

July 22, 2015

**RE: Vote NO on the “Enforce the Law for Sanctuary Cities Act” (H.R.3009)**

Dear Representative:

On behalf of the undersigned 144 national, state, and local advocacy organizations, we write to express our strong opposition to the “Enforce the Law for Sanctuary Cities Act” (H.R. 3009). H.R. 3009 was introduced on July 9, 2015, only one week after the shooting death of Kathryn Steinle on July 1st in San Francisco. In response to this tragic death, Rep. Duncan Hunter (R-CA) has introduced legislation that aims to inflict punishment on San Francisco and other so-called “sanctuary” cities. The bill scapegoats all immigrants based on the acts of one person; public policy should not be made based on a single tragic event or by using the actions of one individual to justify a policy that criminalizes an entire community. We urge the House to refrain from imposing knee-jerk immigration policy changes based on the alleged actions of one person. **The sweeping language in H.R. 3009 would penalize the exercise of any local police discretion to limit inquiries into immigration status in any manner, and would strip funding from localities that undertake the balancing of public safety considerations.**

H.R. 3009 would strip funding sources from state and local law enforcement agencies (“LEAs”) that prioritize public safety and safeguard against racial profiling. H.R. 3009 threatens to withhold from LEAs three sources of federal funding through Justice Department grants under the State Criminal Alien Assistance Program (“SCAAP”), Community Oriented Policing Services (“COPS”) program, and Edward Byrne Memorial Justice Assistance Grant (“Byrne JAG”) program, unless the LEAs dismantle long-standing policies that promote equitable policing and safeguard against the diversion of police resources away from local crime fighting. These local policies are motivated by the understanding that fostering trust between local LEAs and immigrant communities is central to law enforcement’s core mission of protecting public safety. All residents, regardless of immigration status, must feel safe and comfortable contacting the police, reporting crimes, serving as witnesses, and cooperating with criminal investigations and prosecutions. If victims and witnesses are afraid to come forward and work with the police, the police simply cannot do their job.<sup>1</sup>

While H.R. 3009 aims to punish “sanctuary” cities, it would effectively overthrow community policing practices by diverting state and local police from their core mission of protecting public safety. Imposing this “one-size-fits-all” approach would degrade trust between immigrant communities and local police, thereby undermining public safety in all communities and for all residents. H.R. 3009 is completely contrary to the teachings of the Task Force on 21<sup>st</sup> Century Policing and the Major Cities Chiefs Association.<sup>2</sup>

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<sup>1</sup> See President’s Task Force on 21st Century Policing, Final Report at 18 (May 2015), available at [http://www.cops.usdoj.gov/pdf/taskforce/TaskForce\\_FinalReport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf) (recognizing that “build[ing] relationships based on trust with immigrant communities . . . is central to overall public safety.”); Major Cities Chiefs, “Immigration Policy” (2013), available at [https://www.majorcitieschiefs.com/pdf/news/2013\\_immigration\\_policy.pdf](https://www.majorcitieschiefs.com/pdf/news/2013_immigration_policy.pdf) (recognizing that “trust and cooperation with immigrant communities . . . are essential elements of community oriented policing.”).

<sup>2</sup> See President’s Task Force on 21st Century Policing, Final Report at 18 (May 2015), available at [http://www.cops.usdoj.gov/pdf/taskforce/TaskForce\\_FinalReport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf) (recognizing that “build[ing] relationships based on trust with immigrant communities . . . is central to overall public safety.”); Major Cities Chiefs, “Immigration Policy”

H.R. 3009 goes much farther than conditioning funding on localities following current immigration law. It would punish state and local LEAs for setting any limits on whether their own employees may inquire into community members' citizenship or immigration status.<sup>3</sup> H.R. 3009 effectively aims to coerce all police departments to allow their officers to act as federal immigration enforcement agents. We know from jurisdictions like Maricopa County (AZ) and Alamance County (NC)<sup>4</sup> that this will encourage racial profiling and other unconstitutional practices by local police.

H.R. 3009 takes specific aim at cities, large and small, across the country including Los Angeles, New York, San Francisco, Dayton, and Washington DC. These cities have chosen to avoid police interrogations into immigration status in situations that are not relevant to law enforcement's core crime-fighting role. Far from being "sanctuary" zones, these cities have recognized that immigrant victims and witnesses will not report crime, and crimes will go unsolved and unpunished, if immigrants fear that local police are acting as immigration agents. These localities have implemented carefully crafted policies aimed at promoting public safety and have prioritized their police resources to focus on community needs.

