

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

Police and Immigration Enforcement

**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

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February 2014**

ABSTRACT

According to the Department of Homeland Security (DHS) Office of Immigration Statistics, 10.8 million undocumented immigrants reside in the United States, but the Pew Hispanic Center estimated the total number of undocumented immigrants in the United States to be 11.2 million (American Immigration Council, 2011a). The U.S. Bureau of Immigration and Customs Enforcement (ICE) employ fewer than 2000 enforcement agents responsible for the apprehension, detention, and deportation of undocumented immigrants present in the U.S (Tonucci, 2011). Although there are more than 18,000 law enforcement agencies within the U.S., local and state law enforcement agencies' primary mission encompasses a multitude of public safety duties and responsibilities. Law enforcement agencies have been operating with limited resources due to the national economic downturn that began in 2008. The responsibility of enforcement of federal immigration laws on the local or state level will overburden local and state responsibilities, redistribute limited personnel to unfamiliar functions, and sever beneficial relationships established in the communities being serviced (Booth, 2006).

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INTRODUCTION

Within the past two decades, the United States has experienced historically high increases in immigrant populations relocating from all parts of the globe, including Latin America and Asia (Khashu, 2009). As of 1990, the immigrant population rose from 7.9% to 11.1% in 2000 and even higher in 2010 at 12.9%. The U.S. Census Bureau reported in 2010 that the United States was home to nearly 40 million immigrants (American Immigration Council, 2012). Traditionally, immigrants settled into gateway cities but have opted for new destinations throughout the country in communities with limited experience with the integration of new immigrants. The demographic shifts have sparked a national debate about United States' immigration policies, practices, and enforcement. Local police departments, sheriff's departments, and state law enforcement agencies are being pressured to share the responsibility in the enforcement of federal immigration laws although the enforcement of federal immigration laws has been the sole responsibility of the federal government.

Because immigration laws are federal statutes, the federal government determines the role of the local and state police in the enforcement of immigration laws. Federal agencies began to face daunting tasks surrounding the apprehension, detention, and deportation of nearly twelve million illegal immigrants during the 1990s (Khashu, 2009). The federal government launched programs and initiatives in an effort to enlist the collaboration of approximately 18,000 local and state law enforcement agencies to assist in the identification and deportation of illegal immigrants (Khashu, 2009). These programs specifically focused on improving partnerships amongst local, state, and federal law enforcement agencies in the sharing of criminal detainee

intelligence. However, Congress passed legislation in 1996 expanding the role of local law enforcement in federal immigration enforcement. The U.S. Immigration and Customs Enforcement (ICE) 287(g) Immigration and Nationality Act program is the most notable program. The 287(g) Immigration and Nationality Act program is a delegation of immigration authority to local and state law enforcement agencies within their respective jurisdictions allowing the enforcement of immigration laws under a joint Memorandum of Agreement (MOA).

Local law enforcement agencies actively participating in the enforcement of immigration laws thwart its mere function as first responders of the origination of investigations of criminal activity as well as crime prevention. The nation's current economical, sociological, and political climate have forced agencies to re-evaluate organizational structures and move toward the concept of being held accountable for more tasks performed by less people. The aspect of the community-based policing philosophy implemented across the United States in law enforcement agencies shed light on the importance of community support and assistance with crime control. The effectiveness of police preventative strategies weigh heavily on the development of community partnerships through trust and cooperation, community and police collaboration, and the sustainability of active relationships with communities being maintained.

Local and state law enforcement agencies sharing the responsibility of the enforcement of immigration laws through active immigration enforcement duties and responsibilities compromise the mere effectiveness of crime control. Police leaders continue to receive pressure as the decision of enforcing federal immigration laws is

heavily weighed against local police responsibilities diverting from protection and service to arrest and deportation. Local police enforcing federal immigration laws compromise the vision, mission, and purpose of local law enforcement priorities (Khashu, 2009). The enforcement of immigration laws should remain the sole responsibility of the federal government. Local law enforcement agencies should refrain from the enforcement of federal immigration laws.

