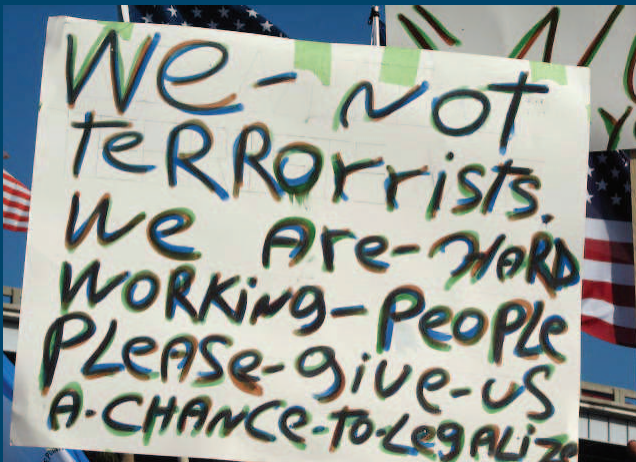


Voices From Across the Country:

Local Law Enforcement Officials Discuss
The Challenges of Immigration Enforcement



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The Challenges of Immigration Enforcement

Police Executive Research Forum



**POLICE EXECUTIVE
RESEARCH FORUM**

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Edited by Craig Fischer

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PERF Executive Session in Laredo, Texas

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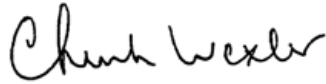
This publication would not have been possible without the support, encouragement and cooperation of a great many people. First and foremost, we would like to thank the Carnegie Corporation of New York, which funded this project. In particular, we would like to recognize Ms. Geri Mannion, who is the Director of the U.S. Democracy Program for Carnegie Corporation. Ms. Mannion's interest in PERF's early work on immigration was a catalyst for exploring the issue in depth and documenting the experiences of local law enforcement agencies as they confronted the challenges and considered the options of new policies and practices to address immigration-related issues.

We would also like to recognize our partners in the policing community who hosted our four regional executive sessions around the country and who shared their insights into the issues confronting their communities on a daily basis. In all of its work on immigration issues, PERF has found that there are significant variations in how the issue affects particular communities, depending on a wide range of factors, such as the local economy and the number of immigrants in a community. The chiefs who hosted our four regional meetings helped us explore the variety of immigration issues. The first meeting, hosted by Chief Harry Dolan from Raleigh, NC, provided the views not only of Raleigh police but many other police and sheriffs' departments in North Carolina. Chief Rick Myers of Colorado Springs, CO helped bring together many agencies from Colorado and New Mexico that are dealing with this issue head on. Chief Carlos Maldonado from Laredo, TX arranged for us to meet with officials at the Mexican consulate and tour the border, where we got a first-hand perspective of the challenges facing the border states. And Chief Charlie Deane of Prince William County, VA shared the expertise of his department, which in 2007 was one of the first in the nation to find itself in the middle of a contentious battle over immigration that split the community. We also acknowledge all who participated in our regional sessions for candidly sharing their experiences. The various perspectives and knowledge they brought to the discussion were critical to our ability to understand the complexity of this issue.

There are many other individuals from the federal government, state and local governments, and nonprofit and community organizations who deserve our thanks and appreciation for giving us their time and cooperation. Their participation in the discussions during the day-long regional meetings brought an important perspective to the dialogue.

Finally, this project would not have been possible without the support and efforts of our PERF staff. Jerry Murphy took the lead in developing and overseeing the entire project as our project manager. Andrea Luna, Debra Hoffmaster, Kevin Greene and Shannon Branly provided administrative and logistical support in organizing the executive sessions, and Molly Donaldson and Colleen Berryessa assisted with preparing this report. Craig Fischer carefully reviewed drafts and provided thoughtful editing.

It was our privilege to have worked with so many exceptional people throughout this project. We hope we have done justice to the experiences that they have shared with us.

A handwritten signature in black ink that reads "Chuck Wexler". The signature is written in a cursive, flowing style.

Chuck Wexler
Executive Director

INTRODUCTION

In recent years, local police and sheriffs' departments increasingly have found themselves drawn into a debate about how to enforce federal immigration laws. In many jurisdictions, local law enforcement agencies are being pressured to take significantly larger roles in what has traditionally been considered a federal government responsibility, for the simple reason that the nation's immigration laws are federal laws.

The pressure on local police and sheriffs' departments to become more involved in immigration enforcement is not a simple matter for them. Active involvement in immigration enforcement can divert local law enforcement agencies from their primary mission of investigating and preventing crime, and can make it difficult for local police to maintain close relationships with their communities.

The Police Executive Research Forum (PERF) has been researching this issue since 2007, when it convened an executive session with police chiefs and sheriffs to identify the major challenges facing local law enforcement agencies.¹ PERF has conducted other initiatives exploring the role of local law enforcement and public expectations about what that role should be, and the challenges confronting chiefs and agencies as they strike a balance among often-conflicting demands.²

1 | "Police Chiefs and Sheriffs Speak Out on Local Immigration Enforcement." Police Executive Research Forum, 2008. http://www.policeforum.org/library/immigration/Immigration_6a_main%20text.pdf

2 | See, for example, "Police and Immigration: How Chiefs Are Leading their Communities through the Challenges." Police Executive Research Forum, 2011. <http://www.policeforum.org/library/immigration/PERFImmigrationReportMarch2011.pdf>

Congressional Inaction, and DHS Initiatives That Impact Local Police

To some extent, today's immigration issues are the same controversies that were discussed five years ago at PERF's first immigration conference: the extent to which illegal immigrants commit crimes in local communities, and the extent to which they are targeted for victimization; whether local immigration enforcement actions make immigrants less likely to report crimes; whether police should check the immigration status of minor offenders; and so on.

However, many new issues have arisen since 2007, particularly in the area of the federal government's initiatives to foster greater involvement of local law enforcement agencies in immigration enforcement. For example, the 287(g) program, which was implemented in 2002, allows local agencies to receive training from the federal Immigration and Customs Enforcement (ICE) agency so that local police officers can perform immigration enforcement functions. In 2009, ICE reformed the program in order to provide greater accountability and oversight, and to increase the focus on immigrants who have violated criminal laws. The program currently is operational in 69 law enforcement agencies in 24 states, according to ICE.³

In an effort to impose greater consistency and accountability in cooperative efforts with state and local law enforcement, ICE in 2008 launched Secure Communities. This program allows ICE to obtain directly from the Federal Bureau of Investigation fingerprints and other information about persons arrested at the local level, to determine whether they may be in the United States illegally and subject to immigration enforcement actions. Secure Communities has proved very controversial. While local and state law enforcement officials have expressed general support for the original intent of the program, many others have raised concerns that Secure Communities was promoted as an effort to deport illegal immigrants who have committed serious crimes, but in practice has also resulted in deportations of traffic violators and other minor offenders, and thus has created mistrust of local law enforcement.

PERF took a role in exploring these issues in June 2011, when the U.S. Department of Homeland Security (DHS) convened a Task Force on Secure Communities to examine the uncertainties and confusion that came to characterize the program. PERF President and Philadelphia Police Commissioner Charles Ramsey served on this 14-member task force, along with three other PERF members, Las Vegas Sheriff Douglas Gillespie, Dallas County Sheriff Lupe Valdez, and Tucson Police Chief Roberto Villasenor; and PERF Executive Director Chuck Wexler served as Chairman. The Task Force issued a report containing recommendations to clarify the purpose of Secure Communities and to modify some of its policies and procedures in response to concerns by state and local governments.⁴

3 | <http://www.ice.gov/news/library/factsheets/287g.htm>

4 | Task Force on Secure Communities Findings and Recommendations. Homeland Security Advisory Council, September 2011. <http://www.dhs.gov/xlibrary/assets/hsac-task-force-on-secure-communities-findings-and-recommendations-report.pdf>

The intensity of the immigration issue has not diminished over time, as evidenced by recent developments in Arizona, Alabama, South Carolina, Georgia, and other states and localities. Frustrated by Congress's failure to pass comprehensive national immigration reform legislation, these states and municipalities have passed controversial laws that impose additional immigration-related responsibilities on state and local law enforcement agencies. The Obama Administration has challenged several of these laws in federal courts, arguing that the federal government has the Constitutional authority to regulate immigration, not the states. The U.S. Supreme Court has agreed to consider the Constitutionality of Arizona's law, in a case that could have implications for other states that have passed similar laws.

So, while states and localities continue to pass laws that impose additional immigration-related responsibilities on state and local law enforcement agencies, and while DHS continues to rely on programs to foster cooperation between ICE and state and local law enforcement agencies, the fact remains that immigration continues to be an unsettled issue that affects law enforcement agencies across the country.

Illegal Immigration: Some Historical Context

According to estimates published by the DHS Office of Immigration Statistics in February 2011, the number of illegal immigrants in the United States as of January 2010 was 10.8 million, the same population as in January 2009, and down 8 percent from 11.8 million in 2007. The population of illegal immigrants in this country has grown 27 percent from 2000 to 2010.⁵

Of the unauthorized immigrants living in the United States in 2010, 6.6 million (62 percent) were from Mexico, followed by El Salvador (620,000), Guatemala (520,000) and Honduras (330,000). California's share of the national total was 2.6 million immigrants, about 24 percent of the total in 2010, compared to 30 percent in the year 2000. Texas followed California with 1.8 million unauthorized immigrants, followed by Florida with 760,000.⁶

Of the total 10.8 million illegal immigrants in January 2010, 39 percent entered the United States between 2000 and 2009, 43 percent during the 1990s, and 19 percent during the 1980s.⁷

Across the nation, there is a broad consensus that our national immigration system has been broken for some time. In June 2007, the Bush Administration introduced legislation that incorporated several strategies to address illegal immigration. Congress failed to pass this bill, however, due to conflicts between those who favored stronger border enforcement and those who favored offering a path to citizenship. As of January 2012, the Obama Administration has not yet

5 | Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2010, U.S. Department of Homeland Security Office of Immigration Statistics. http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2010.pdf

6 | Ibid

7 | Ibid

introduced a comprehensive package of immigration reform legislation. In his State of the Union address on January 24, President Obama challenged Congress to take up the issue, saying, “We should be working on comprehensive immigration reform right now.”