A July 2015 Congressional Research Service report<sup>5</sup> identifies Los Angeles, New York City, Chicago, San Francisco, New Haven, and Washington, DC as examples of cities with policies limiting police inquiries into immigration and citizenship status. This is only a partial listing of the many localities with longstanding practices of limiting inquiries into status only to those circumstances in which they are relevant to the investigation of a crime, in order to ensure equitable policing and promote the trust and cooperation on which public safety depends. A review of these policies reveals that the measures are first and foremost aimed at encouraging victims and witnesses to come forward, and generally include exceptions allowing for officers to inquire into status under certain circumstances:

**Los Angeles, California:** Special Order 40 (1979), established by the Los Angeles Police Department ("LAPD") and City Council, was passed in an effort to encourage undocumented residents to report crimes without intimidation. When reaffirming the order, Police Chief Charlie Beck stressed: "It is imperative that our immigrant communities, regardless of their country of

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(2013), available at [https://www.majorcitieschiefs.com/pdf/news/2013\\_immigration\\_policy.pdf](https://www.majorcitieschiefs.com/pdf/news/2013_immigration_policy.pdf) (recognizing that "trust and cooperation with immigrant communities . . . are essential elements of community oriented policing").

<sup>3</sup> Section 2(b) and 3(c) of H.R. 3009 provide, "A State or unit of local government described in this subsection is any State or local government that—... (2) prohibits State or local law enforcement officials from gathering information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

<sup>4</sup> See Department of Justice Press Release, "Justice Department Reaches Settlement in Civil Rights Lawsuit Against Maricopa County, Arizona, and Maricopa County Sheriff" (Jul. 17, 2015), available at <http://www.justice.gov/opa/pr/justice-department-reaches-settlement-civil-rights-lawsuit-against-maricopa-county-arizona> ("The settlement resolves the United States' claims that the Maricopa County Sheriff's Office (MCSO) conducted unlawful detentions of Hispanics during worksite raids of local businesses in violation of the Fourth and 14th Amendments, and retaliated against critics of Sheriff Arpaio and MCSO in violation of the First Amendment.); and Department of Justice Press Release, "Justice Department Releases Investigative Findings on the Alamance County, N.C., Sheriff's Office" (Sep. 18, 2012), available at <http://www.justice.gov/opa/pr/justice-department-releases-investigative-findings-alamance-county-nc-sheriff-s-office>.

<sup>5</sup> Michael John Garcia and Kate M. Manuel, Congressional Research Service, *State and Local "Sanctuary" Policies Limiting Participation in Immigration Enforcement* (Jul. 10, 2015), <http://www.fas.org/sgp/crs/homesecc/R43457.pdf>.

origin, understand that they are not at risk of being deported or subject to any other penalty for reporting crimes that they have either been the victim of or a witness to.”<sup>6</sup>

Special Order 40 states that LAPD Officers shall not initiate police action with the objective of discovering the alien status of a person” but directs Officers to notify immigration authorities when an undocumented immigrants “is booked for multiple misdemeanor offenses, a high grade misdemeanor or a felony offense, or has been previously arrested for a similar offense.

**New York City:** Exec. Order 41, (2003). As former Mayor Michael Bloomberg explained when signing this order: “We all suffer when an immigrant is afraid to tell the police that she has been the victim of a sexual assault or domestic violence. As good as they are, our police officers cannot stop a criminal when they are not aware of his crimes...which leaves him free to do it again...to anyone he chooses. Which means that all of us lose.”<sup>7</sup>

Executive Order 41 prohibits law enforcement officers from inquiring about a person’s immigration status unless investigating illegal activity other than mere status as an undocumented alien. The order specifies that officers shall “continue to cooperate with federal immigration authorities in investigating and apprehending aliens suspected of criminal activity” and the city’s website explaining Executive Order 41 reaffirms that “if the police officers suspect illegal or criminal activities, they may ask you about your immigration status and/or disclose that information.”

