

Federal immigration chief: Cook County jail policy may be illegal

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Cook County's controversial illegal immigration policy, which critics say paved the way for a suspect in a deadly drunken driving crash to bond out of jail and disappear, may very well violate federal law, the nation's immigration director said in a letter to County Board President Toni Preckwinkle.

"This ordinance undermines public safety in Cook County," U.S. Immigration and Customs Enforcement Director John Morton wrote in a Jan. 4 letter to Preckwinkle. "In addition to undermining local public safety, the [ordinance] may also violate federal law."

The letter was dated the same day the Chicago Sun-Times and other media outlets reported the case of Saul Chavez, 36, who was charged in a deadly hit-and-run crash on the city's Northwest Side back in June 2011. His family posted 10 percent, or \$25,000, of the \$250,000 bond, and he was released in late November. He hasn't been seen since.

In the days after Chavez's arrest, immigration officials issued a "detainer" for him, asking that the county jail notify the agency when the suspect posted bond and to detain him up to 48 hours so agents could pick him up for possible deportation proceedings.

But in September, a majority of county commissioners passed an ordinance instructing the jail to ignore the immigration detainees — describing the detainees as requests and not arrest warrants, as a federal court ruled earlier in the year.

Commissioner Jesus "Chuy" Garcia and Preckwinkle championed the measure, saying the detainees sometimes targeted U.S. citizens and were an added expense the jail can't afford.

Chavez is charged in the death of William "Denny" McCann, 66, killed by an alleged drunken driver as McCann crossed a Logan Square Street last summer. McCann's family says Chavez, who lists addresses in Chicago and outside Mexico City, would still be in custody had the county not changed its policy.

At a news conference Thursday, Preckwinkle said her heart goes out to the McCann family, but the issue with Chavez is that his bond was too low — especially considering he had a felony drunken driving conviction on his record.

“I want all of you to know that I’m outraged — I’m outraged by what happened to the McCann family. It’s a tragedy [that] could have been avoided,” she told reporters.

Preckwinkle, a Democrat, said she supported a proposed amendment to the detainer ordinance — sponsored by three Republican commissioners — that would at least allow the county sheriff to open the lines of communication with federal immigration officials. But it was unclear what that would achieve.

The chief sponsor, Commissioner Tim Schneider, said he would seek to fine-tune his ordinance and open the door for the county to again honor the detainees.

As for Morton, the head of federal immigration agency outlines in his letter — provided by Preckwinkle’s office Thursday — how the county ignored 268 detainees issued for jail inmates, many of whom were arrested locally for “serious and violent offenses like assault of a police officer.”

Preckwinkle says she’s angry that the discussion of this issue has devolved into “fear-mongering.”

“I’m angry because people are trying to use this complicated issue to divide our communities. This type of fear-mongering is distasteful, and it has no place in the public policy arena,” she said.

Preckwinkle shook her head over the immigration chief’s letter, requesting an amendment to the ordinance “to avoid any legal conflict with federal law.”

“I just got this letter last night, and we’re crafting a response to Mr. Morton, and we will be happy to talk to him,” Preckwinkle said. “I will just tell you I have not heard a word from him — not a phone call or letter in the last four months — so it’s fascinating I get this in the last few days.”