Because federal lawmakers have been unable to adopt a nationwide reform plan, state legislatures and city and county councils have been adopting various immigration policies in response to demands for action by local constituents. In 2011, 46 state legislatures and the District of Columbia enacted 208 immigration-related laws and adopted 138 resolutions. (Montana, Nevada, North Dakota and Texas were not in regular session in 2010.) Ten additional bills were vetoed. As in previous years, law enforcement policies on immigration, employment of illegal immigrants, and ID/driver’s license issues remained top concerns.⁸

The national picture can perhaps best be described as a “crazy quilt,” a patchwork of laws that have led to confusion and in some cases have made police officers’ jobs more difficult. While various communities are affected by immigration in different ways, the current system prompts a number of questions and challenges for local law enforcement agencies that are examined in this report.

This Project and Publication

This report presents findings from a number of meetings with law enforcement officials. From January 2010 to January 2011, PERF convened town hall meetings (with police chiefs, DHS officials, and other stakeholders, such as mayors, state officials, and immigrant advocacy groups) in three cities—Raleigh, NC; Colorado Springs, CO; and Laredo, TX. The purposes of these town hall meetings were to hear from police chiefs and sheriffs about how immigration is affecting their communities and agencies, and to enable a discussion between DHS officials and police chiefs and local political leaders on the effects of federal immigration policy.

In addition to the three town halls, in June 2011 PERF convened an executive session with the Prince William County, VA Police Department to examine that agency’s experiences when elected officials required the police to adopt a new policy on immigration enforcement. The proceedings of that meeting illustrate how one agency managed the conflicting demands for new policy on an issue that was fiercely debated within the community.

The overall goals of this project were to: 1) document the effects of current immigration policies on police agencies across the country; 2) discuss the implications for immigrant populations and police agencies; 3) identify areas of consensus that can serve as guideposts to federal immigration authorities as they consider national policies; and, 4) provide police agencies that may be confronted with conflicts over immigration issues with examples of how other agencies have grappled with this issue in their communities.

⁸ | “2010 Immigration-Related Laws and Resolutions in the States.” National Conference of State Legislatures, January 2011. <http://www.ncsl.org/default.aspx?tabid=21857>

Local Variations in the Politics of Immigration Reform

The reader will see in this report a variety of perspectives about law enforcement and immigration. That is not surprising, given the extreme decentralization of policing in the United States, with approximately 18,000 different law enforcement agencies nationwide.⁹ Public opinion and public policies on immigration can vary widely in states, counties and cities, depending on each community's experiences with immigration. Often, neighboring jurisdictions have markedly different opinions about how to address illegal immigration.

The reader may also notice a difference in perspectives between police chiefs and sheriffs. Sheriffs usually are directly elected by voters, so they have that type of direct connection to their communities, and some elected sheriffs have made immigration policy an important part of their campaign platforms. Police chiefs are usually appointed by mayors, city managers, or city or county councils, and in most cases they aim to work in cooperation with their elected officials. In the end, all law enforcement agencies must reflect the priorities of the communities they serve. Police chiefs serving urban or suburban areas may face different pressures than rural sheriffs do on the immigration issue, due to differences in the numbers of immigrants in a community, public perceptions about immigrants, crime patterns, local economic conditions, and other dynamics.

Law enforcement responses to illegal immigration also can vary by region of the country. For example, police and sheriffs' departments operating on or near the Mexican border face a number of special issues, such as the false perception that U.S. cities near the border have high levels of violent crime.

What many local police and sheriffs' departments in various jurisdictions have in common is that they usually receive a certain amount of criticism from the public, no matter which approach they take to immigration issues. In most jurisdictions, there are residents who believe that the local government's approach is too lenient, and others who believe it is too harsh.

It should be emphasized that law enforcement officials increasingly are taking a leadership role in guiding public debate on difficult issues like immigration, providing facts and advice about immigration-related matters, such as the levels of crime committed by or against immigrants, and the extent to which immigrants and other community members trust and cooperate with the police.

At the same time, police chiefs and sheriffs understand that they do not singlehandedly set policies in a vacuum. The best solutions take into account the views of the public and the local elected officials chosen by the public. It is difficult for law enforcement agencies to implement policies and programs that do not have support in the community.

Thus, the role of local law enforcement leaders on the immigration issue is a very complex one. They must ensure that local policies are reasonable, practical, and enforceable, and that they reflect the views of the community and are consistent with the department's core values and policies. In some jurisdictions,

⁹ | Bureau of Justice Statistics, "Census of State and Local Law Enforcement Agencies, 2008." <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2216>

elected officials have inflamed rather than cooled the passions, and police chiefs and sheriffs have taken the lead in bringing reasonableness to the debate. In this way, police chiefs and sheriffs often end up as the “public face” of the immigration issue.

The value in reading about the different experiences of the law enforcement officials quoted in this report is to gain a more complete insight into how the immigration issue plays out in the real world of day-to-day policing. The immigration issue tends to provoke extreme rhetoric from all sides—rhetoric that may have little to do with the realities of a situation. In this report, police chiefs and sheriffs do not engage in a theoretical debate. Rather, they describe the most critical issues regarding immigration that have actually surfaced in their agencies. They provide expert analysis of how to deal with those issues, and describe policies and programs that have proved effective, in their view.

The publication presents the summary results of the regional town hall meetings in Raleigh, NC; Colorado Springs, CO; and Laredo, TX. The report is organized around seven major themes that surfaced in each town hall, and draws upon the comments of the participants to demonstrate where there was consensus and where there were divergent experiences and opinions. The seven themes are:

- Why Are Local Police a Central Part of the Immigration Debate?
- Balancing Conflicting Community Viewpoints
- The Relationship Between Crime and Immigration
- When Immigrants Cannot Provide Identification
- Working With Immigrant Communities
- The Perceptions and Reality of the Southern Border
- The Need for Strong Relationships Among Stakeholders

Following the presentation of the town hall discussions, the publication turns to a report on the experiences of the Prince William County, VA Police Department in implementing a new policy on immigration enforcement required by the County’s elected officials. The discussions in that meeting illustrate how one agency managed the conflicting demands for a new policy on an issue that was fiercely debated within the community.

The combined experiences of law enforcement officials (the Appendices include a complete roster of the participants from all four meetings) in North Carolina, Colorado, Texas and Prince William County, VA are intended to provide police agencies that may be confronted with conflicts over immigration issues with examples of how to meet the challenges associated with this issue in their communities.

WHY ARE LOCAL POLICE A CENTRAL PART OF THE IMMIGRATION DEBATE?

Local law enforcement officials at the PERF meetings, for the most part, indicated that they did not seek out a role in the enforcement of immigration laws, because the laws are federal statutes traditionally enforced by federal agencies. But the issue has found them, and some have taken leadership roles in defining new policies. Generally, police chiefs and sheriffs have sought middle-ground positions between two extremes: those who say all illegal immigrants should simply be deported, and those who see little or no role for local police in assisting federal immigration officials.

Police chiefs and sheriffs note that their role in the immigration debate is not a natural fit. Immigration laws are federal laws, so unless special provisions are made between federal and local officials (e.g., through the 287(g) program), local law enforcement agencies have no legal authority to deport people or take other immigration enforcement actions—any more than they would have authority to investigate or arrest persons who cheat on their federal income taxes. And federal immigration laws, like the federal tax code, are extremely complicated, local officials note; so it is not an area of law that should be enforced by police agencies that have not received special training.

One of the primary reasons that many local law enforcement agencies would prefer to stay out of the immigration debate and leave enforcement to federal agencies is this: **A public perception that local police are de facto immigration agents can erode the trust that police have worked to develop with communities, especially immigrant communities. That trust often corresponds to greater cooperation and information-sharing between residents and the police. If the police are perceived as being involved in the enforcement of federal immigration laws, some crime victims and witnesses become reluctant to contact the police, which makes the job of investigating crimes more difficult.**

In addition, local law enforcement officials note that their own plates are full. They have responsibility for investigating violent crimes and property crimes, and for driving down crime rates through proactive policing. Managing those

responsibilities has been difficult in recent years due to budget cutbacks in local police and sheriffs' departments.

Finally, local law enforcement officials note that the immigration issue is unlike many of the issues they are accustomed to handling. Everyone agrees that local police should strive to reduce homicides, robberies, burglaries, sexual assaults, and other crimes under state and local laws, and bring lawbreakers to justice. There is no controversy about that; any debate about those issues is limited to which strategies and tactics are most effective and appropriate. But the immigration issue is different. Immigration policy provokes impassioned opinions in the community—opinions that often are in 180-degree opposition to each other. It is understandable that local officials would prefer to stay out of the middle of that debate, focus on their own work, and leave immigration enforcement to the federal officials who have the legal authority and responsibility to develop immigration enforcement strategies.



Director Geri Mannion,
U.S. Democracy Program

Nevertheless, local police and sheriffs' departments have found themselves in the middle of the immigration debate. How did that come about? First, local police chiefs and sheriffs note that the same contentiousness over immigration that is playing out at the local level has thwarted efforts by the federal government to develop comprehensive reform legislation for more than a decade. With Congress deadlocked on the issue and no likelihood of change in sight, advocates on all sides of the issue may see a greater opportunity to pass legislation on a state-by-state and city-by-city basis.

Second, some members of the public may not be familiar with the differences between federal, state, and local laws, and with the divisions of responsibilities among various law enforcement agencies. Thus, they may have a misperception that because immigration is governed by laws, all law enforcement agencies have responsibility for enforcing those laws. Under this way of thinking, local police naturally should play a leading role in immigration enforcement. (Police chiefs note that immigrants often have this misperception, which often makes them reluctant to contact local police, out of a sense that all law enforcement agencies are part of the same immigration enforcement network.)

