

Local Law Enforcement Leaders Oppose Mandates to Engage in Immigration Enforcement

AUGUST 2013

The Strengthen and Fortify Enforcement (SAFE) Act (H.R. 2237) was voted out of the House Judiciary Committee on June 18, 2013, and may be headed to the House floor, where it would be debated and possibly further amended. Among its many harmful enforcement-only provisions is one that would compel law enforcement officers to engage in immigration enforcement activities and require that civil immigration status information be entered into the National Crime Information Center (NCIC) database. Law enforcement leaders and associations have spoken out against any congressional action that would require state and local law enforcement agencies to engage in immigration enforcement.

Below are (1) statements from law enforcement officers opposing *recent* congressional attempts to turn police into immigration enforcement officers, followed by (2) a list of law enforcement associations, departments, and officials that have expressed opposition to mandates that require them to enforce immigration law, followed by (3) more statements and information from these leaders and organizations. In the list, organizations and officials appear alphabetically by state, organization name, and surname, with organizations listed before individual officials. Position titles provided for officials (“Police Chief,” etc.) generally are those that corresponded to them at the time they made the statement quoted in this document. Page numbers accompanying the list of organizations or officials are hyperlinked to the pages in this document on which can be found the quotations and sources for the listings.

Statements from Law Enforcement Officers Opposing Recent Congressional Attempts to Turn Police into Immigration Enforcement Officers

Major Cities Chiefs Association, June 2013

Any Congressional action that would require state and local law enforcement agencies to engage in immigration enforcement is strongly opposed by the Major Cities Chiefs. . . . That is why we oppose the SAFE Act and similar measures being offered in the Senate such as Senator Sessions’ Amendment 1334. These proposals attempt to force police officers to perform the duties of immigration agents through the threat of sanctions and the withholding of existing funding. This is a misguided approach and will make all of our communities less safe.¹

¹ “Police Chiefs from Nation’s Major Cities Object to Legislative Proposals Requiring Local Police to Enforce Federal Immigration Law” (statement released by Major Cities Chiefs Association, June 2013), www.nilc.org/document.html?id=934.

Each statement quoted herein is a direct quotation from the source cited in the footnote that accompanies the statement. In some cases, the quotation is from a document issued by an organization; in other cases, a particular law enforcement official is quoted; and in a few cases, the quotation is from a news article or news release.

Police Chief Roberto Villaseñor (Tucson, Arizona), June 2013

The House's SAFE Act and amendments being considered in the Senate would blur the line between local policing and immigration enforcement, making our job as law enforcement officers more difficult and detracting from public safety as a result. Law enforcement officers have taken an oath to protect all those who live within our communities, regardless of race, culture, or nation of birth. We don't need short-sighted laws that tie our hands and prevent us from establishing the trust we need to protect the communities we serve.²

Police Chief Sergio Diaz (Riverside, California), June 2013

There's a number of issues and reasons — resource reasons — why [the SAFE Act] is an anti-productive law. The emphasis on excludable and deportable individuals implies that police personnel will now receive new training on immigration laws But training time is a very limited commodity in my business, we're already challenged to provide safety, and tactical, and legal trainings that are required so that our staff can protect the public Even with the added training, if we add immigration responsibilities to local police . . . this will inevitably lead to claims of racial profiling, and some of those claims will be supported in court and some of them will cost big money for local governments.³

San Francisco District Attorney George Gascón (San Francisco, California), June 2013

The House of Representatives' proposal to add extraneous civil immigration information to the NCIC [National Crime Information Center] database doesn't just add unnecessary clutter, it could make a police officer's job more dangerous. . . . The value of NCIC is lost when we throw in thousands of civil immigration records that local police are not trained or equipped to analyze. We shouldn't force an officer to wade through civil immigration information during these potentially dangerous moments in an officer's day. Instead of burdening police officers with unfunded mandates, both the House of Representatives and the Senate should focus on how best to reform our immigration system to allow those living in fear of deportation to get on a road to citizenship.⁴

Police Chief Art Acevedo (Austin, Texas), June 2013

My colleagues and I urge Congress to reject proposals that would turn police officers into immigration agents. . . . Immigration enforcement must remain solely a federal responsibility because immigrants will never help their local police to fight crime once they fear we have become immigration officers. For these reasons, I and my colleagues on

² "Tucson Police Chief Villaseñor: Congress Should Drop Unfunded Mandates on Law Enforcement" (statement issued by Roberto Villaseñor, June 26, 2013), www.nilc.org/nr062613.html.

