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Deputizing police will lead to racial profiling

BY IVETTE ALVAREZ

Mayor Donald Cresitello of Morristown wants to deputize town police officers as federal immigration officers. If approved, Morristown police will have the authority to engage in the review of residents' immigration status, charge undocumented immigrants with civil immigration violations and order them to appear in federal immigration court -- duties generally carried out by experienced federal authorities. This action has been taken, ostensibly, to address complaints about residents living in overcrowded homes and meeting on street corners where they are seeking employment as day laborers. According to a statement made by Councilman Dick Tighe, there are also "education issues."

The implementation of such a program will certainly lead to an increase of police stops and interrogation of persons of color whom the police believe are undocumented immigrants. It will also lead to a reduction in the reporting of crimes against undocumented immigrants out of fear of being separated from their families, incarcerated and deported. Such a result would make undocumented immigrants more attractive victims to those who prey on the immigrant community -- in particular, those who might be perceived to be undocumented.

It will also cause our immigrant neighbors in Morristown, both undocumented and documented, to mistrust and avoid the police, thereby reducing the number of witnesses to criminal and civil wrongs who would otherwise come forward. The mayor's plan would compromise principles of community policing, which leads to lower crime rates and an increase in the ability of police departments to solve crimes that have been committed -- a concern voiced by Morristown Police Chief Peter Demnitz.

We are further concerned about the prospects of vigilantism by untrained individuals wishing to expose those believed to be undocumented immigrants, which could lead to a host of unwarranted consequences, including abuse and harassment by residents and deputized officers.

As already expressed in a letter to Cresitello, immigrant communities have historically underreported crimes due, in part, to the perception that law enforcement officers will discriminate against them and/or will not be responsive to their concerns. As a result, immigrants and ethnic minority citizens have become natural targets for criminals. To eliminate this perception and encourage members of these communities to come forward with confidence, many regions across the nation have represented to their immigrant communities that they will not seek information about immigration status, nor provide information on immigration status to federal immigration authorities.

Such a policy encourages immigrants (both undocumented and documented) and minorities to report crimes and cooperate in police investigations, thereby allowing law enforcement officers to protect the communities they have sworn to safeguard.

Moving forward to deputizing local police officers to serve as federal immigration officials would have the opposite effect. It would cause immigrant communities to become more apprehensive about interacting with police, whether in reporting crimes or serving as witnesses. It would also have the further effect of emboldening those who prey on the immigrant communities and those who appear to be undocumented immigrants. This conflicts with principles of "community policing," which depends on the community's trust of local police, according to the Morristown police chief.

Moreover, overcrowded living arrangements and "shaping up" at street corners in search of employment as day laborers -- the issues which, according to Cresitello, precipitated the filing of his application and which he wishes to address by deputizing local police as federal immigration officers -- are not events unique to undocumented immigrants. Extended families with limited income frequently reside in overcrowded dwellings. Relatives and friends are driven to share small living quarters due to the rising costs of housing and rentals.

Further, the rise of unemployment forces citizens nationwide to seek day labor to support themselves and their family. Given these facts, enforcement of federal immigration laws by local police is not an appropriate remedy for these circumstances.

For the foregoing reasons, we join the Asian Pacific American Lawyers Association, Wind of the Spirit and American Friends in

urging Cresitello to withdraw his application to deputize police officers as federal immigration officers.

Ivette Alvarez, who practices in Denville, is president-elect of the Hispanic Bar Association of New Jersey.