Third, a number of elected officials in some cities and counties have seen the immigration issue as a public safety matter, a question of demands on local resources, or otherwise an issue that should be addressed at the local level. And immigration is a potent political issue that can bring a great deal of attention to elected officials.

Finally, most people may find their local police or sheriff's department and their local mayor's office and/or city council members more familiar and "approachable" than the distant federal agencies that are responsible for

immigration enforcement. It is likely that many people are not familiar with the agency known as U.S. Immigration and Customs Enforcement (ICE), but they know the name of their local police chief and their local elected officials. And it is far easier for most people to attend or testify at a hearing on immigration policy in their own city hall than in a Congressional hearing room in Washington, D.C.

So it is not difficult to see why local police and sheriffs' offices in some cities, counties, and states have become far more involved in the debate over immigration enforcement than might be expected, given their limited role in the enforcement of federal laws.

Following are a number of comments by police chiefs about how immigration issues have affected their communities. These direct quotes can provide police officials nationwide with insight into how their colleagues have grappled with the issue in their communities.

RALEIGH, NC POLICE CHIEF HARRY DOLAN:

Immigration Policy Can Be a Quagmire for Local Police

Immigration is a critically important topic that is being debated across the country. I can't imagine a more important issue for law enforcement to be discussing and reaching out to the community about.

In the past, as long as it was serious gangsters and violent offenders being deported, nobody had much objection. The deportees were people who had been assaulting people and damaging the quality of life in our communities. When we lock up members of the MS-13 gang, my community thanks me.

But now that immigration has become more of a high-profile national issue, it has created a real quagmire for local police. The tough issues facing local police involve stories like the person who has worked in this country 15 years, has two children here, speaks better English than Spanish, and is being forced to leave. Or it might be the 16-year-old girl who is being told to go "back" to a country where she doesn't know anyone. Those are the issues that are capturing everyone's attention.

GREENSBORO, NC POLICE CHIEF TIM BELLAMY:

My City Has Refugees from All Over the World

Greensboro is a resettlement city for refugees coming from all over the world, so we're seeing some different dynamics than other cities have seen. Most people are talking about the Latino and Hispanic populations, but in our city we have about 211 nationalities and cultures represented. For example, we have the largest Somali population in the United States outside of Minneapolis. Lutheran Family Services has brought refugees into Greensboro from Africa, Asia, Russia, etc., and once they come here, they become legal aliens and hold legitimate jobs. They use their income to pay for their relatives to come across the border and into Greensboro illegally.

FRISCO, CO POLICE CHIEF TOM WICKMAN:

We Should Focus on Criminality

Illegal immigration concerns in this country increased after 9/11. From a local law enforcement perspective, I don't particularly care if a person is legal or illegal. Illegal immigration enforcement has not been a high priority in many parts of the country. What we should be focusing on is whether a person is a criminal and act accordingly. In addition, from an economic standpoint, what is the impact of undocumented workers on society?

GREER, SC POLICE CHIEF

DAN REYNOLDS:

Immigrants Play a Big Role in Our Local Economy

Immigrants are an important part of our economy. If we were to suddenly implement a stringent enforcement of the federal immigration laws, it would have a detrimental impact on our economy. I know it would have a significant impact in my city.



Greer, SC Police Chief Daniel Reynolds

GREELEY, CO POLICE CHIEF

JERRY GARNER:

2006 Raids at Meat-Packing Plants Remain Divisive Today

Greeley has an estimated population of about 90,000, but we don't really know how big we are because we have an illegal population that stays below the radar. Swift and Co. is our biggest employer, and we received national attention in December 2006 when ICE raided Swift meat-packing plants in Greeley and other cities. To this day, that remains a divisive issue in Greeley.

On the other hand, I'm a cop. When you tell me that there are 11 million people in the country breaking the law, that bothers me. We need to do something about the immigration issue. Congress could pass a law and say "you're all legal now," or could do something else. The issue is the sheer number of people who are currently technically breaking the law. But the local police chief is not the one who can solve that problem.

BALANCING CONFLICTING COMMUNITY VIEWPOINTS

Immigration enforcement is an issue that produces an extremely wide variety of strongly held opinions. At one end of the spectrum is a view that allowing millions of people to remain in the United States in violation of federal law undermines the rule of law, is unfair to immigrants who make the effort to follow the rules and obtain permission to enter the United States, and creates a variety of social and economic problems for the nation. At the other end of the spectrum is the view that the United States has always been a nation of immigrants, that the vast majority of today's immigrants are productive members of American society, that the federal government should create a path to citizenship for these immigrants, and that local police should not serve as de facto immigration enforcement officers.

Police chiefs and sheriffs who have spoken at PERF meetings on immigration policy generally have not expressed ideological views at either end of this spectrum, but rather have taken a pragmatic approach, in which they aim to understand the views of their local residents and develop policies that reflect the local culture and are consistent with all of the other considerations that go into providing effective local law enforcement.

A number of police leaders pointed to the longstanding principles of community policing as good guideposts to handling immigration issues. These principles include an emphasis on engaging the public and developing partnerships in order to identify and solve crime-related problems. Because immigration is an extremely contentious issue, it is especially important that police agencies take great pains to solicit the view of as many organizations and individuals as possible when considering new policies and programs in this area.

Legitimacy and Procedural Justice

In addition, the relatively new concepts of “legitimacy” in policing and “procedural justice” are applicable to local police agencies’ involvement in setting immigration policies. Legitimacy in policing is generally understood to mean the

judgments that ordinary citizens make about the rightfulness of police conduct and the extent to which they support the police department. Procedural justice refers not only to whether community members believe that laws are fair and that police enforce the laws evenhandedly, but also to whether the police treat community members with dignity and respect.¹⁰

These principles are especially important when an issue being discussed in the community, such as immigration enforcement, is one that provokes extreme opinions that are held very strongly. If residents are to believe that their local institutions of government are “legitimate,” they must perceive that their views on important issues like immigration are solicited and are considered in good faith when police or local officials set policy on the issue. Thus, law enforcement leaders not only must work to include all elements of the community in discussions about immigration enforcement, but must ensure that the public *perceives* the police to be acting fairly and transparently.

Following is a sampling of comments from the PERF meetings regarding community viewpoints on immigration policy:

CONCORD, NC POLICE CAPTAIN BETTY CRUMP:

Balance Public Safety and Rights

We need to provide high-quality police service to everybody, no matter what their background. Also, we must strive to balance public safety and enforcement of the law with ensuring that everyone’s rights are protected.

RALEIGH, NC POLICE CHIEF HARRY DOLAN:

Immigrants Are Not Mentioned at My Community Meetings

A police agency’s enforcement priorities should reflect the community’s priorities, and you accomplish that by asking the community what they think about the tough questions.

We did this for a solid year. I attended a lot of community meetings, and no one brought up immigration. They talked about violent crime and the quality of life in their neighborhoods. The issues that are important to the community have been around a long time: gangs, guns, drugs, and code enforcement. I didn’t hear one community member say, “Chief, get on immigration.”

**CHIEF LONNIE COOK, LAREDO, TX
INDEPENDENT SCHOOL DISTRICT POLICE:**

We Have Immigrant Children in Our Schools

I can tell you that my school district does have a number of enrolled students whose immigration status is in question. We are not at liberty to question them,

10 | See, for example, the work of NYU Prof. Tom Tyler and others at <http://www.psych.nyu.edu/tyler/lab/>.

nor do we wish to do that. We know that a large number of students cross the border every morning to come to school, but that's not within our purview to question.

We also talk about the fear that these immigrants have in contacting the police, even the School District Police. We had a case last month where a mother was kidnapped from the U.S. side of the border and taken into Mexico. She had four kids in the school district, but no one knew about the kidnapping until after 5 o'clock in the afternoon. The kidnapping came to light because the four children had not been picked up and were still at school. My police department was called and we had to handle the situation.

SAN ANTONIO POLICE CHIEF BILL MCMANUS:

*Relationships with the Community
Can Be Fragile*

The San Antonio Police Department's position is that we do not want to isolate the community from the police department, so we don't ask people about their immigration status. The relationship we've built with the community over the years is a fragile one. If the community got the idea that police were going to ask them for their papers, it would frighten them away from calling the police or communicating with the police in any way. We don't want to see that happen.



San Antonio Police Chief William McManus

**LARIMER COUNTY, CO SHERIFF
JAMES ALDERDEN:**

The Reality Is that We Don't Have the Resources to Do Sweeps

Like any place in the country, we have illegal immigration. From the point of view of the Sheriff's Department, it's a very political issue. The populace says, "We want you to get tough on immigration and go pick up every illegal immigrant and deport them." However, I'm not aware of any sheriffs in Colorado who are doing sweeps. I think that, politically, there could be an advantage to doing that in some jurisdictions. But the reality is that we don't have enough officers on the street or enough space in our jail to allow us to do that.

DENVER DEPUTY POLICE CHIEF MIKE BATTISTA:

Most of Our Illegal Immigration Problem Involves Gangs

Denver's community is not necessarily hands-off on the immigration issue, but if there's not any criminal activity involved, it's not a top priority for the community. Most of our illegal immigration problem is with our gangs, and the gangs have most of the drugs and guns that contribute to the crime rate in Denver. The

Denver PD policy is that if we arrest someone for a crime and find they're an illegal immigrant, then we make a notation on the arrest slip and the Sheriff notifies ICE. We don't take any specific action.

AURORA, CO DEPUTY POLICE CHIEF TERRY JONES:

We Have Limited Resources to Handle Immigration Problems

The illegal immigration problem is very difficult for us because we have limited resources. We don't have federal authority, so we don't have the legal authority to deal with illegal immigration. But we handle the effects of illegal immigrants committing criminal acts. We share a border with Denver and are dealing with many of the same issues that they are facing.

