



July 30, 2015

Dear Member of Congress,

The National Association of Counties (NACo), which represents the nation's 3,069 county governments, expresses concern in regards to H.R. 3009, S. 1814 and other measures that would withhold federal law enforcement assistance, including those that flow through the Byrne Justice Assistance Grant (Byrne JAG) program and the COPS Hiring Grant Program, from "sanctuary cities." We fear that these measures would make an already complex and difficult situation even worse.

County governments lack clarity regarding their constitutional ability to honor federal requests to detain undocumented immigrants. In cases such as *Miranda-Olivares v. Clackamas County* (2014), federal courts have held that counties may violate the constitutional rights of immigrants by honoring certain immigration detainer requests, and counties continue to face lawsuits from individuals they have detained at the request of immigration authorities. Legislation such as H.R. 3009 and S. 1814 would further complicate this situation by placing counties in a position in which they must take on the risk of costly lawsuits in order to continue receiving crucial federal law enforcement funding.

The nation's counties stand ready to work with Congress on measures to prevent crime and violence in local communities. However, H.R. 3009, S. 1814 and similar measures would reduce pivotal – and already limited – funding utilized by counties to provide public safety. The Byrne JAG and COPS Hiring programs, for instance, have enabled law enforcement agencies to form vital partnerships among communities and law enforcement officers, combat criminal activities, and develop and implement problem-solving and crime prevention programs nationwide. These two programs work hand-in-hand to provide evidence-based and innovate programs vital for public safety. Cutting access to these programs would only serve to make the affected communities less safe, while adding to the legal complexities counties face when they receive immigration detainer requests.

We respectfully urge you to consider alternatives to H.R. 3009, S. 1814 and similar legislation that would impede the ability of local law enforcement to prevent and fight crime and add to the uncertainty regarding counties' ability to honor federal immigration detainers. Rather than imposing penalties, we urge you to consider solutions that will provide clarity to counties and enable them to work with immigration officials towards the shared goal of making our communities safer.

Sincerely,

Matt Chase
Executive Director