



# Report

July 1, 2010

## Law Enforcement Leaders Agree: Federal Government is Responsible for Enforcing, and Reforming, Immigration Law

Over the past year and a half, state and local police have been raising their voices about the need for comprehensive immigration reform at the federal level, and policies that respect the tenets of community policing at the state and local level. The country's foremost police chiefs and sheriffs have made it clear that "stopgap" immigration measures by local and state governments undo decades of progress in community policing and damage officers' ability to keep communities safe. The only permanent way to secure public safety and trust is to accomplish immigration reform at the federal level.

In May of 2010, a delegation of police chiefs, led by Police Executive Research Forum president Chuck Wexler, brought this message to Washington. The chiefs met with Attorney General Eric Holder to urge the importance of action by the Obama Administration--against Arizona's controversial immigration law SB 1070, and toward federal immigration reform. Their message was clear:

- **Immigration enforcement is a federal responsibility, not a local one.** As **Chief Chris Burbank of Salt Lake City, UT** said, "We could enforce IRS regulations, but the question is do you want local law enforcement to take the lead role in federal immigration enforcement. What we're saying is, we feel it's going to divert our resources away from things we're supposed to be doing -- that is fighting crime and providing for the safety of local communities."<sup>1</sup>
- **Local immigration enforcement unravels decades of progress in community policing and public trust.** As **Chief Roberto Villasenor of Tucson, AZ** said, "When you enact legislation that makes any subset of that community feel like they are being targeted specifically or have concerns about coming forward and talking to police, that damages our capability to obtain information to solve the crimes."<sup>2</sup>
- **Laws like Arizona's SB 1070 will increase crime in our communities.** As **Chief Charlie Beck of Los Angeles, CA** stated, "This is not a law that increases public safety. This is a bill that makes it much harder for us to do our jobs. Crime will go up if this becomes law in Arizona or in any other state."<sup>3</sup>
- **The only permanent way to fix our immigration system is to accomplish federal reform.** As **Chief Jack Harris of Phoenix, AZ** told the Washington Post: "We understand and agree: Federal immigration law, the whole system, is broken, and that people are very, very frustrated all across this country. But this state law doesn't solve the immigration problems for the country. The solution is here in Washington, D.C., and Congress must step forward and come up with a comprehensive immigration reform that will really solve the problem."<sup>4</sup>

**Read on for more examples of law enforcement opposition to local immigration enforcement and support for federal immigration reform.**

Last month, police chiefs from across the country joined a telephonic press conference to explain how Arizona's new law was dangerous to law-enforcement professionals, and express their concern that it would spread to their states. **Chief J. Thomas Manger of Montgomery County, MD** concluded that "we'd be losing a lot more than we'd be gaining if we had to undertake federal immigration responsibilities."<sup>5</sup> **Sheriff Mike Haley of Washoe County, NV** said that "Any unfunded mandate, any direction by the federal government, that I use my precious resources to affect a federal outcome would affect my ability to do what the taxpayers in my county have asked me to do, and that is to keep them safe from criminals."<sup>6</sup> Haley called for Congress to find a "bipartisan, comprehensive solution" to the broken immigration system.<sup>7</sup>

Also in May, **Chief George Gascon of San Francisco, CA**, former chief of Mesa, AZ, called Arizona's SB 1070 "a significant step backwards" for law enforcement in a column for The Crime Report. "This has been and should remain the jurisdiction of the federal authorities," Gascón concluded. "I urge our leaders at the state and national levels to craft meaningful solutions to the issues surrounding immigration, and not concoct politically expedient legislation that, intended or not, will most assuredly produce even greater disaffection in our communities."<sup>8</sup> In another column, for the Austin American-Statesman, **Police Chief Art Acevedo of Austin, TX** warned that under the fear promoted by Arizona's law, "women subjected to rape and domestic abuse will once again be hesitant to come forward; families robbed of their life savings will remain silently quivering in the confines of their homes; and neighbors of known human and drug traffickers will remain quiet. Ultimately, we will all suffer from Arizona's foolhardy and shortsighted approach to dealing with illegal immigration. Arizona has essentially declared open season for criminals to target illegal immigrants and their families."<sup>9</sup> And in June, a column in the Sacramento Bee by **Art Venegas, former police chief of Sacramento** and project director of the Law Enforcement Engagement Initiative, emphasized that "we need to get local cops out of immigration enforcement; they have enough to do as it is and without the trust of the immigrant community they cannot effectively fight crime. Obama and Napolitano need to step up and admit that this is their responsibility first and foremost, and then they need to do it now."<sup>10</sup>