MILLIKEN, CO POLICE CHIEF JIM BURACK:

Many of Our Legal Immigrants Identify with Illegal Immigrants

We have a good-size Hispanic population in Milliken, almost half of the community. Immigration is one of those issues in a small community like mine that we hope doesn't erupt with some kind of major incident. We haven't had a high-profile case. It's not a matter of dividing people into those who are here legally versus those who are not, because many of the folks who are legal identify with those who are not here legally. Most of the immigrants are law-abiding and are trying to put their kids through school and make a better life for themselves. But some are here illegally and are committing crimes.

EL PASO COUNTY, CO SHERIFF TERRY MAKETA:

We All Must Prioritize, and Our Priority is Criminals

Immigration is an issue that continues to challenge us. I think that those of us at the local law enforcement level have to prioritize, just as ICE has its priorities. Our priorities are to identify those who are criminal aliens. Our deputies are not out there looking for people who are undocumented. But they are out on the road interacting and dealing with people suspected of having committed crimes, some of whom are here illegally. It's purely driven by criminal activity, and whether it's a felony or misdemeanor arrest, we are processing arrestees and trying to identify people using the databases that our deputies can access.



El Paso County, TX Sheriff Terry Maketa

**ICE SPECIAL AGENT IN CHARGE
JERRY ROBINETTE, SAN ANTONIO:**

*Human Trafficking and Smuggling
Are Our Priorities*

We have a job to do and it's not just about identifying and deporting individuals. We're interested in the more serious crimes. Cases like human trafficking investigations and contraband smuggling investigations are our primary interests.



ICE Special Agent in Charge Jerry Robinette

**MCALLEN, TX POLICE CHIEF
VICTOR RODRIGUEZ:**

*Immigration Enforcement
Can Impact Response to Serious Crimes*

The question should be, "What impact will Arizona-style laws have on real people?" If you make immigration a state violation or a violation that local officers must respond to, police officers will be ethically and legally obligated to take action when they can. So if you take a police officer from the street to deal with an illegal alien problem, especially along the border where the prevalence of this is so great, it will hurt our ability to deal with serious crimes. It will impact our response time and the police services our people are entitled to.

Responding to Criticism from Residents

Not surprisingly, local police and sheriffs' departments in jurisdictions where immigration policy is a hotly contested issue receive a certain amount of criticism from the public. No matter which approach the law enforcement agency takes, there will be residents who think the approach is too lenient or too harsh. A number of law enforcement executives have said that when they find themselves being criticized from both sides, they consider it a good sign, not a bad one.

GREELEY, CO POLICE CHIEF JERRY GARNER:

Immigration Is a Very Contentious Issue in My City

In December 2006, six of the Swift Company's meat-packing facilities in Colorado, Nebraska, Texas, Utah, Iowa, and Minnesota were raided by U.S. Immigration and Customs Enforcement officials, resulting in the apprehension of 1,282 illegal aliens, with nearly 200 of them criminally charged after a ten month investigation into identity theft.¹¹ In Greeley, the police department did

11 | <http://www.cbsnews.com/stories/2006/12/12/national/main2250966.shtml>

not participate in the raid but directed traffic and helped control the crowd outside the plant, which included plant workers' family members and protesters complaining that ICE agents were cruel to arrest workers just before Christmas. In the aftermath of the raid, however, Police Chief Jerry Garner found himself in the middle of a contentious public debate about the raid and its effects on the community.

Greeley was the location of the big ICE raid on Swift meat processing plants in December 2006, and I was out there that day in the crowd of people gathered at Swift. There were a couple of people who were trying to work the crowd and start a disturbance. I was talking to people, saying, "Hey, I'm going to get you this number at ICE so you can call and find out what happened to your relative." We told people that it wasn't going to accomplish anything to throw rocks or get themselves arrested. And we arrested absolutely no one that day, so I felt that what we did worked.

After the Swift raid, there were considerably more demands on our city's human service and social service agencies, from people who no longer had a family breadwinner. On the other hand, there were people picked up in the raid who were engaging in identity theft and victimizing someone in order to get a job. In some cases we had illegal immigrants victimizing other illegal immigrants. In other cases they were victimizing American citizens.

There were people who told me, "Don't ever let this happen again in Greeley." But at the other end of the spectrum, I had people telling me, "Chief, this needs to happen every week. You need to get these people out of here and get them back to Mexico." So that gets to how the immigration issue affects your role as police chief. You have a lot of people telling you that what you're doing is not right, and one side is telling you to do the opposite of what the other side wants. Even if you try to take a middle course, you have folks on one side saying you are engaging in racial profiling, and others saying you're not doing your job because you're not scooping up the day laborers and putting them in jail.

There are also folks who ask me, "Chief, isn't it true that most of your gang members are illegals and most of your gang crime is committed by illegals?" And they don't entirely believe me when I say, "No." Most of our gangs are made up of Americans, and most of our crimes are committed by Americans. Yes, illegal immigrants commit some crimes, but Americans do more. So we have huge pieces of misinformation that we have to deal with. It's very much a contentious issue in Greeley.

DENTON, TX POLICE CHIEF ROY MINTER:

Some Want Us to Check Credentials at Day Laborer Sites

We see a lot of letters to the editor in our local newspaper in which residents say, "Why are we designated as a sanctuary city? Why aren't we as tough on immigration enforcement as some of the other cities? If our officials don't change this, we are going to get people in office who will change it."

The pressure on the local politicians has also extended to the day laborer sites. The Police Department has been asked several times by citizens to go out to

our day laborer site and check credentials. Well, that isn't an issue for local law enforcement; we're not in charge of enforcing federal immigration laws. So then they call the local ICE office and ask them to do something about the day laborer site. And ICE says, "No, this is not something that we are going to be looking at aggressively right now."

So there's frustration. Some residents want somebody down there every day checking people's credentials. They're trying to put pressure on the local politicians, saying that "the federal government won't do anything, the Police Department won't do anything, and we want something done!" And our local officials realize that people are being elected, or booted out of office, based on their stance on immigration issues.

LARIMER COUNTY, CO SHERIFF

JAMES ALDERDEN:

People Want Us to Pick Up Every Illegal Immigrant

I think the general population thinks that law enforcement has the authority to do a sweep and just pick up every illegal immigrant and deport them. So that's what they want us to do, but that's obviously not possible. What we tell them is that when we arrest illegal immigrants for some other offense, we keep them in our jail and work with ICE to deport serious or chronic offenders.



Larimer County, CO Sheriff James Alderden

GREER, SC POLICE CHIEF DAN REYNOLDS:

Another Issue Is the Services Provided to Illegal Immigrants

We also get criticism from the anti-immigrant side about how we spend our resources. They ask, "Why are you providing police services to these people when they don't belong here?"

RALEIGH, NC POLICE CHIEF HARRY DOLAN:

Complaints about Profiling of Immigrants Can Be Tricky

If I get a complaint about something like a cop taking money on a traffic stop, I say, "Tell me what you know. I have GPS and cameras in the cars. We have forms officers have to fill out when they stop a car. So let me know what's going on."

Vague stories about immigration enforcement can be difficult to handle. If someone believes they were subjected to unfair treatment, I need to sit down with the person and look at the entire situation, and check to see if it was out of line. Maybe the reason a car was stopped truly was an expired tag, not anything having to do with the driver's immigration status. When you look at these cases, you realize there's more at work than what may be immediately apparent.

THE RELATIONSHIP BETWEEN CRIME AND IMMIGRATION

Law enforcement executives at the PERF town hall meetings expressed a number of views about the relationship between illegal immigration and crime. At these meetings as well as previous PERF conferences on immigration, mixed views were expressed about the extent to which illegal immigrants commit crimes. Some police chiefs and sheriffs have said that immigrants tend to avoid any contact with the police out of fear that even a minor encounter may put them on a path to deportation, so they may be less likely than other people to commit crimes. But other law enforcement executives have said they believe that illegal immigrants are responsible for a substantial portion of their local crime, especially crimes committed against other immigrants.

There was much greater consensus on the view that illegal immigrants are often *victims* of crime, for several reasons. Police chiefs report that many illegal immigrants carry large sums of cash or keep cash in their homes because they lack driver's licenses or other forms of identification needed to open bank accounts. Many robbers understand this and target illegal immigrants, police officials said. The offenders know that illegal immigrants who are victimized are often reluctant to call police and report the crime for fear that they may be required to reveal their immigration status. Domestic violence is another crime in which victims who are illegal immigrants are often reluctant to involve the police, according to some chiefs. In some cases this fear of reporting domestic violence has led to more serious crimes, including murder.

Similarly, many law enforcement executives have reported that immigrants who witness a crime often are unwilling to report it because they are afraid of any contact with the police may lead to problems with ICE, either for themselves or their family members. In some cases, chiefs have said that even immigrants with legal status in the United States are afraid to call the police because they have friends or relatives who are illegal immigrants.

GREELEY, CO POLICE CHIEF JERRY GARNER:

Some Victims Are Afraid We Will Report Them to ICE

I've got a significant percentage of my population who are afraid to report crimes to me. No matter how many times I say that I don't report crime victims' names to ICE, they don't believe me. So we have victims of domestic violence, robbery, identity theft, and assault who don't call the police, and I'm not able to do my job for those folks.

AURORA, CO DEPUTY POLICE CHIEF TERRY JONES:

Some Immigrants See the Police as the Enemy

We have a real sensitivity toward individuals who are victims of crime but are in this country illegally, because we know there is a reluctance to call the police, primarily in the Hispanic community. Some see the police as the enemy. They don't realize that they're not going to be removed, because they're a low priority with an estimated 11 million illegal aliens in this country. We don't want to alienate a community, and we try to do the right thing at the right time. But we still need to prosecute and remove people who are detrimental to society's overall well-being.

DENVER DEPUTY POLICE CHIEF MIKE BATTISTA:

We Had People Who Hired Day Laborers and Refused to Pay Them

A few years back we had situations where guys would hire day laborers off a corner to do a job, and then wouldn't pay them because they knew the laborers had no recourse. If people are here illegally, they're afraid to come forward as a victim; they're afraid that they will be deported.