³ Statement by Sergio Diaz, Chief of Police, Riverside, California, made during a telephonic press conference sponsored by CAMBIO (Campaign for an Accountable, Moral, and Balanced Immigration Overhaul), June 17, 2013, www.nilc.org/document.html?id=938.

⁴ "Law Enforcement to Washington: Don't Turn Police Officers into the Long Arm of Immigration Law: (statement issued by George Gascón, San Francisco District Attorney, June 20, 2013), www.nilc.org/nr062013.html.

the Major Cities Chiefs Assoc. oppose the so-called SAFE Act now pending in the House of Representatives as well as similar provisions proposed in the Senate.⁵

Sheriff Mark Curran (Lake County, Illinois), June 2013

The neighborhoods are going to be safe when the citizens are involved and act as the eyes and ears of the community. And that doesn't work in communities that have large . . . immigrant populations where there's great fear from law enforcement. And there is [great fear] right now . . . as a result of the fact that we haven't moved in the direction of immigration reform, that nobody knows what we're doing in terms of Secure Communities, in terms of the federal government's policies on immigration, and this [SAFE Act] bill is only going to send more fear as we await, hopefully await, some kind of immigration reform bill instead.⁶

Police Chief Chris Burbank (Salt Lake City, Utah), June 2013

When police officers are forced to detect and detain immigrants who are here without authorization, this trust is easily broken. It inappropriately interjects bias into our profession and makes the compassionate service provided daily by police officers throughout the country less legitimate. That's why reports that legislators in both the Senate and House of Representatives are advancing proposals that would essentially turn police officers into the long arm of immigration law are so troubling.⁷

⁵ "Austin Police Chief: Congress Should Consider Good Policy, Not Politics, When Dealing with Immigration" (statement issued by Art Acevedo, police chief of Austin, Texas, and member of the board of directors of the Major Cities Chiefs Association, June 25, 2013), www.nilc.org/nr062513_a.html.

⁶ Statement by Mark Curran, Sheriff, Lake County, Illinois, made during a telephonic press conference sponsored by CAMBIO (Campaign for an Accountable, Moral, and Balanced Immigration Overhaul), June 17, 2013, www.nilc.org/document.html?id=938.

⁷ "Law Enforcement Leader Speaks Out Against House and Senate Anti-Immigrant Proposals" (statement Issued by Chris Burbank, Police Chief, Salt Lake City, June 18, 2013), www.nilc.org/nr061813.html.

Associations, Departments, and Officers Opposed to Local Enforcement of Immigration Laws

Major Cities Chiefs Assoc. (MCCA; includes the 56 largest police depts. in the U.S.)*⁸ 1, 7, 7, 7

National Latino Peace Officers Assoc. (NLPOA)* 7

Police Executive Research Forum (PERF)* 7

Police Foundation**⁹ 8

Alabama

Todd Entrekin, Sheriff, Etowah County Sheriff’s Office***¹⁰ 8

Mike Hale, Sheriff, Jefferson County Sheriff’s Office*** 8

Ray Latham, Sheriff, Clay County Sheriff’s Dept.*** 8

A.C. Roper, Chief of Police, Birmingham Police Dept.*** 8

Arizona

Santa Cruz County Sheriff’s Office** 8

South Tucson Police Dept.** 8

Yuma County Sheriff’s Office** 8

Clarence W. Dupnik, Sheriff, Pima County* 7

⁸ A person or entity whose listing is marked with an asterisk [*] is included in the list of *amici curiae* (“friends of the court”) in an *amicus* brief filed on behalf of state and local law enforcement officials with the U.S. Supreme Court in *Arizona v. U.S.* (Mar. 2012), www.nilc.org/document.html?id=647.

⁹ Organizations or departments marked with two asterisks [**] are listed in *Organizations Opposed to Local Enforcement of Immigration Laws* (National Immigration Forum, Apr. 2004), www.policyarchive.org/handle/10207/bitstreams/11663.pdf.

¹⁰ A person whose listing is marked with three asterisks [***] provided a declaration in recent litigation against states that have passed anti-immigrant laws.