POSITION

Local law enforcement agencies should not share the responsibility of enforcing Federal immigration laws. Stewart (2011) identified the disparity between the number of agencies at each level of government while pinpointing how the responsibility of crime control considerably falls under the domain of local police agencies even though the identification of shared responsibilities between local and state authorities are often declared. Local police agencies are tasked with serving as the chief providers of serving and protecting (Stewart, 2011). The primary functions of local law enforcement agencies concentrate on public safety issues in which its effectiveness can be dependent upon community trust, collaboration, and cooperation. The enforcement of immigration laws remaining the sole responsibility of the federal government allows local law enforcement agencies to continue to build upon the cooperation and trust among immigrant communities within their jurisdictions by working toward police community partnerships. A lack of trust or faith in local law enforcement agencies can lead to increased victimization and the exploitation of undocumented immigrants and other community members.

Research stated that the destruction of beneficial relationships established between law enforcement authorities and community residents hinder law enforcement officials' ability to enforce the law and solve crimes (Booth, 2006). Additionally, illegal immigrants in these communities will be less likely to report information as victims and witnesses to crime fearing deportation. Local police being perceived as agents of Immigration and Customs Enforcement (ICE) is detrimental to the mission of local law enforcement agencies by undermining overall efforts of crime control and the solvability of crimes committed (Booth, 2006). McDowell and Wonders (2009) conducted a research study focusing on vulnerable populations and examined the use of technologies and enforcement rituals employed to control immigrants' mobility and exclusion from public space. The research strategy employed focus groups and interviews with personnel from various law enforcement agencies serving immigrant communities in the state of Arizona (McDowell & Wonders, 2009).

During the focus group discussion, an immigrant described how an individual broke into her sister's vehicle and her sister witnessed the crime but delayed calling the police while the suspect was still inside of the vehicle in fear of deportation. Once her sister decided to call the police, her sister refused to provide an address in order to take the report fearing that she would get arrested for being in the United States illegally. The illustration above addresses the concern of an individual's illegal status being the primary deterrent of individuals failing to report crimes when they are victims and witnesses to crimes (McDowell & Wonders, 2009).

Other focus group participants in the state of Arizona reported that individuals are at risk of being targeted if they appear to be Hispanic, Latino, or have dark skin. The

focus group participants explained how they refrained from traveling to areas where there is a known police presence for fear of deportation. One participant told a story about her son needing to go to the library for a school assignment but she refused to take him because she saw on the news that law enforcement officials would be targeting illegal immigrants near area libraries. The participant advised that she does not have papers so it is her husband's responsibility to take the child to the library after he gets off of work. Another participant spoke about needing milk for her infant but she feared deportation and she refused to go to the grocery store to buy milk for the baby (McDowell & Wonders, 2009). Racial profiling, immigration raids, neighborhood sweeps, detention details, and the intimidation and harassment of communities of color pertain to police enforcement rituals being performed by local law enforcement agencies within immigrant communities. These types of activities produce distrust, fear, and resentment in community residents nullifying the concept of community-based policing.

Proponents of local law enforcement agencies refraining from the enforcement of federal immigration laws deem economical advantages which fuel the United States economy as significant in the decision of not placing more stringent restrictions on illegal immigrants. The American Immigration Council (2011c) reported that immigrants play a crucial role in the U. S. economy as workers, entrepreneurs, taxpayers, and consumers. Immigrant workers add to the amount of workers in the United States which increases the size of the economy and increases the nation's gross domestic product. Immigrants are concentrated at the top and the bottom of the educational scale which balances out due to Americans falling in the center. This disparity depicts immigrants and U. S. workers complementing one another which spur economic growth

(American Immigration Council, 2010). In addition, immigration has the ability of pushing Americans toward better paying jobs, enhancing the efficiency of production, and creating jobs throughout the economy. American and immigrants tend to have different levels of education which prevents them from competing in the same job markets. For example, a study conducted by the Fiscal Policy Institute examined the top 25 metropolitan areas in the U.S. and determined that the economic growth of metropolitan areas and growth in the immigrant proportion of the workforce were closely linked together. Although economists estimate that the overall benefit of immigration is small, there is a positive impact in the nation's economy (American Immigration Council, 2012).

The National Academy of Sciences concluded that immigration helps replenish the U.S. talent pool as baby boomers retire from the science and engineering labor force. Immigrants also contribute to U.S. innovation and growth. For example, the Partnership for a New American Economy found that more than 40% of the 2010 Fortune 500 companies were established by immigrants or their children. Kraft Foods, Nordstrom, RadioShack, Cigna, and General Dynamics are included reference having immigrant founders. These companies have combined revenues of \$4.2 trillion dollars and employ more than 10 million individuals across the world (American Immigration Council, 2011b).