**Washington, DC:** Mayor’s Order 2011-174 (2011). In the background to the Order, former Mayor Vincent Gray explained that, “The Metropolitan Police Department and other agencies of the District of Columbia rely upon the cooperation of all persons-- documented citizens, lawful residents, and those without documentation status--to achieve our goals of protecting life and property, preventing crime and resolving problems. In addition to promoting important community policing goals, assistance from immigrant populations is especially important when an immigrant, whether documented or not, is the victim of or witness to a crime. These persons must feel comfortable in coming forward with information and in filing reports. Their cooperation is needed to prevent and solve crimes and maintain public order, safety, and security in the entire community.”<sup>8</sup>

The Order states that “Public Safety Agencies and their officials and employees shall not inquire about a person’s immigration status or contact United States Immigration and Customs Enforcement (ICE) *for the purpose of initiating civil enforcement of immigration proceedings that have no nexus to a criminal investigation.* The order specifies that it “*Shall not be construed to prohibit an officer or employee of a Public Safety Agency from cooperating with federal immigration authorities when required by law.*”

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<sup>6</sup> Los Angeles Police Department Press Release, “Understanding Special Order #40 NR11039kr” (Jan. 27, 2011), [http://www.lapdonline.org/newsroom/news\\_view/47036](http://www.lapdonline.org/newsroom/news_view/47036).

<sup>7</sup> Statement of New York City Mayor Michael R. Bloomberg, “Mayor Michael R. Bloomberg Signs Executive Order 41 Regarding City Services for Immigrants” (Sep. 17, 2003), <http://www1.nyc.gov/office-of-the-mayor/news/262-03/mayor-michael-bloomberg-signs-executive-order-41-city-services-immigrants>.

<sup>8</sup> Order of the Office of the Mayor of the District of Columbia, Mayor’s Order 2011-174, “Disclosure of Status of Individuals: Policies and Procedures of District of Columbia Agencies” (Oct. 19, 2011), <http://www.dclc.org/docs/10-18-2011%20Mayors%20oder.pdf>.

**Dayton, Ohio:** According to Dayton Police Department Chief Richard Biehl, “Like other cities, the Dayton Police Department works hard to build trust with our community members so that they are not afraid to work with us if they are witnesses to or victims of crime. Our officers do not check the immigration status of witnesses and victims. Nor do we ask about legal status during minor traffic stops. These policies allow us to focus our limited resources on our primary mission – crime solving and community safety. They also send the message that victims of violent crime, human trafficking and other crimes should never be afraid to reach out for help due to fear of the immigration consequences. Since Dayton adopted these policies and innovative ways of addressing crime problems, our crime rates have significantly declined. In the past three years, serious violent crime has dropped nearly 22 percent while serious property crime has gone down almost 15 percent....Numerous local law enforcement officials across the country agree that they do not have the time, resources or expertise to engage in immigration enforcement. Any law that would require us to do so would wrongly delegate to us an unreasonable task and cause us to compromise our core mission of ensuring public safety.”<sup>9</sup>

## **Conclusion**

H.R. 3009 is not the answer to our broken immigration system. What we need is broad and humane immigration reform which would place undocumented immigrants on a workable and earned path to citizenship, thereby allowing them to contribute even more to their families, communities, and our country.

Sincerely,

## **National Organizations**

The Advocates for Human Rights

AFL-CIO

African American Ministers In Action

Alliance for Citizenship

Alliance for Multicultural Community Services

American Civil Liberties Union

American Federation of State, County and Municipal Employees (AFSCME)

American Immigration Lawyers Association

America's Voice Education Fund

ASAAL

Asian Americans Advancing Justice-AAJC

Asian American Legal Defense and Education Fund

Asian Pacific American Labor Alliance (APALA)

Center for Community Change (CCC)

Church World Service

Conference of Major Superiors of Men

Courage Campaign

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<sup>9</sup> Richard S. Biehl, “Here’s How Not to Jump-Start Immigration Reform in the House,” *Roll Call* (Jan. 24, 2014), [http://www.rollcall.com/news/heres\\_how\\_not\\_to\\_jump\\_start\\_immigration\\_reform\\_in\\_house\\_commentary-230343-1.html?zkPrintable=true](http://www.rollcall.com/news/heres_how_not_to_jump_start_immigration_reform_in_house_commentary-230343-1.html?zkPrintable=true).