RALEIGH, NC POLICE CHIEF HARRY DOLAN:

Fortunately, We Do Have Immigrants Who Report Crime

The Latino community is being preyed upon because there are criminals who think that they are not going to report the crime. But we do have a lot of immigrants reporting crime and a lot of perpetrators going to jail because of that.

**ICE SPECIAL AGENT IN CHARGE
JERRY ROBINETTE, SAN ANTONIO:**

We Sometimes Arrange Temporary Legal Status for Victims and Witnesses

If we're in a situation where victims or witnesses are here illegally and they're important to an



Chief Ray Garner, United Independent School District Police, Laredo

investigation we're conducting, then we do what it takes to provide them with a temporary legal status so we can continue our case, or continue our investigation. Just turning our backs on them would open them up to further problems. We've worked well together as a community on these issues.

SISTER ROSEMARY WELSH, LAREDO, TX:

ICE Asks Us to Take People into Our Shelter

(Sister Rosemary serves as executive director of Casa de Misericordia, a domestic violence shelter for abused women and their children.)

We really need to look at how the tenor against immigrants is affecting people's ability to call and ask for help. I think there is a chilling effect when a woman is crying and she needs help, but she will not call the police.

We have had people from ICE call us and ask us to take patients, women, and families into our shelter. People are reluctant because they are afraid they will be deported, but our shelter is confidential and we pick people up at a certain safe site and then bring them to the shelter. Our concern is to get individuals and their children into a safe environment and help them as they try to figure out what they want to do with the rest of their lives.



Sister Rosemary Welsh

GUILFORD COUNTY, NC LIEUTENANT DOUG BURROUGHS:

We're Looking to Investigate Human Trafficking

Our county encompasses a lot of rural area, and we're also seeing increases in the immigrant population. We're seeking a task force in conjunction with Pitt County Sheriff's Office to investigating human trafficking. That's something new for us.

LARIMER COUNTY, CO SHERIFF JAMES ALDERDEN:

Illegal Immigrants Commit Crime at a Higher Rate, But Not Significantly Higher

My observation would be that illegal immigrants do commit crime at a higher rate than the general populace, but it's not a significantly higher rate. I think a majority of the illegal immigrants came here to try to earn a living or they have relatives who brought them here for a better life.

WHEN IMMIGRANTS CANNOT PROVIDE IDENTIFICATION

For the safety of the officer and the community, it is imperative that law enforcement be able to identify an individual to determine criminal history, outstanding warrants, aliases, and other potential threats. Most states do not issue driver's licenses or other official identification cards to illegal immigrants, so police officers often have a difficult time accurately determining their identity.

ART VENEGAS, FOUNDER, LAW ENFORCEMENT ENGAGEMENT INITIATIVE:

It Would Be Very Helpful If Immigrants Had Identification

(Mr. Venegas is former Chief of Police in Sacramento, California.)

Immigrants should be allowed to have some form of identification, either from here or from their home countries, a birth certificate or something else. A few communities have ventured into creating an ID that's available to undocumented immigrants, like New Haven and San Francisco. And a number of jurisdictions, like Utah and New Mexico, allow undocumented immigrants to get a driver's license.

The question is an economic one for police, because every time we stop somebody who has no identification, it takes a lot of manpower to try to identify that person. An officer will spend up to two to three hours to determine who an arrestee is. And if you take the person over to ICE, in most cases where you have a simple traffic stop, ICE's workload is so high that they aren't going to do a lot. They will give the person a civil release.

Police departments are seeing their budgets cut across the board. In Camden, New Jersey, they



Former Sacramento Police Chief
Art Venegas

were slashed in half, and possibly one-third of that city's population may be undocumented immigrants. They don't have the resources to start dealing with the problem. And this is an issue not just in Camden; it's everywhere.

RALEIGH, NC POLICE CHIEF HARRY DOLAN:

If A Driver Has No License, It Limits Our Options

Patrol officers and troopers would say we have to figure out a way to get immigrants a driver's license. They'd rather ensure that immigrants have a legal driver's license, get insurance, and go through the driver training. When we stop cars and the driver doesn't have a driver's license, there are very few options for the officers and troopers. If there is no other source of identification, we're going to use fingerprint identification. That means the person has to be put in the police car and taken to jail so we can find out who they are.

DURHAM, NC POLICE CHIEF JOSE LOPEZ, SR.:

It Can Be Difficult to Identify Someone Who Has No Driver's License

We have a policy that, in a nutshell, forbids officers from inquiring into nationality or conducting naturalization investigations, when it involves relatively minor misdemeanors and motor vehicle stops. We do make sure that the individual that we stop for, let's say, driving without a driver's license, is identified. We don't just issue a ticket to someone we don't know. There are various types of identifiers that we use, one of which is the Matricula (an identification card issued by the Mexican government to its citizens living outside of Mexico). We have been to the Mexican Consulate, have looked at their system, and we have distributed information to officers so they can distinguish a fake Matricula document from a real one. Some officers contact landlords or family members to try to verify a person's identity.



Durham Assistant Chief Loretta Clyburn, Durham Chief Jose Lopez, Raleigh Chief Harry Dolan, and Durham Captain Michael Ripberger

MECKLENBURG COUNTY, NC SHERIFF CHIPP BAILEY:

Identifying an Arrestee Is a Security Issue at the Jail

We don't ask about immigration status in traffic stops. The controversy comes up when people are arrested for driving without a driver's license. Typically, that is somebody who has no identification at all, and when someone has no means of identification, police officers tend to get very curious. The concern is that they are driving on a revoked license or may be trying to avoid identification for some other reason. For example, in Charlotte, that is sometimes an indicator of gang activity.

The critical component, as we see it, is that when someone is brought to our jail, it is imperative that we be able to identify them. It is a safety and security issue for the jail. It's also important to determine whether someone is using an alias or is wanted in other jurisdictions. We have had 300 to 350 unidentified foreign nationals in the jail. We had a trial with six MS-13 gang members who entered the country across the border, and because most used aliases, we had to use various methods and programs, including 287(g), to identify them.

GREER, SC CHIEF DAN REYNOLDS:

Can States Play a Role in Providing ID to Immigrants?

Most of the Latinos in Greer just go about their business every day; they work and don't bother anybody. The big issues for immigrants that come up at community meetings are health issues and how they can get various services. In South Carolina, you can't get a driver's license without a Social Security card, and you can see the problem that presents. For the officers on the street, the big issues are not understanding the language of people they stop, and identifying who they're dealing with.

Some of our local banks and loan offices have hired Hispanics and Latinos to help immigrants set up accounts and gain access to their services. I think the state may need to make some concessions and give immigrants a way of obtaining a license or ID card.



PERF Executive Director Chuck Wexler at a press briefing in Colorado Springs

WORKING WITH IMMIGRANT COMMUNITIES

Illegal immigrants often live on the fringe of communities, trying to remain “invisible” to the police and other government agencies. Often, their only experiences with law enforcement have been with the police in their native countries, where they may have witnessed police brutality and corruption. This general fear and lack of trust keep immigrants from assimilating the values and norms of U.S. communities, and make them reluctant to engage with the police on crime prevention and community-building. Police agencies find that they must continually work with immigrant communities to build trust, combat fear, and provide information about police services.

SISTER ROSEMARY WELSH, LAREDO, TX:

*Immigrants Must Understand They Can Call the Police
Without Repercussions*

Police and immigrants need to work together and trust each other. Immigrants need to be able to call someone when they need help and get an answer and follow-through. They need to be able to call the police and tell them what is happening without any repercussions.

DURHAM, NC POLICE CHIEF JOSE LOPEZ, SR.:

We Use the Word “Undocumented”

In Durham, we use the word “undocumented.” We don’t use the word “illegal”; it doesn’t fit well with the community, it is considered insulting, and it damages relationship with the immigrant population. As far as winning trust from all parts of the community, one way is to identify leaders or organizations that the immigrant population trusts, and work to develop a relationship with those groups or individuals. Through that conduit, you can reach the immigrant population.

COLORADO SPRINGS POLICE CHIEF RICK MYERS:

Fear of Police Is Not Limited to Hispanic Communities

We really struggle with victims and witnesses who absolutely will not cooperate or talk with us because of the fear of deportation or other sanctions. That issue isn't limited to the Hispanic community. We had a recent homicide of a Korean woman, who was described as a pillar of the community by all accounts. We had a hard time getting the Korean community, who loved this woman, to come forward with information that might be helpful.

GREENSBORO, NC POLICE CHIEF TIM BELLAMY:

One Agency's Reputation Can Rub Off on Others

We've found that we've had more success with communications through our city's human relations department rather than with the police. The community doesn't really trust the police, but they do trust someone who is not in a uniform. We have a local sheriff who is a bit more aggressive than others in North Carolina, and when I have conversations with the Latino community, I find that they think that all law enforcement is doing the same thing. It's not true, but because that other agency is next door, we get the rap for what they're doing.

GREER, SC POLICE CHIEF DAN REYNOLDS:

It Takes Some Time to Develop Trust

When I first got to Greer in 2005, I joined a committee that was meeting with the Latino community, and one of the problems was where to hold the meetings, because the Latino community didn't trust us. People were afraid they would come to a meeting and find ICE there. It caused some problems for us at first,



Colorado Springs Police Chief Rick Myers takes questions at a press briefing following the town hall meeting on immigration

even meeting at the churches, where there tended to be a feeling of freedom to discuss things and not worry about being arrested. Getting past that trust issue was key.

EXECUTIVE DIRECTOR TONY ASION, EL PUEBLO, NC:

We Know Robbery Victims Who Will Not Call Police

(El Pueblo is an advocacy organization that defines its mission as “strengthening the Latino community.”)

There is a fear of law enforcement in the Hispanic community, even if they are the victims of crime. We get a lot of robbery victims who will not call the police.