According to the American Immigration Council (2012), illegal immigrants contribute to the U.S. economy and the country would lose \$551.6 billion dollars in economic activity if all illegal immigrants were removed from the United States. This amount would equate to a loss of \$245 billion in gross domestic product and an

estimated 2.8 million jobs. Moreover, illegal immigrants and authorized immigrants pay sales taxes, property taxes, and at least half pay income taxes in the United States. Sales taxes are automatic which allows the assumption that illegal immigrants pay sales tax at similar rates to U. S. citizens and legal immigrants. In addition, property taxes are hard to avoid. A large proportion of illegal immigrants are assumed to be renters and pays property taxes as renters similar to U. S. citizens and legal immigrants. Income tax contributions from illegal immigrants are less comparable to U. S. citizens and legal immigrants due to many illegal immigrants being compensated for work with cash and income taxes not being automatically withheld from an actual paycheck (American Immigration Council, 2011c).

COUNTER POSITION

The shared responsibility of federal, state, and local law enforcement agencies in the enforcement of immigration laws can be a deterrent reference sharp population increases in undocumented immigrants illegally migrating to the United States and committing violent crimes (Atkins, Rumbaut, & Stansfield, 2009). The enforcement of immigration laws can be a criminal enforcement tool that assists officers in apprehending wanted offenders. Undocumented immigrants are law violators and they should not be treated differently than others who violate state and local laws. Local law enforcement agencies should enforce federal immigration laws to assist in promoting national security and preventing crime (Booth, 2006).

Proponents of local and state law enforcement agencies sharing the responsibility of enforcing federal immigration laws argue that the collaboration and joined forces of all governments are necessary to ensure homeland security and the

prevention of crime in the United States (Booth, 2006). The federal government acting alone is unable to enforce federal immigration laws effectively across the nation. In February of 2004, a female was gang-raped then murdered by 5 illegal immigrants in New York; in October of 2002, serial killers later termed the 'D.C. Snipers' which included a young illegal immigrant from Jamaica went on a killing spree throughout the Washington D.C. area; on September 11, 2001, nineteen Arab hijackers flew commercial airplanes into the World Trade Center in New York City; and from 1996 to 1999, an illegal immigrant serial killer committed a series of gruesome murders. These heinous crimes briefly described above share specific commonalities. The individuals who committed the crimes were illegal immigrants and were detained by local or state law enforcement officers prior to committing the crimes (Booth, 2006).

Although American public opinion permeates an idea of illegal immigrants being responsible for higher crimes rates, the notion specifically is discounted due to the absence of rigorous empirical research (Atkins, Rumbaut, & Stansfield, 2009). Unfortunately, stereotypical perceptions about illegal immigrants and crime in the United States described above help shape public opinion and political behavior. This leads to ill-advised decision-making in public policy regarding the issue (Atkins, Rumbaut, & Stansfield, 2009). For example, the immigrant populations within the United States have reached historic increases since the 1990s but the rates of violent crime and property crime have significantly decreased (Rumbaut, 2008; Sampson, 2008; U.S Bureau of Justice Statistics, 2007). Furthermore, the immigrant population within Austin, Texas has increased by more than 580% since 1980 and is considered a pre-emerging immigrant gateway city into the United States. The immigrant population in

Austin, Texas increased from 22,000 in 1980 to more than 154,000 in 2000. The city attracted immigrant populations because of employment opportunities in the fields of home construction and information technology. Within the U. S. over the past decade and a half, increases in immigration rates among cities where immigrants are heavily concentrated is arguably one of the reasons of crime rate and homicide rate decreases (Rumbaut & Ewing, 2007; Sampson 2008). Atkins, Rumbaut, and Stansfield (2009) noted that findings depict violent crime in the United States is not caused more by immigrants than native-born citizens, specifically at the community level. Additionally, the preconceived notion that more immigrants in the United States means more crime is persistent among the general public, media, and policy makers (Atkins, Rumbaut, & Stansfield, 2009).