Before the passage of SB 1070, the **Arizona Association of Chiefs of Police** urged Arizona Governor Jan Brewer not to pass the law. In a public statement, the AACOP said that "the provisions of the bill remain problematic and will negatively affect the ability of law enforcement agencies across the state to fulfill their many responsibilities in a timely manner. While AACOP recognizes immigration as a significant issue in Arizona, we remain strong in our belief that it is an issue most appropriately addressed at the federal level."<sup>11</sup> On a telephonic press conference, **Chief George Gascón of San Francisco, CA** – former chief of Mesa, AZ – said the law "will have a catastrophic effect on policing and set back community policing efforts for decades."<sup>12</sup> **Chief Richard Myers of Colorado Springs, CO** said, "It's a very troubling bill. It's wrong to racially profile. We try to profile human behavior. I will not accept that this is the responsibility of local police departments."<sup>13</sup> And **Chief Harry Dolan of Raleigh, NC** warned that "Absent the guidance of the federal government, we are going to see more and more states come up with legislation to deal with a very complex national issue."<sup>14</sup>

On February 25, 2010, police leaders gathered on a telephonic press conference to remind the media, the public, and the government that federal inaction on immigration reform creates a burden on local law enforcement that is becoming impossible to bear. “This is a problem that has gone on too long,” said **Police Chief Sam Granato of Yakima, WA**. “It’s time this Congress and this President step up to the plate and give us some reform.”<sup>15</sup> **Lisa Womack, chief of the Elgin, IL police**, added, “If there was a local solution to this issue...the border states would have already figured it out. In my opinion, there is not a local solution.”<sup>16</sup> **Sheriff Richard Wiles of El Paso County, TX** noted that trying to identify undocumented immigrants to prosecute them could lead to racial profiling: “That’s certainly not appropriate, it’s not ethical and it’s a violation of Texas law.”<sup>17</sup> “Having police officers and sheriffs’ deputies take on the task of enforcing outdated immigration laws is not the answer, and never will be,” the Yakima Herald-Republic wrote in a supportive editorial after the press conference.<sup>18</sup> That same week, **Lake County (IL) Sheriff Mike Curran** told the Chicago Tribune that immigration reform is “morally the right thing to do” and that legalized immigrants would be “patriotic Americans” who would assist police with investigations.<sup>19</sup>

In January, the Police Executive Research Forum held a convening in Raleigh to discuss issues of immigration policy and policing with law enforcement professionals from across North Carolina. At a press conference following the meeting, **Durham Police Chief José Lopez** explained that “People who have the information aren’t coming forward for fear that either they or a loved one will wind up getting into the web of immigrations and be lost.”<sup>20</sup> **Raleigh Police Chief Harry Dolan** added, “There are hoodlums in this community that target people based on the fact that they will not call the police... ”It is very intense in our community and across the country.”<sup>21</sup> Chief Dolan also expressed concern that some immigrants were being deported for “what some people might call trivial offenses.”<sup>22</sup>

In October of 2009, police leaders from Sacramento, CA; Arlington, TX; and Polk County, IA, held a telephonic press conference to discuss the toll the immigration system had taken on their communities and renew the call for reform. **Kim Lemaux, Deputy Police Chief of Arlington, TX**, discussed the challenge the broken immigration system has on policing: “if a group of residents fears the police then they won’t turn to officers for help, making them viable victims. We need everyone in our community to be willing to be involved and to not be afraid to report crimes.”<sup>23</sup> **Bill McCarthy of Polk County, Iowa** discussed the need for reform based on local experiences, noting that an ICE raid in Postville “disrupted families at the core level and terrorized children, and that should never happen in this country. Our values do not reflect that now, nor have they ever.”<sup>24</sup> **Rick Braziel, Sacramento’s police chief**, added, “Without comprehensive immigration reform, we place our communities and our nation at risk. It is time for Congress to take action on immigration reform to increase public safety and encourage full civic participation from all members of our community.”<sup>25</sup> In a column written after the call, the Sacramento Bee wrote that law enforcement “can bring honesty to the immigration discussion that politicians and pundits do not...But Braziel had better wear his flak jacket. Talking sanely about immigration can be hazardous.”<sup>26</sup>

Also in October, outgoing **Los Angeles Police Department Chief William J. Bratton** wrote a column for the Los Angeles Times encouraging his successor to continue his outreach policies and calling for

federal action on immigration reform. Chief Bratton wrote that “working with victims and witnesses of crimes closes cases faster and protects all of our families by getting criminals off the street. We must pass immigration reform and bring our neighbors out of the shadows so they get the police service they need and deserve. When officers can speak freely with victims and witnesses, it goes a long way toward making every American neighborhood much safer.” He also encouraged his successor to keep “the mission of the men and women of the department focused on community cooperation instead of community alienation.”<sup>27</sup>

