

Cops huddle over illegal immigrants' cars

Courts at federal, state levels rule out automatic seizures.

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On the same day last week that state Sen. Gil Cedillo introduced legislation -- for the ninth consecutive year -- to allow illegal immigrants to obtain driver's licenses, law enforcement officials were meeting in Sacramento.

Among the issues discussed were federal and state court rulings restricting authority of law enforcement officers to seize vehicles.

Although decisions by the 9th U.S. Circuit Court of Appeals in San Francisco and the California Court of Appeal did not specifically deal with illegal immigration, in many communities the majority of cars impounded belong to unlicensed drivers in the country illegally.

As a result of the rulings, the California Police Chiefs Association has told its members it is illegal to impound vehicles of people whose only violation is driving without a license when the vehicle does not create a traffic hazard.

The Sonoma County Sheriff's Department, after consulting with county attorneys, became one of the first jurisdictions in the state to follow the legal advice.

"This isn't an immigration or racial issue," Sheriff Bill Cogbill said. "But the majority of people who get their cars towed (in Sonoma County) are illegal immigrants because they can't get a driver's license."

Santa Rosa Police Chief Ed Flint, whose department is reviewing its towing policies, said there is a lot of disagreement "up and down the state" about the federal court ruling in an Oregon case that has prompted many departments to re-evaluate their procedures.

Like Cogbill, Flint emphasized this is not an immigration issue, but said "the failure of federal and state government to address the immigration problem" has forced local officials to take the initiative.

While cities like Costa Mesa and Escondido with predominantly white residents are cracking down on illegal immigrants, Latino cities such as Maywood have curtailed traffic stops and auto impounding seen as targeting illegal immigrants.

"Many of these problems are left up to local government officials to contend with," said Flint, a former police chief of Elk Grove. "And the whole licensing thing is out of the hands of sheriffs and police chiefs."

After eight years of disappointment, Cedillo believes the law will change this year. He points out that the federal government is scheduled to release regulations for the Real ID Act, saying immigration laws may change now that Democrats have become a majority in Congress.

Prompted by the terrorist attacks of Sept. 11, 2001, the Real ID Act seeks to create a national standard for driver's licenses.

"If we're going to have legislation to come into compliance, it has to be done this year," Cedillo said Thursday, after introducing his latest bill, Senate Bill 60. "The governor has indicated in his objections in the past that we didn't have any guidelines, but he soon will."

In vetoing Cedillo's bill last year, Gov. Arnold Schwarzenegger called the measure -- Senate Bill 1162 -- premature because Real ID Act regulations and immigration changes had not been implemented.

But Ira Mehlman, a spokesman for the Federation for American Immigration Reform, which has been at the vanguard of the battle against illegal immigration, said Cedillo should not hold his breath.

"Unless there's something in the Real ID Act that says, 'Go ahead, issue driver's licenses to illegal aliens' -- which I seriously doubt -- I think it's going to be difficult for Schwarzenegger to do a 180 on this," Mehlman said.

Soon after taking office in 2003, Schwarzenegger moved to repeal a driver's license bill that former Gov. Gray Davis had signed. He said he would consider a new version of the bill with stricter security measures.

Each year since, the Republican governor has vetoed Cedillo's legislation. But the Los Angeles Democrat is heartened that this year the governor has said he wants everyone in California to carry health insurance and has not made a distinction between legal and illegal residents.

The governor also supports a law that allows illegal immigrants who graduated from high schools in California to qualify for in-state tuition in state colleges.

Allowing illegal immigrants to obtain licenses, Cedillo argues, would be a natural progression that would make it easier for them to get to a doctor and to school.

Under SB 60, applicants would be required to meet or exceed standards set forth by the Real ID Act. The license could be used for driving only.

But Mehlman said granting licenses to illegal immigrants would reward lawbreakers with "amnesty." That argument has thwarted changes by Congress.

By some estimates, hundreds of thousands of illegal immigrants are already driving in California, which police deal with every day.

In places like Sonoma County, illegal immigrants make up a sizable share of workers in the area's famed vineyards. And many drive.

As sheriff, Cogbill acknowledges their contributions but does not advocate giving them licenses.

"We need to fix this whole immigration thing and make it easier for people to come into the country and to get work permits," he said. "Then, once they have those things, give them a license."

Prompted by a November 2005 decision by the 9th U.S. Circuit Court of Appeals, Cogbill's department recently stopped impounding the cars of people whose only violation is driving without a license.

In the case, the court ruled the Police Department in Cornelius, Ore., had no right to impound a car driven by an unlicensed driver when there was no other violation, the car's location did not pose a problem and a licensed driver was available to take charge of the vehicle.

Last month, the California Court of Appeal, citing the Oregon case, further restricted the authority of law enforcement in the state to seize vehicles.

Santa Rosa Chief Flint said the court rulings were discussed at the outset of last Thursday's meeting of law enforcement officials in Sacramento with Martin Mayer, a lawyer for the California Police Chiefs Association.

"Obviously, there's a lot of interest in this issue," Flint said.