

Local Law Enforcement and the Strengthen and Fortify Enforcement (SAFE) Act

*Statements made during a telephonic press conference sponsored by CAMBIO (Campaign for an Accountable, Moral, and Balanced Immigration Overhaul)*¹

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Sheriff Mark Curran, Lake County, Illinois

Sheriff Curran's statement starts at minute 3:05 of a recording of the telephonic press conference and ends at minute 6:30.

I am the sheriff of Lake County, Illinois, which is just to the north of Cook County, [where] Chicago [is], and just to the south of Wisconsin, the Wisconsin border. The population of Lake County is approximately 750,000 people. It's a diverse county, with approximately 20 percent Latino population.

I have been a supporter of immigration reform and a pathway to citizenship after having previously been on the other side of the issue and having asked for additional powers under 287(g) many, many years ago.² Ultimately, for me, recognizing the fact that we have a broken immigration system, it's critical — that these are human beings, that there's dignity in human beings; we need to be respectful in the way we treat humans, and also in our language.

And coming to that conclusion and that clarity, I was able to see a couple things. One is: the future of law enforcement is community policing. The police cannot be everywhere. Chicago had 47 shootings last weekend, seven murders, great violence; there's no way you can have enough boots on the ground. 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, in this limbo status 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.

¹ This transcription of a recording of the telephonic press conference is by the National Immigration Law Center, www.nilc.org. The recording can be downloaded from www.nilc.org/document.html?id=937.

² Named after the section of the Immigration and Nationality Act that enacted it, the 287(g) program cross-designates local law enforcement officers to enforce federal immigration laws. State and local agencies enter into a memorandum of agreement with U.S. Immigration and Customs Enforcement pursuant to which law enforcement officers become deputized immigration enforcement officers.

Secondly, along with community policing, law enforcement has to be smart about where we use our resources; we have to prioritize our resources. In Illinois, we recently passed a driver's license bill giving undocumented immigrants an opportunity to have a driving certificate. And this wound up receiving overwhelming support from strong pro-family, pro-life legislators because they've seen how broken the system is and recognize what I said earlier — that these are human beings and they came here under a set of rules where we really didn't care who came to this country. We need . . . to make sure that we're treating them with dignity and fairness.

And also, we need a rule of law, and I think we all recognize that, and I think maybe that's what Speaker Boehner is alluding to in this particular piece of legislation. But you can't have a rule of law until you fix the system that has been so broken, and the system that lured people in here for cheap labor and caused them to throw down roots. You can't, as we're moving in the direction of fixing this broken system, you can't throw out such a Draconian piece of legislation, that's not helpful, and it would not help law enforcement as well.

Chief Sergio Diaz, Chief of Police, Riverside, California

Chief Diaz's statement starts at minute 13:50 of a recording of the telephonic press conference and ends at minute 19:07.

Good morning.

By the way of background, Riverside is approximately 16 miles to the east of downtown Los Angeles. We have a population of about 310,000 people. It's the eleventh [largest] city in California. I have been a police officer for 36 years; the first 33 of those were in the Los Angeles Police Department, where I retired as deputy chief.

I believe that the most compelling public safety arguments against the proposed legislation are the following: We know from long experience that when law enforcement officers are perceived to be an arm of immigration, there are people in the immigrant community who would avoid contact with the police and anybody else in the criminal justice system. They don't report crimes, they don't identify criminals, and they don't give testimony to the police, nor do they do so in court. This is an advantage *only* for criminals.

We know that gang members and other violent criminals step into the breach when large portions of the population essentially exempt themselves from the criminal justice system because of fear. That reluctance to contact police isn't just limited to undocumented people. Legal immigrants who — and the friends, family, neighbors, of the people affected — will also avoid calling for help from the police. Overall, in every community, I believe that local police involvement in this issue detracts from the perceived legitimacy of the police. The claims of racial profiling will affect our reputations, our legitimacy.

You might have noticed that these kinds of laws, like [H.R.] 2278 and Arizona's [S.B.] 1070, don't originate with police chiefs.³ We're not asking for this kind of direction from legislators. We know that these laws will make crime worse and not better. We also know that the most effective way to deal with criminals is to identify them, to arrest them, place them on trial, and jail them. Deporting people as an alternative to jail, to prison terms, just guarantees that people — that criminals — will soon return to the community and continue their crime sprees.

There's a number of issues and reasons — resource reasons — why this is an anti-productive law. The emphasis on excludable and deportable individuals implies that police personnel will now receive new training on immigration laws, unless, that is, the author just wants us to pick up all the brown people. 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 and make sure that they are providing the evidence that the courts require.

Even with the added training, if we add immigration responsibilities to local police, as I said earlier, 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. I was also struck in the review of [H.R.] 2278 with the requirements to hold immigrants in custody for ICE after local charges are dropped.⁴ In California, specifically — and I believe this holds true for much of the country — there's a severe prison overcrowding problem, which in my state has been migrated to county jails as a result of prison realignment. We now have to jail people that were previously going to state prison, and there is no excess capacity in the county jails. As a result of this, the county sheriff is forced on a daily basis to release prisoners before their time in order to make room for others. So this, the SAFE Act emphasis on holding people on ICE detainers, is just going to ensure that more real criminals are out on the street.

The last thing I want to mention is: All of these things we've talked about before are in the immediate and in the short term; but in the longer term, I sincerely believe that placing police in the role of immigration enforcers ensures that the children of immigrants — and many of these children are American citizens — will grow up fearing and distrusting the police. If the goal is to generate, to create, a new generation of people at the margin of societies, more inclined to crime and to gangsterism and to terrorism, then that's what this bill will do, in my opinion, in the long term. Our goal should be to mainstream new citizens — not to drive them into criminal gangs and terrorist groups, but to mainstream them by showing them that the government can, in fact, respect the dignity of all people.

Thank you very much.

³ H.R. 2278 is the bill number for the SAFE Act, which was introduced in the U.S. House of Representatives on June 6, 2013. "S.B. 1070" refers to an Arizona law that was enacted in 2010.

⁴ "ICE" refers to U.S. Immigration and Customs Enforcement.