LAREDO, TX POLICE CHIEF CARLOS MALDONADO:

We Should Not Ostracize Immigrants, But Criminals Are Another Matter

I believe that from a community-oriented perspective, the last thing we can afford as a country is to ostracize immigrants or give the perception that people cannot feel confident to report suspicious activity because they fear deportation.

But if you commit a crime, that’s another matter entirely. In that case, I don’t care where you’re from. The police will do what we need to do, regardless of immigration status, although if you are not in the country legally, that comes with consequences as well.

That’s the line that we find ourselves walking.

ICE SPECIAL AGENT IN CHARGE JERRY ROBINETTE, SAN ANTONIO:

We Aim to Stabilize Victims and Ease Their Fears

Probably the largest hurdle is the fact that people are afraid to report crimes for fear of immigration consequences. But years ago, we recognized that the most important thing we can do is to identify crime victims, stabilize their situation, and relieve them of those fears. Our number one concern is stabilizing the victims and helping to ensure they’ll be good witnesses, and then making a case against those who committed the crime.

CHIEF LONNIE COOK, LAREDO, TX SCHOOL DISTRICT POLICE:

Most Immigrants Are Hard-Working, Looking for a Better Life

What some people don’t seem to understand is that the majority of the people who are immigrating to the United States are doing the same thing that our ancestors did. They’re looking for a better life and a better future for their kids. They are extremely hard-working and dedicated people. The idea that illegal immigrants or all immigrants are trouble-makers, criminals, gang members, or drug dealers is just so skewed and it creates this environment of hostility, which

bleeds off to the kids in the school district. We have high school kids who will avoid my law enforcement officers at any cost. That element of fear makes them avoid drawing attention to themselves or their families, no matter what happens to them. They don't want to give anyone a reason to question their immigration status.

**CHIEF THOMAS YOUNCE,
NORTH CAROLINA STATE UNIVERSITY POLICE:**

*Don't Wait for an Incident
To Occur Before You Work on Trust*

We can't wait for an incident to occur before we start trying to develop trust with the community. We need to be ahead of it. But if an incident does occur, we need to respond to it, and we may be able to develop trust if we handle it well. Universities have tremendous communications systems. If something happens at UCLA or Berkeley or some other institution, we find out about it and our students see it on YouTube, and we talk to our students about the incident and whether it has implications for our university.



NC State University Public Safety Director
Thomas Younce

GREENVILLE, SC POLICE CHIEF WILLIAM ANDERSON:

*Traveling to Mexico Gave Me a Better Understanding of
Immigration Issues*

I was part of a program here in North Carolina called the Latino Initiative. We traveled to Mexico and learned about their culture and why immigrants are migrating to the United States. That background gave me a better understanding of the immigration issue. And it made me look at it from the perspective of how I can get my agency more involved in the Latino community. I think we need to strive toward integrating the police in the community and getting a better understanding of the community.

MECKLENBURG COUNTY, NC SHERIFF CHIPP BAILEY:

We Tell Immigrants: If You Don't Have a License, Don't Drive

Education is the key. We spend a lot of time talking to immigrant groups and telling them, "If you get a traffic ticket, go to court, because we're not going to ask about your immigration status. And if you don't have a driver's license, don't drive. Find somebody to take you where you need to go." I spend a lot of time on Latino radio saying these things, because the same issues keep coming back. Everyone is part of our community, whether they are undocumented or are

American citizens, and it's still our charge to protect them. The education piece is imperative, so immigrants will find some comfort in knowing they can report crime without encountering immigration agents.

JACKSONVILLE, NC POLICE CHIEF MICHAEL YANIERO:

We Work to Open Lines of Communication with Immigrants

Our population is largely Marines and their family members from Camp Lejeune. When a military police officer asks someone for an ID and takes them away with ICE, people think that our department and all law enforcement agencies are painted with the same brush. As a military community we are one of the most diverse cities of our size in the country. As a local police department, we have worked very diligently to keep open lines of communication in our community, and we go out to the community and talk about these things. We do a weekly radio show where we're asked questions, and often the questions are things like, "If I get stopped, am I going to be deported?" These questions need to be addressed because they're important to the callers.

We do other things to help improve communication. The North Carolina Justice Academy has a "Spanish for Law Enforcement Officers" course. We have language lines and universal translators. We've been meeting with different ethnic groups in our community to open the lines of communication. It's an ongoing process.

My ultimate goal as local law enforcement is to be sure that my community is safe; it's not to ask people about their immigration status. Our policy basically says that we don't ask unless a major felony is involved.



Jacksonville, NC Police Chief
Michael Yaniero

THE PERCEPTIONS AND REALITY OF THE SOUTHERN BORDER

Officials from law enforcement agencies along the Texas-Mexican border described the challenges of illegal immigration in a part of the country that is impacted most directly by the influx of immigrants. The officials said that misperceptions of “near anarchy” in border areas, held by many people in other parts of the United States, are not in line with the true situation. Officials also said that although illegal immigration and crime along the border are perceived as being intrinsically tied, they are in fact two different issues.

LAREDO, TX POLICE CHIEF CARLOS MALDONADO:

The Deteriorating Situation in Mexico Concerns Us

Nuevo Laredo, Mexico, is closely associated with Laredo, Texas. The two cities are very integrated in terms of deep-rooted familial ties, the economy, and tourism. With the violence escalating in Mexico, it’s important that we communicate with law enforcement agencies in Mexico. There was a time when there was a very close working relationship between our police departments, and we often exchanged information. But the situation in Mexico has become unstable and we don’t know exactly who we are dealing with, due to the level of corruption and infiltration of criminal organizations in the Mexican police departments. So we rely on ICE, which has established very close relationships in Mexico through the U.S. Consulate.

Some of the Mexican drug cartels are recruiting our youth on the U.S. side of the border to participate in a variety of illegal activities. They have recruited 13-year-olds and taken them into Mexico and provided them with mercenary-style training. So the challenge for us is the threat of the violence in Mexico spilling



Laredo, TX Chief Carlos Maldonado

over into our city, and the possibility of rival cartels retaliating against each other in ways that involve our residents who have family members who got involved in a cartel. I'm also concerned about reluctance from segments of the population to call and report suspicious activity.

American police chiefs near the Mexican border have to walk a very fine line, as we articulate our need for resources to maintain security and prepare for the potential of any sort of escalation of violence coming onto the U.S. side of the border. At the same time, we have to assure the citizenry that the sky is not falling and that we live in very safe communities. Statistically, when you see our crime reporting data, the southern communities along the Texas border are some of the safest communities in the country.

Unfortunately, stories about violence capture media viewers, so the picture that is painted for the rest of the country has hurt our tourism, and the revenue stream from tourism is almost completely dissipated. We used to get busloads of people coming from San Antonio, Austin, and Dallas; they would spend time here and travel into Mexico to enjoy the culture. That aspect of our tourism and revenue stream is long gone.

MCALLEN, TX POLICE CHIEF VICTOR RODRIGUEZ:

We Worry about Being Handed Task of Immigration Enforcement

We have poured millions of dollars and thousands of people into our response to the immigration issue; we have created virtual fences and real fences, and we're still here today looking for solutions. I would suggest that immigration means one thing to local police: a concern that there is a movement to burden local police officers with immigration enforcement. And the concern is that when that happens, we will be robbing our communities of the police response that they deserve.



Press conference at Laredo, Texas PERF Executive Session on immigration

LARIMER COUNTY, CO SHERIFF JAMES ALDERDEN:

Our Southern Border Is Porous

What you hear all the time is “seal the border.” Our Southern border is porous, with illegal immigrants and drugs moving through there. That’s an issue we’re dealing with in Colorado: As the drug cartels are moving up north, they’re coming through Colorado. It is mostly methamphetamine being manufactured in the superlabs along the Mexican border. We’re seeing a lot of trafficking from cartels in Colorado and beyond.

**DIRECTOR TONY GARCIA, SOUTHWEST BORDER HIDTA,
SOUTH TEXAS REGION:**

Border Security and Immigration Are Separate Issues

Most immigrants who come across the Southwest border are smuggled by so-called “coyotes.” These traffickers not only transport humans but also drugs, weapons, currency and any other commodity that is of value.

The immigration issue should be treated separately from border security even though the two are often intertwined. Law enforcement officers along the Southwest border have the primary responsibility of securing our border, and we follow that with immigration enforcement efforts by those agencies that have the authority to do so. The differentiation between border security and immigration should remain paramount.

**U.S. ATTORNEY JOSÉ ANGEL MORENO,
SOUTHERN DISTRICT OF TEXAS:**

*Weak Border Control
Is a Potential Terrorism Threat*

We talk about terrorism every day in my office, and if you think that it’s no longer an issue, then you’re walking around with blinders. If you think there is no terrorist threat on the border, you’re wrong. The border with Mexico is the most porous border we have, and then there is the similar border we share with Canada. Anyone who can walk across our border may be a threat. The same guy who transports two tons of cocaine in a truck across the border is capable of transporting something else for a terrorist.



U.S. Attorney José Moreno

ICE SPECIAL AGENT IN CHARGE JERRY ROBINETTE, SAN ANTONIO:

People from Many Nations Cross U.S.-Mexican Border

One thing that I think is a misperception is the idea that illegal immigration across the U.S.-Mexican border involves entirely Mexican nationals. We have people from Asia, the Far East, from all over the world who try to enter the United States via the Southern border. And that is what makes this a national security issue, not just an immigration or public safety matter.

THE NEED FOR STRONG RELATIONSHIPS AMONG STAKEHOLDERS

Law enforcement executives at the PERF meetings described the relationships they have developed with colleagues in neighboring law enforcement agencies and federal agencies, prosecutors, and members of their communities as they develop local responses to immigration issues. They stressed the need for law enforcement at the federal, state and local levels to continue to engage in a productive dialogue. Positive working relationships ensure that agencies are able to communicate with each other on how to handle immigration with the community, as well as share their problems, ideas, and issues with resources.