In early September, **New Orleans Police Superintendent Warren J. Riley** was joined by New Orleans Mayor Ray Nagin and leaders from community groups and the Catholic Church to call for comprehensive immigration reform. Mayor Nagin spoke of the tremendous contribution of immigrants, both documented and undocumented in rebuilding New Orleans after Hurricane Katrina, concluding that “some form of comprehensive immigration reform is certainly warranted. We have had a good experience in New Orleans with migrant workers who came here to rebuild after the storm and they are now part of our community. We’d like to see that they’re treated fairly moving forward.”<sup>28</sup> Superintendent Riley focused on the public safety implications when the immigrant community of New Orleans is afraid to report crimes due to fear of deportation: “We would like to encourage those who have been victims of crime or witnesses to crime to be confident in coming forward to report crimes without fear of deportation. The New Orleans Police Department would like to ensure all immigrants that we are here to serve them and protect them as we do with all American citizens.”<sup>29</sup> Community and church leaders, such as Martin Gutierrez of Catholic Charities, echoed their support for Nagin and Riley, stating “We know that the issue of comprehensive immigration reform needs to be taken a look at soon. ASAP.”<sup>30</sup>

In mid-August, **Atlanta Police Chief Richard Pennington** joined with leadership of the **National Organization of Black Law Enforcement Executives (NOBLE)** to call on the federal government to enact comprehensive immigration reform. The event, held at the Martin Luther King, Jr. Center in Atlanta, also featured Congressman Hank Johnson (D-GA) and Atlanta Archbishop Wilton Gregory advocating for reform. Chief Pennington stated, “the immigrant community becomes very skeptical of law enforcement. At some point, they will not cooperate when there is a crime in their community.”<sup>31</sup> At its annual conference held in late July, NOBLE unanimously passed a resolution calling for federal action on comprehensive immigration reform. The resolution stated that the immigration system “is ineffective and that the laws that govern it need to be reformed,” that the immigration status quo is “creating fear, apprehension and mistrust that is dividing and hurting communities,” and that “law enforcement needs every community member, regardless of their status, to be a partner in crime prevention and public safety.” As a result of these diagnoses, NOBLE endorsed comprehensive immigration reform to “bring millions of people out of the shadows of fear and into the participation of democracy and citizenship” and urged Washington to “focus on strengthening the borders of our nation, put common sense and rational actions back into our immigration system.”<sup>32</sup>

On July 22, 2009, over one hundred leading law enforcement officials gathered in Phoenix to discuss how the current federal immigration policy impacts community policing at the local level. At the

National Summit on Local Immigration Policies, hosted by the **Police Executive Research Forum (PERF)**, these chiefs concluded that the broken immigration system has hurt their ability to do work with the entire community to fight crime, and Congress should promptly adopt an immigration bill that includes guest worker programs, legalization of the undocumented workforce, and stronger enforcement against employers who hire illegally. As the *Arizona Republic* noted in coverage of the conference, **Phoenix Police Chief Jack Harris** summed up the view of many attendees by saying that the immigration system “needs to be fixed, and it needs to be done sooner rather than later.”<sup>33</sup>

Also in July, **Kalamazoo, MI Department of Public Safety Chief Jeff Hadley** released a draft written policy that prohibits police in his city from checking the immigration status of individuals stopped for traffic violations and nonviolent crimes. Underscoring the need for the new policy, Chief Hadley stated that “We have people in our community living in the shadows, afraid to come out and seek out help.”<sup>34</sup> As the *Kalamazoo Gazette* wrote in an editorial praising the new policy, “Chief Hadley's position should not be construed to mean that he's not in favor of controlling immigration. What is relevant is his sensitivity and keen awareness that many undocumented residents are afraid to report crimes to his department, even if they are victims. Moreover, budget constraints at all levels of government have resulted in the need to focus the limited resources of law enforcement. Kalamazoo's police have enough to do in dealing with all types of crime, enforcing traffic laws and other ordinances without taking on the burden of becoming involved in the immigration dilemma. There's also a practical side to this issue. If, with impunity, undocumented residents can report offenses to the authorities, the entire community could see a long-term plus in crime reduction.”<sup>35</sup>

**Chief Chris Burbank, Police Chief of Salt Lake City, UT**, authored an op-ed in the *Salt Lake Tribune* in July that called for immigration reform and criticized a new statewide law in Utah that burdens local police with responsibility for immigration enforcement. Chief Burbank stated that “the essential duty of modern law enforcement is to protect the civil rights of individuals while providing for the safety of all members of the communities we serve, equally, without bias. Asking local police agencies to enforce federal immigration laws, as Utah's new law does, is contrary to our mission, marginalizes significant segments of the population, and complicates and ultimately harms effective community policing. We function best when we are part of, not apart from, the community.” He also said that “the federal government needs to pass comprehensive immigration reforms to truly fix the problem and relieve the burden on state and local police.”<sup>36</sup>

An event in Miami in June featured major city police chiefs advocating for immigration reform. **Chief John Timoney, Miami's Chief of Police; Chief Art Acevedo, the Police Chief of Austin, TX; and former Sacramento Police Chief Art Venegas** discussed the challenges to public safety when immigrant residents fear contact with law enforcement. Chief Timoney said “It is crucial that the law enforcement perspective be considered in any debate on immigration. All our citizens are directly affected, whether they are immigrants or not, by these policies. Immigrant victims and witnesses of violent crimes will not come forward if they fear their ‘local police’ will deport them.”<sup>37</sup> Chief Acevedo said, “Comprehensive immigration reform will lead to enhanced safety and security for everyone.”<sup>38</sup>

Also in June, chiefs from a cross-section of the United States – Austin, TX; Topeka, KS; and North Charleston, SC – joined voices to highlight the need for comprehensive immigration reform and the problems with our current approach to immigration policy. **Chief Ron Miller of Topeka, KS** stated, “The mission of local police is to reduce crime, make neighborhoods safer, arrest those who break the law by committing criminal violations and to protect the community. We cannot police a community that will not talk to us.”<sup>39</sup> **Chief Jon Zumalt of North Charleston, SC** noted that the key elements of comprehensive reform “are controlling our borders so we have knowledge of anybody who is coming into our country. The next step is making sure we can document and identify everybody who is in our country. And the next step is those whom we identify who are criminals, we’ve got to get them deported.”<sup>40</sup> And **Chief Art Acevedo of Austin, TX** said, “Comprehensive immigration reform is not only the right thing to do from a humanistic standpoint, but also a public-safety standpoint.”<sup>41</sup>

In May, the **Police Foundation** released a report with recommendations resulting from a year-long study of how immigration responsibilities have impacted state and local law enforcement and harmed community policing efforts. The report found that “local law enforcement executives say civil immigration enforcement by local police undermines their core public safety mission, diverts scarce resources, increases their exposure to liability and litigation, and exacerbates fear in our communities.”<sup>42</sup> The report and its recommendations were unveiled at a Capitol Hill press conference featuring **Hubert Williams, the President of the Police Foundation; Chief Theron Bowman of Arlington, TX; Chief Harold Hurtt of Houston, TX; Chief Jose Lopez of Durham, NC; Chief Ron Miller of Topeka, KS; and Chief Toussaint E. Summers, Jr. of Herndon, VA.**

The **National Latino Peace Officers Association (NLPOA)**, the largest minority law enforcement organization in the nation, passed a resolution in May calling on Washington to pass comprehensive immigration reform. The resolution stated that “the NLPOA seeks to be part of the national policy discussion and design of the comprehensive reformation of our national immigration laws so that all people within the United States of America can become participants in our democracy while making our country safer and that Congress and the President should bring about these reforms sooner rather than later because they are in the best interest of our country.”<sup>43</sup>

In April, **Gregory Allen, Chief of El Paso, TX Police Department, and Richard Wiles, El Paso’s County Sheriff,** along with **Toussaint E. Summers Jr., the Chief of Police in Herndon, VA, and Jon Zumalt, chief of the North Charleston, SC Police Department,** sent a letter to the leaders of the U.S. Senate Immigration Subcommittee calling on the federal government to “enact a comprehensive immigration law that secures the borders and legalizes immigrants who are working without papers.” The chiefs further stated that, “From a law enforcement point of view, we need to know who is here in our country, get them documented, weed out the bad apples, and ensure that we never face another build-up of illegal immigration again. We need a national immigration policy that punishes human smugglers and others who profit from our broken immigration system, ensures that all residents of our community feel safe reporting crimes and working with the police, and allows state and local police to focus on job number one: protecting all members of our communities from crime.”<sup>44</sup>

The **Washington State Sheriff's Association** also sent a letter to Senator Maria Cantwell (D-WA) and Senator Patty Murray (D-WA) noting that the “lack of a coherent national immigration policy has created chaos in our communities and made the job of law enforcement much harder,” and calling on Washington to “pass federal immigration reform as soon as possible as we serve our country and our communities on the front line every day.”<sup>45</sup>

**J. Thomas Manger, the Montgomery County, MD Police Chief and Chairman of the Major Cities Chiefs Association's Legislative Committee**, provided testimony before the Senate Immigration Subcommittee in late April during which he called for comprehensive immigration reform, stating, “It is tremendously challenging to deliver police service to a community of people who are afraid to have any contact with the police. The results are an increase in unreported crime, reluctant victims and witnesses, and the targeting of immigrants by criminals because the bad guys know that many immigrants will not call the police. It is imperative that we find a way to bring these people out of the shadows so that they get the service they need and deserve.”<sup>46</sup> The MCC’s Immigration Committee also revised its recommendations in 2009, emphasizing that “local agencies have a clear need to foster trust and cooperation with everyone in...immigrant communities” and calling for the MCC to take an active role in the national debate.<sup>47</sup>

## Endnotes

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