Jack Harris, Police Chief (retired), Phoenix* 7

Richard Miranda, Police Chief (retired), Tucson. 8

Roberto Villaseñor, Police Chief, Tucson* 2, 7

California

Anaheim Police Dept.** 8

Arroyo Grande Police Dept.** 8

California Police Chiefs’ Assoc.** 8

California State Sheriffs’ Assoc.** 8

Fresno Police Dept.** 8

Los Angeles Police Commission** 8

Modoc County Sheriff’s Office** 8

Newark Police Dept.** 8

Sacramento Police Dept.** 8

Salinas Police Dept.** 8

San Diego Police Dept.** 8

San Joaquin County Sheriff’s Office ** 8

Stockton Police Dept.** 8

Ventura County Sheriff’s Dept.** 8

Charlie Beck, Police Chief, Los Angeles* 7

Leroy D. Baca, Sheriff, Los Angeles County* 7

Ronald Davis, Police Chief, East Palo Alto* 7

Sergio Diaz, Police Chief, Riverside, California* 2, 7

George Gascón, District Attny, San Francisco; formerly Assistant Chief, Los Angeles Police Dept., Police Chief, Mesa, Arizona, and Police Chief, San Francisco* 2, 7

Mike Hidalgo, Police Dept. Spokesman, Anaheim** 8, 8

Rick Jones, Police Chief, Los Rios* 7

Arturo Venegas Jr., Police Chief
(retired), Sacramento & Director,
Law Enforcement Engagement
Initiative* 7, 8

Colorado

Boulder Police Dept.** 8
Denver Police Dept.** 8
Glenwood Springs Police Dept.** 8
Gerry Whitman, Police Chief, Denver 8
Terry Wilson, Police Chief, Glenwood
Springs 9

Connecticut

Connecticut Police Chiefs' Assoc.** 8

District of Columbia

Washington, DC, Metropolitan Police
Dept.** 8

Florida

Miami-Dade Chiefs Assoc.** 8
Miami Police Dept.** 8
North Miami Beach Police Dept.** 8
Police Benevolent Assoc.** 8
Eduardo Gonzalez, formerly Director
of the U.S. Marshals Service and
Police Chief, Tampa (retired)* 7, 9
Robert Parker, Police Chief, Miami-
Dade Police Dept. ‡¹¹ 7

Illinois

Chicago Police Dept.** 8
Cicero Police Dept.** 8
Mark Curran, Sheriff, Lake County 3

¹¹ A person whose listing is marked with the symbol ‡ is listed as a member of the Major Cities Chiefs Immigration Committee in *M.C.C. Immigration Committee Recommendations for Enforcement of Immigration Laws by Local Police Agencies* (Major Cities Chiefs Assoc., June 2006), www.houstontx.gov/police/pdfs/mcc_position.pdf.

Iowa

Des Moines Police Dept.** 8

Kansas

Kansas City Police Dept.** 8
Lenexa Police Dept.** 8
Overland Park Police Dept.** 8

Maine

Cumberland County Office of the
Sheriff** 8
Portland Police Dept.** 8

Maryland

Baltimore Police Dept.** 8
Montgomery County Police Dept.** 8

Michigan

Ella M. Bully-Cummings, Police Chief,
Detroit ‡ 7
Jeff Hadley, Chief, Kalamazoo Dept. of
Public Safety* 7

Massachusetts

Boston Police Dept.** 8
Lowell Police Dept.** 8

Minnesota

Minneapolis Police Dept.** 8
St. Paul Police Dept.** 8
Timothy Dolan, Police Chief,
Minneapolis* 7

New Jersey

Fairview Police Dept.** 8
Hackensack Police Dept.** 8
Hillsdale Police Dept.** 8
Palisades Park Police Dept.** 8

New York

New York City Police Dept.** 8

Raymond W. Kelly, New York City Police Dept. ‡	7	Houston Police Dept.**	8
North Carolina		Katy Police Dept.**	8
Cary Police Dept.**	8	Lewisville Police Dept.**	8
High Point Police Dept.**	8	San Antonio Police Dept.**	8
Oregon		Waco Police Dept.**	8
Eugene Police Dept.**	8	Art Acevedo, Police Chief, Austin*	2, 7
Hillsboro Police Dept.**	8	Craig E. Ferrell, Jr., General Counsel, Major Cities Chiefs Assoc.;	
Portland Police Bureau**	8	chairman of MCC Immigration Committee; Houston Police Dept. ‡	7
Dan Staton, Sheriff, Multnomah County**	8, 9	Jeffrey W. Halstead, Police Chief, Fort Worth*	7
Pennsylvania		Albert Ortiz, Police Chief, San Antonio.....	9
Bensalem Dept. of Public Safety**	8	Richard Wiles, Sheriff, El Paso*	7
Hammonton Police Dept.**	8	Utah	
Philadelphia Police Dept.**	8	Utah Highway Patrol.....	9
Rhode Island		Chris Burbank, Police Chief, Salt Lake City*	3, 7
Pawtucket Police Dept.**	8	Lance Davenport, Director, Utah Dept. of Public Safety	9
South Carolina		Washington	
North Charleston Police Dept.**	8	Seattle Police Dept.**	8
Tennessee		Washington Assoc. of Sheriffs and Police Chiefs**	8
Nashville Metropolitan Police Dept.**	8	Whatcom County Sheriff's Office*	7
Putnam County Sheriff's Dept.**	8	Samuel Granato, Police Chief, Yakima	9
Texas		Gil Kerlikowske, Police Chief, Seattle ‡	7
Arlington Police Dept.**	8	Washington, DC (see "District of Columbia")	
Bexar County Sheriff's Office**	8	Wisconsin	
Carrollton Police Dept.**	8	Dane County Sheriff's Dept.**	8
Dallas Police Assoc.**	8	Noble Wray, Police Chief, Madison*	7
El Paso Municipal Police Officers' Assoc.**	8		
Garland Police Dept.**	8		