DURHAM, NC POLICE CHIEF JOSE LOPEZ, SR.:

We Have a Good Relationship with Sheriff's Department

Durham County Sheriff's deputies can come into the city, and they do so, to do law enforcement. We have a great relationship with them, and their immigration policies are in line with what we do. We're basically doing the same thing and have each other on speed dial. A lot of times when the Sheriff's Department comes into the city of Durham, people believe it's the Police Department because we work together on a lot of things.

LAREDO, TX POLICE CHIEF CARLOS MALDONADO:

Close Working Relationships with Other Agencies Are Important

I think that one of our strengths here in the United States and particularly here in Laredo, Texas is that the working relationships between law enforcement agencies are very close. We can get the executives on the phone and everyone reporting to an emergency operations center immediately in order to coordinate and leverage resources. The working relationships and the exchange of information extend to cities like San Antonio, Dallas, and Houston. What we have works very well and we are trying to build an even more robust system.

SISTER ROSEMARY WELSH, LAREDO, TX:

You Need to Have Honest Discussions with Your Colleagues

I agree that we are very fortunate that in our Laredo community we work very closely together. You can't be at odds with one another because you are on one side of the immigration issue or the other. The various agencies need to work together; they can't just argue about it. You need to be able to have an honest discussion, so that the end result is that the people who need help get help. We work very closely with the Police Department, the Sheriff's Department, the District Attorney's office, and ICE.

TRAVIS COUNTY, TX SHERIFF GREG HAMILTON:

We Have a Good Relationship with ICE

I think that each Sheriff's Office has its own relationship with ICE. I have heard from some Sheriffs that they don't see ICE, and when they call, it's hard for them to get ICE where they want them to be. I can't speak for all the sheriffs, but I can say that in the larger departments here in Texas, the sheriffs have a good relationship with ICE. Sheriffs just want to do what they raised their right hand to do: enforce the laws on the books.

DENTON, TX CHIEF ROY MINTER:

Being Known as a Sanctuary City Doesn't Hurt Our Partnerships

Fortunately, being a designated "sanctuary city" doesn't affect our relationship with federal law enforcement partners at all.

COLORADO SPRINGS POLICE CHIEF RICK MYERS:

We Are Seeing Closer Cooperation with Mexico

One issue we have is that, on occasion, someone flees to Mexico after committing a crime. We've seen a huge improvement in the cooperation between our federal government and the Mexican government in locating and finding suspects in Mexico. Our local FBI office has helped us with that, and we've had increasing success in having suspects turned back over to us.

GREER, SC POLICE CHIEF DAN REYNOLDS:

Routine Immigration Enforcement Is Not My Job

I made a conscious decision that immigration enforcement is not my job. We are concerned about serious criminals, gangs, and local crime. But we do investigate when we suspect that someone is involved in illegal immigration activity like human smuggling or identity theft.

DENVER DEPUTY POLICE CHIEF MIKE BATTISTA:

Federal Agencies Mustn't Think It's OK to Put the Responsibility on Us

I don't want the federal agencies to think it is okay for them to put the responsibility for immigration enforcement on the local police departments. I want ICE to be the point agency for that.

RALEIGH, NC POLICE CHIEF HARRY DOLAN:

In-State Tuition for Illegal Immigrants, But No Driver's Licenses?

It's both a local issue and a federal issue, but the leadership has to be federal. Something just needs to be done to get a coherent policy on this. Recently, community colleges in North Carolina voted to admit illegal aliens and give them in-state tuition. So which is it? If you're going to accept students into your schools, what message are we giving those students when we won't give them a driver's license? Why wouldn't you come up with a way to identify the person so that they can enroll in a school? Someone can work, have children, go to church, and be part of the community even though they are not here legally. If people start believing there is a threshold of tolerance in one area that's not being applied to others, that's a problem. The double messages that we send to people who are here illegally must seem overwhelming to them.

MILLIKEN, CO POLICE CHIEF JIM BURACK:

Police Officers Want Greater Clarity About What They Should Do

There's no comprehensive logical national policy on immigration and no national leadership on this issue. We need some strategic vision. I want to know from Congress what our goal is. Are we trying to seal the borders and have a clear black-and-white approach? That's probably unreasonable, because it doesn't acknowledge the history of immigration or the economics of migration.

But if we had technology that made it possible to stop someone and immediately learn whether they were in the United States legally or illegally, I think there would be intense pressure on local police to work with our federal partners. And we would probably do it, because what would be our excuse for refusing? That we don't enforce the law?

On a more tactical level, we want to have certainty on the street. From a police officer's standpoint, they want more clarity about what they are supposed to do.

DIRECTOR RON SLOAN, COLORADO BUREAU OF INVESTIGATION:

State Law Requires Police to Notify ICE About Arrestees

In Colorado, police officers are compelled through 2005 legislation to notify ICE if they arrest an individual and have probable cause to believe that the individual is unlawfully in the country. The same law has a lower legal threshold for a sheriff's department accepting an arrestee into the county jail. The sheriff's

department is required to notify ICE if they have a reasonable belief that the individual is unlawfully in the country.

The Colorado Association of Chiefs of Police has issued a policy resolution stating that requiring local police to enforce federal immigration laws lessens their ability to accomplish their primary mission, which is enhancing safety through the enforcement of state and local laws, and working to build trust within local communities. We are concerned about crime and disorder in our communities. If aliens are committing criminal acts or are classified as criminal aliens, we're very interested in that, but otherwise, we're not interested in taking on the federal role of immigration agents. The fundamental role of police departments and sheriffs' offices here in Colorado is not actively rounding up undocumented aliens for purposes of deportation. It is impractical to believe that would be the interest of local police departments, and news media articles or any national dialogue portraying that as the role of law enforcement couldn't be further from the truth.

EL PASO COUNTY, CO SHERIFF TERRY MAKETA:

Immigration Policy Needs a Complete Rewrite

I think that the biggest problem is trying to take an estimated population of 11 million illegal immigrants and dissect it down and prioritize. It's not about detention, removal, or special investigations, I think it's about a complete rewrite and reprioritization of immigration policy itself. Those in Washington, D.C., need to come up with common-sense systems to make it easier for us to know who is in the country that shouldn't be.



Colorado Bureau of Investigation Director Ronald Sloan, Colorado Springs Police Chief Rick Myers, and Milliken, CO Police Chief Jim Burack

COLORADO SPRINGS POLICE CHIEF RICK MYERS:

Local Police Don't Round Up People Who Cheat on Federal Taxes

Why is illegal immigration a problem for local law enforcement? I use the tax analogy. How many millions of Americans lie and cheat on their taxes? They're violating federal law, and the IRS exists to deal with them. We don't tell our street cops to round up everybody who inflates their tax deduction for charitable contributions every year.

With taxes and immigration, there are civil law violations as well as criminal violations, and it gets complicated very quickly. If you asked every street cop represented by the departments at this meeting, you'd get almost as many different opinions about the definition of "illegal alien" and what the average police officer is supposed to do about them. I think we need some federal definition and clarity. We need to prioritize the limited law enforcement resources at every level: federal, state, and local. If our number one goal is to prevent terrorism in the United States, the question I have is: How many IEDs have been set off by Mexican immigrants? Is that really where the terrorist threat has been in the United States? We're being expected to provide local solutions to a national problem, and we're not getting the guidance we need.

DENTON, TX POLICE CHIEF ROY MINTER:

Our Governor Made a Priority of Abolishing Sanctuary Cities

Our governor recently opened the legislative session by saying he had two pressing emergencies: a \$15-billion budget shortfall and the need to abolish sanctuary city rules. It was viewed by some as political grandstanding, but it has already caused significant political friction between a lot of these cities and the governor's office.

DIRECTOR JOHN LONGSHORE, DENVER FIELD OFFICE, ICE:

ICE Is Focusing On Criminal Aliens

Without a doubt, we have focused more and more on criminal aliens over the last few years. The statistics show that. ICE is deploying resources to the areas with the highest threat to public safety.

PRINCE WILLIAM COUNTY, VA POLICE DEPARTMENT: ONE AGENCY'S EXPERIENCE AT THE CENTER OF THE STORM

Background

Prince William County, Virginia is a jurisdiction 35 miles southwest of Washington, D.C. that has experienced significant growth and demographic changes over the last generation. The estimated county population of 391,621 is nearly double the figure from 25 years ago,¹² and between 2000 and 2007, the Hispanic population of the county increased from 9.7% to 19.2% of the total population.¹³ It is not known what proportion of these new residents came to the United States without legal authorization, but the number of illegal immigrants in the county is generally believed to have increased during these years.

The issue of immigration enforcement began to get public attention in 2006. During the summer of that year, there was a series of robberies in Prince William County, including one that ended in a homicide. The crimes predominantly targeted Hispanic immigrants, who sometimes were easy targets because they were walking alone and carrying cash. There was also increasing concern among some residents about perceptions of crimes by illegal immigrants, day laborer sites, and “quality of life” problems that they associate with the presence of illegal immigrants.

By mid-2007, some factions of the community were becoming increasingly vocal about their concerns regarding the increased number of immigrants in certain areas of the county. Residents were experiencing a cultural shift in some neighborhoods. Groups like “Help Save Manassas” argued that the influx of immigrants had caused the quality of life in Prince William County to deteriorate and had placed a burden on the county’s resources.¹⁴ Much of the criticism was aimed at Police Chief Charlie Deane, who was accused of having a “sanctuary”

12 | From website <http://www.pwccgov.org/docLibrary/PDF/009899.pdf>

13 | From website <http://quickfacts.census.gov/qfd/states/51/51153.html> and http://factfinder.census.gov/servlet/QTTable?_bm=n&_lang=en&qvr_name=DEC_2000_SF1_U_DP1&ds_name=DEC_2000_SF1_U&geo_id=05000US51153

14 | <http://www.helpsavemanassas.org/>



PERF Executive Session in Prince William County, Virginia on June 7, 2011

policy for undocumented immigrants. Bloggers and community activists began to push for change in the county's immigration enforcement efforts.