DREAM ACTION COALITION  
DREAMers' Moms  
Fair Immigration Reform Movement (FIRM)  
Farmworker Justice  
Franciscan Action Network  
Grassroots Leadership  
HIAS  
Immigrant Justice Corps  
Immigrant Legal Resource Center  
Jobs With Justice  
Latin America Working Group  
The Leadership Conference on Civil and Human Rights  
League of United Latin American Citizens  
Mi Familia Vota  
NAAPIMHA  
National Alliance of Latin American and Caribbean Communities (NALACC)  
National Association of Social Workers  
National Council of Asian Pacific Americans (NCAPA)  
National Council of La Raza (NCLR)  
National Day Laborer Organizing Network (NDLON)  
National Domestic Violence Hotline  
National Education Association  
National Employment Law Project  
National Federation of Filipino American Associations (NaFFAA)  
National Immigrant Justice Center  
National Immigration Law Center  
National Immigration Project  
National Korean American Service and Education Consortium  
National Latina Institute for Reproductive Health  
National Latin@ Network: Casa de Esperanza  
National LGBTQ Task Force Action Fund  
National Network for Immigrant and Refugee Rights  
NETWORK, A National Catholic Social Justice Lobby  
PICO National Network  
Presbyterian Church (U.S.A.)  
Red Mexicana de Lideres y Organizaciones Migrantes  
Salvadoran American National Network (SANN)  
Sisters of Mercy of the Americas  
Sojourners  
Southeast Asia Resource Action Center (SEARAC)  
UDiON Foundation  
UNITE HERE  
United Methodist Church, General Board of Church and Society  
Voto Latino

**State / Local Organizations**

Alliance for a future  
Alliance San Diego  
Apna Ghar, Inc. (Our Home)  
Arkansas United Community Coalition  
Asian & Pacific Islander American Vote - Michigan  
Asian American Civic Association  
Asian American Organizing Project  
Asian Law Alliance  
Asian Pacific American Consortium on Substance Abuse  
Asian Pacific Community in Action  
AZAPIA Advocate  
Cabrini Immigrant Services  
Capital Area Immigrants' Rights (CAIR) Coalition  
Casa Latina  
Chinese for Affirmative Action  
Cleveland Jobs with Justice  
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)  
Colectiva Legal del Pueblo  
Community Legal Services in East Palo Alto  
Connecticut Students for a Dream  
Conversations With Friends (MN)  
El CENTRO de Igualdad y Derechos  
Encuentro  
Entre Hermanos  
Equality New Mexico  
Filipino Advocates for Justice  
Florida Immigrant Coalition (FLIC)  
Greater New York Labor-Religion Coalition  
Greater Rochester Coalition for Immigration Justice  
Iglesia Bautista central  
Illinois Coalition for Immigrant and Refugee Rights  
Immigrant Allies of Marshalltown  
Immigrant Defenders Law Center  
Immigrant Law Center of Minnesota  
Iowa Citizens for Community Improvement  
Jewish Community Action  
Judson Memorial Church, NYC  
KAN-WIN  
Kids for College  
Las Americas United Methodist Faith Community  
Massachusetts Immigrant and Refugee Advocacy Coalition  
Miami Workers Center  
Michiana Immigration Coalition  
MinKwon Center for Community Action  
Minnesota Coalition Against Sexual Assault

Missouri Immigrant and Refugee Advocates  
MN Conference UCC Immigration Team  
MoveOn.org - Michiana  
New Orleans Workers' Center for Racial Justice  
New York Immigration Coalition  
Northern Indiana Americans for Democratic Action  
Northwest Immigrant Rights Project  
Ohio AAPI Advisory Council  
OneAmerica  
Pennsylvania Immigration Resource Center  
PICO California  
PLAN Action Fund  
Progreso: Latino Progress Alliance  
promise arizona  
Public Counsel  
Puentes: Advocacy, Counseling & Education  
Rape Victim Advocates  
Raza RoundTable Austin  
Reformed Church of Highland Park  
Russian-speaking Community Council of Manhattan and the Bronx  
SAFEST  
San Diego Immigrant Rights Consortium  
San Francisco Jobs With Justice  
Services, Immigrant Rights, and Education Network (SIREN)  
Sin Huellas arts collective  
Somos Mayfair  
South Central Indiana Jobs With Justice  
St. Joseph Valley Project Jobs With Justice  
SW IA Latino Resource Center  
Tennessee Immigrant and Refugee Rights Coalition  
United Families  
Virginia Coalition for Immigrant Rights  
Washington DREAM Act Coalition  
Washington State Coalition Against Domestic Violence  
Washington State Labor Council, AFL-CIO  
Washington State Unitarian Universalist Voices for Justice  
Wayne Action for Racial Equality  
WeCount!