Other Statements from Law Enforcement Officers Opposing Police Enforcement of Immigration Law

Major Cities Chiefs Association, MCC Immigration Committee Recommendations for Enforcement of Immigration Laws by Local Police Agencies

Immigration enforcement by local police would likely negatively effect and undermine the level of trust and cooperation between local police and immigrant communities. If the undocumented immigrant's primary concern is that they will be deported or subjected to an immigration status investigation, then they will not come forward and provide needed assistance and cooperation. Distrust and fear of contacting or assisting the police would develop among legal immigrants as well. Undoubtedly legal immigrants would avoid contact with the police for fear that they themselves or undocumented family members or friends may become subject to immigration enforcement. Without assurances that contact with the police would not result in purely civil immigration enforcement action, the hard won trust, communication and cooperation from the immigrant community would disappear. Such a divide between the local police and immigrant groups would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts.¹²

Major Cities Chiefs Association, Immigration Enforcement: Five Key Concerns with Local Police Enforcing Federal Immigration Law

1. It undermines the trust and cooperation with immigrant communities which as essential elements of community oriented policing.
2. Local agencies do not possess the adequate resources to enforce these laws in addition to the added responsibility of homeland security.
3. Immigration laws are very complex and the training required to understand them significantly detracts from the core mission of local police to crease safe communities.
4. Local police do not possess clear authority to enforce the civil aspects of these laws. If given the authority, the federal government does not have the capacity to handle the volume of immigration violations that currently exist.
5. The lack of clear authority increases the risk of civil liability for local police and government.¹³

State and Local Law Enforcement Officials in Opposition to Arizona's SB 1070 law (including the Police Executive Research Forum, National Latino Peace Officers Association, and various sheriffs and police chiefs)

Modern law enforcement techniques focus on cultivating relationships with — and the cooperation of — minority communities in order to promote effective policing in those communities. . . . Police would be compelled to interrogate and perhaps incarcerate many of their potential allies. . . . Law enforcement officers' role as immigration enforcers will

¹² *M.C.C. Immigration Committee Recommendations for Enforcement of Immigration Laws by Local Police Agencies* (Major Cities Chiefs Assoc., June 2006), www.houstontx.gov/police/pdfs/mcc_position.pdf.

¹³ *Policy Issues and Legislation* (PowerPoint presentation; Major Cities Chiefs Association, May 29, 2013), https://www.majorcitieschiefs.com/pdf/news/tx_leg_conference___mcc_general_slides__05_29_13.pdf.

become highly salient in the eyes of the community they seek to protect — and that will render community members, both U.S. citizens and noncitizens, uncooperative, destroying the fundamental basis for community policing.¹⁴

Law Enforcement Leaders Oppose State Mandates to Enforce Immigration Law

*These law enforcement leaders have provided declarations in recent litigation against states that have passed anti-immigrant laws, which include provisions requiring police to enforce federal immigration laws (including in Arizona, Alabama, Georgia, Utah, and South Carolina).*¹⁵

State and Local Law Enforcement Agencies Opposed to Local Enforcement of Immigration Laws

These organizations have expressed opposition to having state and local police enforce federal immigration laws, outside of limited avenues already available under current law. Their positions may have been manifested in organizational policy directives, statements made to the press, local resolutions, executive orders, or other public forums.¹⁶

Police Chief Richard Miranda (Tucson, Arizona)

I do not believe it is appropriate to allocate the limited resources of the Tucson Police Department to the issue of immigration control.¹⁷

Police Department Spokesman Mike Hidalgo (Anaheim, California)

We have enough problems just doing our routine calls and investigating the everyday things. This would put an additional burden on us that we probably wouldn't be able to handle.¹⁸

Police Chief Arturo Venegas Jr. (Sacramento, California)

We've made tremendous inroads into a lot of our immigrant communities. To get into the enforcement of immigration laws would build wedges and walls that have taken a long time to break down.¹⁹

Police Chief Gerry Whitman (Denver, Colorado)

Communication is big in inner-city neighborhoods and the underpinning of that is trust. If a victim thinks they're going to be a suspect (in an immigration violation), they're not going to call on us, and that's just going to separate us further.²⁰

¹⁴ Brief of State and Local Law Enforcement Officials as Amici Curiae in Support of Respondent in *State of Arizona, et al. v. United States of America*, No. 11-182 (March 2012), www.nilc.org/document.html?id=647.

¹⁵ Law enforcement leaders' declarations on file with the National Immigration Law Center.

¹⁶ *Organizations Opposed to Local Enforcement of Immigration Laws* (National Immigration Forum, Apr. 2004), www.policyarchive.org/handle/10207/bitstreams/11663.pdf.

¹⁷ *AILA Position Paper: Oppose State and Local Enforcement of Federal Immigration Law* (American Immigration Lawyers Assoc., June 15, 2006), www.aila.org/content/default.aspx?bc=6755%7C37861%7C25667%7C33495%7C8379, p. 2.

¹⁸ *AILA Position Paper*, p. 2.

¹⁹ *AILA Position Paper*, p. 2.

²⁰ *AILA Position Paper*, p. 2.

Police Chief Terry Wilson (Glenwood Springs, Colorado)

That's a whole new area of the law that we have to come up to speed on. We have enough on our plates right now. It's not as if we're looking for extra things to do.²¹

Former Police Chief Eduardo Gonzalez (Tampa, Florida)

It will divert precious police resources away from fighting crime, create rampant distrust of police in immigrant communities, and lead to unlawful racial and ethnic profiling . . . [D]istrust of law enforcement will be created whether or not community members have legal status . . . because immigrant families and communities are typically made up of both those with lawful status and those without . . .²²

Sheriff Dan Staton (Multnomah County, Oregon)

The Board of County Commissioners has unanimously approved a resolution supporting Multnomah County Sheriff Dan Staton's decision to stop complying with federal immigration holds for low-level offenders in county jails. . . . Chair Jeff Cogen expressed his concern at the board meeting over the impact of enforcing immigration detainees for ICE on Multnomah County and its residents. "Oregon law makes it clear that local governments are not to be involved in immigration enforcement," Cogen said. "This is because for local governments to be successful in carrying out their mission of protecting public safety and providing health and human services, we need to have good, strong, trusting relationships with the community. And immigration law in particular, because of the threat of forcible deportation, is very likely to cause fear in communities."²³

Police Chief Albert Ortiz (San Antonio, Texas)

We've tried very hard for years to build bridges to all segments of our community. This would be a setback in that regard.²⁴

Dept. of Public Safety Director & Utah Highway Patrol Director Lance Davenport (Utah)

Davenport . . . told a Latino town hall meeting . . . [that] he's mainly concerned about traffic safety and making sure everyone feels safe in Utah, including immigrants.²⁵

Police Chief Samuel Granato (Yakima, Washington)

My job as a law enforcement officer is compromised when the individuals I am charged to serve and protect are afraid to have contact with me. This is exactly what will happen as a result of SB 1070's mandate to investigate immigration status. . . . [W]hen, as a result of their involvement in immigration enforcement, local police officers come to be viewed as arms of the federal immigration enforcement system, immigrant communities will grow to distrust the police and will likely avoid contact with law enforcement out of fear

²¹ *AILA Position Paper*, p. 2.

²² *Why Police Chiefs Oppose Arizona's SB 1070* (National Immigration Law Center, June 2010), www.nilc.org/police-chiefs-oppose-sb1070.html.

²³ "Board Supports Sheriff's Policy on Immigration Holds" (Board of Multnomah County Commissioners news release, April 4, 2013), <http://web.multco.us/news/board-supports-sheriffs-policy-immigration-holds>.

²⁴ *AILA Position Paper*, p. 1.

²⁵ "UHP Won't Cross-Deputize Troopers for Immigration Law," *KSL.com*, April 16, 2009, www.ksl.com/?nid=148&sid=6174120.

that it could lead to their deportation or the deportation of a family member, friend, or neighbor. . .²⁶

²⁶ *Why Police Chiefs Oppose Arizona's SB 1070.*