Historically, the Police Department's immigration enforcement policy was similar to those in many other jurisdictions in the Washington, D.C., metro area. Officers generally did not ask individuals about their immigration status, given that agencies had little authority to enforce federal immigration laws. Immigration became an issue only if, through a check of the National Crime Information Center (NCIC), an officer was notified of a criminal immigration matter involving an individual.

In October 2007, after a period of study and public debate, the Board of County Supervisors passed into law a new policy on illegal immigration. This policy, in addition to denying some specific county services to illegal immigrants, required police officers to inquire about the citizenship or immigration status of any person they detained (including in traffic stops) if there was probable cause to believe the person was in violation of federal immigration law, and if the inquiry would not expand the duration of the detention.

The Police Department trained officers in the policy, which was put into effect in March 2008. However, Chief Deane and the County Attorney recommended a significant change: that inquiries about a person's immigration status be made only when a person was placed under arrest and in the physical custody of the police. The Board amended the policy in April 2008, changing it to read: "Officers shall investigate the citizenship or immigration status of all persons who are arrested for a violation of a state law or county ordinance when such arrest results in a physical custodial arrest."¹⁵ Officers were retrained, and the amended policy was implemented in July 2008. It remains in effect today.¹⁶

15 | www.Docstoc.Com/Docs/23703404/Prince-William-County-Police-Departmentmanual-Of-General-Orders

16 | For more information on Prince William County's experience with this issue see: "Police and Immigration: How Chiefs are Leading their Communities through the Challenges." Police Executive Research Forum, 2011 (available at www.policeforum.org); and Guterbock, Thomas M. and Christopher S. Koper, et al. Evaluation Study of Prince William County's Illegal Immigration Enforcement Policy. Final Report, 2010. (available at http://www.fairus.org/site/DocServer/prince_william_immigration_study.pdf?docID=5501)

Deciding Where to Start

Initially, the Police Department's leaders were struck by the scope of the challenge facing them, and the fact that they could not find another police agency with a similar experience to draw upon. Another problem was determining the legal basis for officers' actions. One political complication was the upcoming elections to the County Board, some of whose members were putting pressure on the Police Department to implement the policy quickly. Early on, the department formed a steering committee to oversee all aspects of developing and implementing the policy.

In June 2011, PERF staff members met with representatives of the Prince William County Police Department to hear their analysis of how they implemented the new policy.

- **Senior Administrative Manager Thomas Pulaski:** There was no model for what we wanted to do. We didn't have any other agency to turn to for guidance or to learn from their experiences. We had to build everything from scratch—the policy, training, and the Criminal Alien Unit [a special unit whose seven members would be the only group in the Police Department to receive federal 287(g) training].
- **Deputy Chief Barry Barnard:** We had to learn and understand the legal basis for the authority to arrest someone for being in the country illegally. I can't recall any other project that had the challenges that this one had, or one that demanded so much of our time. For about a year, I spent roughly half my time on this project.
- **Chief Charlie Deane:** All of us in the county's criminal justice system were in this together, figuring what to do. We had a short amount of time to develop and implement the policy.
- **Captain Fred Miller:** We had assumed that training was already being done in this area elsewhere in the country. We looked at police agencies in Arizona, Florida, and Texas but couldn't find any models out there. We had also checked with California, New Mexico and Alabama to no avail.

Left: Prince William County Chief Charlie Deane

Right: Prince William County Senior Administrative Manager Thomas Pulaski





Left: Prince William
County Captain
Fred Miller



Right: Prince William
County Major
Stephan Hudson

- **Officer Jimmy Pearce:** With people from so many different countries represented throughout our community, we had to learn how to distinguish between real and fake documents and identifications from various nations.

Maintaining the Public's Trust

Many members of the Police Department were concerned about how their role in implementing the policy would affect the public's trust of the department. Based on annual public satisfaction surveys, Chief Deane and other leaders knew that the department was well regarded by large segments of the community. But because of the contentious nature of the public debate on the immigration policy, police officials felt caught in the middle, and feared that a misstep in any direction could cause significant damage to the agency's reputation.

- **Major Stephan Hudson:** One of our biggest hurdles was gaining, and keeping, the public's trust in implementing this contentious policy.
- **Deputy Chief Barry Barnard:** We knew that we only had one chance to get this right. We had pressure from the Board and the community, and we knew this would get national attention.
- **Officer Ramona Bates:** I responded to a call for service about a parking problem and heard a Caucasian male threaten a Latina woman by saying that I was there to initiate deportation against her, which of course was not true. We were caught in the middle and had to maintain a balance in order to keep the public's trust.
- **Officer Edward Petke:** My sense was that people, even those who were in the United States illegally, still felt comfortable approaching us. We entered into this new policy with a basis of trust that helped us.

Providing Clear Direction

Because the county went through a contentious public debate leading up to the passage of the policy, emotions ran strong as the Police Department worked to implement the policy. And the fact that the Board of County Supervisors found it necessary to scale back the scope of the new policy less than two months after it took effect created more confusion. Chief Deane knew that he had to provide clear direction inside the department and to the public about what the policy meant, and how the Police Department would go about implementing it.

- **Chief Charlie Deane:** I wanted to issue a simple message about the policy that could be remembered. And I wanted to send the same message to employees inside the agency and the public. My goal was to make it clear that we would focus our efforts only on illegal aliens who committed crimes (violations of state and local law), we would protect crime victims regardless of their immigration status, and we would prohibit racial profiling.
- **Sergeant David Moore:** We regularly used the phrase “fair, lawful and reasonable” to describe the department’s approach to implementing the new policy. Some members of the community tried to twist the meaning of that phrase, but ultimately “fair, lawful and reasonable” provided us with clear direction and allowed us to maintain the trust of much of the community.
- **Sergeant David Bassett:** I would add “consistent” to the strategy of “fair, lawful and reasonable,” and emphasize that this is the way we have always policed the county.
- **Captain Fred Miller:** We took video clips from the public hearings and used them in our internal training programs to demonstrate to officers the variety and the passion of the opinions in the community.



Prince William County Sergeant
David Moore

Communicating with the Community

County residents, especially those in immigrant communities, expressed a great deal of concern about the policy’s implications. At the same time, some members of the community continued to debate the meaning of the policy, at times misinterpreting exactly what the police were authorized to do. The department leaders

knew that they would have to engage in a comprehensive information and education initiative.

- **Officer Brian Pooler:** I started fielding questions from the community as soon as the resolution passed. The chief's early guidance that we would "treat individuals as individuals" helped shape our message to the community.
- **Major Stephan Hudson:** We had many meetings with community groups, including civic associations, sports teams, churches, and school groups. We told them what we weren't going to do and what we were going to do. We sought out the various opinions in the community—those on the right, those on the left, and those in the middle. The moderate voices were the most helpful as we developed the policy.
- **Sergeant David Bassett:** I made a special effort to talk to Latino community leaders and shop owners to put them at ease—to explain "fair, lawful and reasonable," and clarify any misinformation.
- **First Sergeant Kim D. Chinn:** Part of the problem is that people listened to self-appointed community leaders for an explanation, rather than the Police Department. We were attacked by bloggers and extremists from both sides. Some in the community waged a campaign of misinformation, but in all situations we countered it.
- **Officer Erica Hernandez:** We contacted the Spanish-speaking newspapers in the county to get the word out about the importance of working with the police and reporting crime. We clearly stated that victims and witnesses who contact us will not have their immigration status questioned or reported.



Prince William County Sgt. David Bassett

Establishing Roles and Responsibilities

The new policy required the police department to carefully examine a number of roles and responsibilities. Police leaders knew that the department was going to work more closely with Immigration and Customs Enforcement (ICE), but they believed it was important to make a clear distinction between the two agencies. The department did not want to be perceived as engaging in immigration enforcement. Rather, the department wanted to make arrests for criminal violations committed by illegal aliens, and thus carry out its primary responsibilities as a county police agency. To accomplish this, the department established the

Criminal Alien Unit, a specialized unit that focused on proactive investigations of more serious offenders in coordination with ICE.

- **Chief Charlie Deane:** We had a clear mandate from the board of supervisors to cooperate with federal immigration officials. We wanted to focus on illegal aliens who commit crime.
- **Office Edward Petke:** I have emphasized to residents that “If you are a victim of a crime, then I am here to *help*.”



Prince William County Officer Edward Petke

Summary: Lessons Learned

When asked what advice they could pass along to other police agencies, representatives of the Prince William County Police Department stressed that the agency’s existing relationships and standing within the community played a large part in guiding them through the changes in immigration policy.

- **Senior Administrative Manager Thomas Pulaski:** One key question to ask is whether the department has a level of maturity when facing a challenge like this. It is very helpful if you have a strong foundation already in place before going into a situation like this. If you’re operating under a Justice Department consent decree or have been plagued by incidents of police bias or brutality, you’ll have additional challenges.
- **Captain Fred Miller:** Community outreach was transparent. The community knew about everything that we did because we put information about the policy on the agency website, both in English and Spanish. We also used our speakers’ bureau to reach out to the faith-based community, schools, community centers, etc. with a consistent message.
- **Officer Jimmy Pearce:** It was important that officers on the street know how to engage the community. Some officers are better than others at knowing how to talk to people and how to make them feel comfortable about approaching you. The officers skilled at community policing made residents feel more comfortable, and it was easier for them to explain the policy to the community.
- **First Sergeant Eileen Welsh:** Messaging is the key. It must be consistent across the board. The department, from the top down, should be speaking with one voice. Control your message and get it out there before it is spun for you. Department leaders must be accessible. Chief Deane made himself

available to the media and rarely, if ever, turned down a request for an interview or meeting.

- **First Sergeant Kim D. Chinn:** Make the entire process, even training, transparent. Involve the media in the training. We invited media representatives to attend our 8-hour training block for officers.
- **Deputy Chief Barry Barnard:** The department must be perceived by the community to be an independent broker, not beholden to any outside group. Trust that your officers will do what's right and expected of them.
- **Senior Administrative Manager Thomas Pulaski:** