

Immigrants uneasy, police on hold as SB4 weighed in courts

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EVERMAN -In 2007, Isabel Aguilar witnessed an accident and stopped to report it to a Fort Worth police officer. He checked her citizenship.

“He said he wanted my driver’s license and proof of an insurance,” Aguilar said. “He then said, ‘I’m running your name.’ I’m a witness and I’m trying to be a good citizen, and he checks on me.”

It happened again in 2012, after she witnessed another collision, she said.

“I’m the one who gets checked, and all I was doing was being a witness,” said Aguilar, an American citizen who was born in Texas.

Those kinds of incidents make Aguilar and other immigrants wary of what will happen if Senate Bill 4 takes effect. A federal judge Wednesday halted major provisions of the law, which seeks to outlaw “sanctuary” entities, the common term for governments that don’t enforce federal immigration laws.

Before the federal ruling Wednesday, SB4 would have punished local government heads and elected officials who didn’t cooperate with federal immigration “detainers” — requests by agents to turn over immigrants subject to possible deportation. Punishment ranges from jail time to a maximum fine of \$25,000.

U.S. District Judge Orlando Garcia temporarily blocked the part of the bill that prohibits “a pattern or practice that materially limits” the enforcement of immigration laws.

He let stand a provision allowing police officers to question the immigration status of people they detain.



*Fort Worth Police Chief Joel Fitzgerald told the City Council last month that SB4 will be hard to enforce. **Fort Worth Police Department***

Texas Gov. Greg Abbott has promised an immediate appeal.

North Texas law enforcement agencies, which were working on new policies for SB4, are waiting to see what happens next.

“Our policy is on hold until a decision has been made on an injunction by a federal judge,” Grand Prairie police spokeswoman Chelsea Kretz said Thursday. “The judge placed an injunction on parts of the law. The police chief is watching this closely and has decided to just place a hold on the entire policy for now.”

Hurst Police Chief Stephen Moore agreed.

“We will not do anything at this time in regards to SB4, unless the injunction is lifted,” Moore said Thursday in a telephone interview.

Immigrants and their allies welcomed the temporary halt on SB4 but promised to keep fighting.

“I had been feeling extremely uneasy and anxious and after the news yesterday, I cried and felt a huge relief even if it is temporary,” said Sandra Tovar, a Fort Worth immigration advocate whose family includes members with different immigration statuses.

“The court was right to strike down virtually all of this patently unconstitutional law,” said Lee Gelernt, deputy director of the ACLU’s Immigrants’ Rights Project.

“Senate Bill 4 would have led to rampant discrimination and made communities less safe. That’s why police chiefs and mayors themselves were among its harshest critics — they recognized it would harm, not help, their communities.”

‘The imminent fear of deportation’

An estimated 475,000 undocumented immigrants are in the Dallas/Fort Worth area, according to the Pew Research Center, based on U.S. Census Bureau data. About 1 million are in Texas and, in 2016, there were an estimated 11.3 million undocumented immigrants in the United States.

Many families include people with different immigration statuses — parents who may have no status, older children on DACA (Deferred Action For Childhood Arrivals), younger siblings who are U.S.-born. As Sept. 1 approached, fears among immigrants and their allies intensified.

Ana Garza of Arlington heard from friends who don’t have legal status. One told her, “Ana, I am afraid to drive.”

Others said they would only venture out of their homes when they had to, Garza said.

Asked what immigrants fear most about SB4, Tovar said: “The imminent fear of deportation at any time ... something that arises from a traffic stop with no driver’s license to show.”

But before the federal ruling, some area police chiefs had already said officers would not be flooding neighborhoods or businesses searching for illegal immigrants and that local jails would not be packed with them, several police officials said.



500+ AMOS leaders gather to get clear on SB4
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The parish is the founding member of the **Arlington Mansfield Organizing Strategy**, which aims to empower immigrants regarding their rights.

The Rev. Daniel Kelley of St. Joseph said the church community has helped quell worries among immigrants in the congregation. People want to know how they will be impacted and their questions dealt with an array of fears, including: “If we get deported can someone else take care of our kids?”

Garza, a member of St. Joseph in Arlington who co-chaired the event, said participants met with officers from Arlington, Mansfield, Kennedale and Fort Worth to discuss how SB4 would work. Immigrants and officers worked in small groups.

Participants learned that police seeking identification during a routine traffic stop are looking to verify the identity of a driver, not immigration status. A driver’s license, passport or identification card is enough in most cases.

Garza said participants told her they weren’t afraid.

“I feel peace. I can trust them,” Garza said she was told, adding, “This is hope.”

‘We totally support every resident’

Building a sense of trust has been a common message among North Texas police departments and immigration experts.

Fort Worth Police Chief Joel Fitzgerald told the City Council on Aug. 15 that SB4 will be hard to enforce and asked the community to trust the police department. He said officers would be trained on the department's new SB4 policy, which will be posted online.

Law enforcement agencies throughout Texas revamped policies to provide guidelines on the new law and to monitor officers when they apply it.

"We totally support every resident of the city of Fort Worth," Fitzgerald said. The department "doesn't engage in discrimination practices or racial profiling. Our mission is to protect each and every person in this city, whether you're a citizen or not."

At the time of an arrest, residents will need to produce a government-issued identification such as a driver's license or identification card, Grapevine Police Lt. Barry Bowling said.

Immigration attorney Francisco Hernandez of Fort Worth said he doesn't expect North Texas jails to be full of undocumented immigrants nor to have his office slammed with residents fearful of being deported.

"ICE didn't ask cities and counties for any help with undocumented immigrants," Hernandez said. "The law is a fantasy because those who are deported are going to come back."

But criminal defense attorney Santiago Salinas of Fort Worth said he fears crimes will go unreported because residents will be afraid to call police.

"We are in a bad situation," Salinas said. "These people are becoming targets because criminals will go after them, knowing they won't report it or be a witness to a crime."

No increase expected at jails

Eules Police Chief Michael Brown and other area police chiefs said they didn't expect an increase in undocumented immigrants detained by officers.

For years, Eules has contracted with U.S. Immigration and Customs Enforcement to temporarily house ICE detainees. Eules gets about \$55 per detainee and holds them for ICE officers for a day or two.

Any Texas city or county holding an undocumented immigrant without a federal hold is not paid by the federal government, officials said.

As of the end of July, Eules has held 2,465 detainees in the Eules jail this year. Brown estimated Eules gets about 2,000 a year.

"I expect after Sept. 1, it's going to be business as usual," Brown said. "I don't expect any increases in our jail."

At the Tarrant County Jail, Sheriff Bill Waybourn is having 12 detention officers undergo federal training to act as immigration agents. Four are in training paid for by the federal government and the rest should complete their training by the end of the year, officials said.

“The federal training of our detention staff has nothing to do with SB4,” department spokesman David McClelland said. “ICE agents are in our jail Monday through Friday from 8 to 5. By participating in this program, it gives us 24/7 coverage and allows us to have more local control of the process.”

ICE officials at a recent meeting on SB4 agreed with Grand Prairie Police Chief Steve Dye when he said ICE agents would not stop everything they were doing to go to a local police department to pick up an illegal immigrant. Agents would probably take the information and follow up later, the police chief said.

“ICE is focused on effective immigration enforcement that prioritizes its resources based on those who pose the biggest threat to national security, border security and public safety,” ICE spokesman Carl Rusnok said in an email. “The decision to take custody of an individual arrested on local criminal charges is made on a case-by-case basis, prioritizing serious criminal offenders and other individuals who pose a risk to national security or public safety.”

Under SB4 as written, sheriffs or police chiefs who defied the federal immigration requests would face a Class A misdemeanor charge, fines and potential jail time. Fines ranged from \$1,000 to \$1,500 on a first violation and \$25,000 to \$25,500 for each one after that.

Elected officials faced removal from their positions for not complying with the law.

But under SB4, an officer may not inquire into the immigration status of a victim and/or a witness to a crime unless the officer determines such an inquiry is necessary to investigate the offense.

And the new law would prohibits local agencies from racial profiling.

“One of the main points we want to emphasize with our community, we do not want officers to act on racial profiling,” said Fort Worth police spokesman Daniel Segura. “Racial profiling is illegal.”

Segura said the Fort Worth police department is revising its policies to monitor and document officers who ask about a resident’s immigration status.

“Our mission is not immigration enforcement,” North Richland Hills police Lt. Jeff Garner said. “We will continue to comply with all applicable state and federal laws regarding immigration issues.”

In recent interviews, Hurst Police Chief Stephen Moore and other area police officials said one way they would monitor officers under the new law would be through the use of body cameras and dash cameras.

“Each month, supervisors randomly view those videos from officers,” Moore said. “If an officer asks about someone’s immigration status, that officer will have to articulate their reason for asking.”

Grand Prairie police noted the law does not apply in community centers, hospital and hospital district police agencies, school districts and open-enrollment charter schools, community centers, local public health departments and federally qualified health centers.

“During a religious service or for a religious organizations, while [officers] are working at that religious facility, Senate Bill 4 does not apply to them,” Grand Prairie Police Chief Steve Dye told a group of police officers at a recent SB4 meeting.

Dye admitted some of the trust between officers and the large Hispanic community in Grand Prairie has eroded.

“We work really hard to reassure our public that we value all persons regardless of whether someone was born in the United States or not,” Arlington police Lt. Christopher Cook said.

Aguilar remains cautious.

“If someone has broken the law in a violent crime or something like domestic abuse and gets arrested, then I agree go ahead and check their status,” Aguilar said. “But if a taillight is out on my car and I get pulled over, that’s unfair to ask about immigration status.”

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