Proponents of state and local law enforcement agencies sharing the responsibility of enforcing federal immigration laws assert limited federal government resources and the crucial need of the more than 18,000 local and state law enforcement agencies to assist with the vast amount of responsibilities in active immigration enforcement. According to Reaves (2007), there are 12,766 local police departments in existence; 3,067 sheriff's offices in operation; 49 general service state law enforcement agencies operational; 1,481 special jurisdiction agencies which include transit police, harbor police park rangers, and campus security forces; and 513 other agencies in existence that are primarily Texas constables operating in the United States. The amount of agencies on the federal level that employ law enforcement officer could not be determined. The number of federal law enforcement agencies in operation has been estimated as low as 100 agencies and as high as 200 agencies. If the amount of

federal agencies specifically refers to those agencies that employ full-time personnel authorized to make arrests and carry firearms decrease the amount to 65 (Stewart, 2011). From these figures, the disparity between the numbers of agencies operating on each level of government is evident that crime control is the responsibility of local police agencies. The loudest cries of joint efforts between local and federal law enforcement stem from the terrorist attacks on September 11th and movement toward a progressive era of homeland security for policing.

Opponents of local and state law enforcement agencies enforcing federal immigration laws note the aspect of the enforcement functions overburdening local law enforcement due to the cumbersome multi-faceted functions currently required with limited personnel and budget cuts. The enforcement of federal immigration laws on the local level would divert the actions of limited resources allowing for fewer resources performing typical local law enforcement functions (Booth, 2006). Many typical law enforcement functions directly pertain to the nation's security such as protecting industrial facilities, channels of commerce, and serving as first responders. The enforcement of immigration laws can increase the workload of local law enforcement if community residents lose trust in the police and refrain from continuing partnerships and community-police relation measures to mitigate increases in crime.

Traditional law enforcement funding provided by the government has been streamlined causing police agencies across the country to experience budget cuts and attempting to do more while working with less. The workloads of police agencies have steadily increased while budgets have significantly decreased as a result of current homeland security and counterterrorism responsibilities. Local law enforcement

agencies do not have the resources to add the enforcement of federal immigration law responsibilities to the established laundry list of job functions. Local law enforcement agencies continue to struggle to keep up with typical law enforcement duties and responsibilities (Khashu, 2009).

RECOMMENDATION

Local and state law enforcement agencies should refrain from the enforcement of federal immigration laws. Immigration enforcement should remain the sole responsibility of the federal government in an effort to prevent further complication of the overflowing duties surrounding the mission of crime reduction (Hoffmaster, Murphy, McFadden, & Griswold, 2010). Local and state law enforcement agencies have actively worked throughout the years to gain trust, support, and cooperation within their respective communities. Overall, law enforcement executives have chosen to take a careful and balanced approach in responding to pressures of immigration enforcement on a local and state level showing the significance in maintaining community support (Hoffmaster, Murphy, McFadden, & Griswold, 2010).

Khashu (2009) denoted the primary issue regarding immigration enforcement as Congress failing to develop comprehensive immigration reform legislation which would have provided a national solution to the issue. The state of Arizona passed SB 1070 in April of 2010 that addressed immigration enforcement on the local level and expanded the authority of local law enforcement regarding federal immigration laws. The Constitutionality of this legislation was challenged in federal court and sparked debates regarding the issue on all levels (Hoffmaster, Murphy, McFadden, & Griswold, 2010). Essentially, this unresolved issue has prompted local and state law enforcement

agencies to intensify the enforcement of immigration laws, prohibit undocumented immigrants access to government benefits and services, violate the civil right or documented and undocumented immigrants as well as penalize employers found hiring undocumented immigrants (Khashu, 2009).

International and national public safety issues are complex and are the primary focus of local and state law enforcement agencies. Immigration enforcement on the local and state level would shift their primary focus from protecting and serving the public to apprehending and deporting undocumented immigrants within the communities they serve. A shift in focus of this magnitude can delineate the relationship between the police and its public. Many of these relationships took years to establish and takes extreme effort to maintain by continuing to build trust and obtain the confidence of the public. Undocumented immigrants reside in communities across the U.S. and assist in the effectiveness of local and state police resolving crime problems through collaboration, support, and cooperation on behalf of community members.

Khashu (2009) explained how police executives continue to urge the federal government to enact comprehensive immigration reform in an effort to thwart relentless consequences on cities and towns throughout the U.S. who have difficulty addressing immigration concerns effectively. Police executives are working to develop policies and solutions that are most advantageous for their respective jurisdictions. Ultimately, the duty of public safety organizations is to provide protection to all residents in their communities regardless of their status as an undocumented or documented immigrant. Although federal reform of immigration statutes remain absent, police leaders are working to establish and implement practical policies that are fair and capable of

maintaining the trust of all segments of the community (Hoffmaster, Murphy, McFadden, & Griswold, 2010).

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