resource Center, said the filing could have a "chilling effect" on immigrants' cooperation with police.

"It could actually endanger public safety," Silverman said.

