

May 9, 2016

VIA EMAIL

Louisiana State Senate and House of Representatives
Baton Rouge, LA 70808

**RE: New Orleans Police Department's bias-free policy
Chapter 41.6.1 "Immigration Status"**

Dear State Senators and Representatives:

We write on behalf of national immigration law and policy organizations to dispute the inaccurate allegations that the New Orleans Police Manual Chapter 41.6.1 is in violation of federal immigration law and to urge you to reject House Bills 1148 and 453.

The New Orleans Police Department's considered policy choice in Chapter 41.6.1 formally instructs its officers to provide equal services to immigrants in the New Orleans area. It is a corrective policy meant to overcome past unconstitutional actions. New Orleans' lawful bias-free policing policy, like that of many other jurisdictions around the country, reflects a commitment to non-discrimination and is in line with best community policing practices.

The suggestion that the NOPD policy conflicts with federal law is incorrect. NOPD's decision not to collect immigration information does not conflict with 8 U.S.C. §1373, which plainly addresses only the sharing of information held by localities, and not its collection. Neither does the NOPD policy implicate the federal harboring statute; no court has ever even remotely considered a police department's commonplace decision as to how to direct its enforcement resources to constitute the criminal encouragement or inducement of noncitizens to enter or reside in the U.S. unlawfully under 8 U.S.C. § 1324(a)(1)(A)(iv). Indeed, these federal statutes could never be properly interpreted to require state or local law enforcement agencies to expend their scarce resources enforcing federal law, because to do so would violate the rights of states and localities under the Tenth Amendment not to have their officers and resources conscripted into enforcing federal law.

We also write to urge you to reject House Bills 1148 and 453, which are a clear attack on the NOPD policy. These bills are bad for local communities, bad for law enforcement, and bad for Louisiana. Similar proposals in neighboring states including Mississippi and Tennessee have been resoundingly rejected because they force law enforcement agencies to do the work of the federal government, which in turn undermines community trust in law enforcement, reduces focus on local public safety issues and exposes local agencies to legal liability.

We ask you to strongly consider this information as this legislative session continues.

Sincerely,

ACLU Immigrants' Rights Project

ACLU of Louisiana

Advancing Justice – Asian Law Caucus

Immigrant Legal Resource Center

National Day Laborer Organizing Network

National Immigrant Justice Center

National Immigration Law Center

National Immigration Project of the National Lawyer's

Guild

Southern Poverty Law Center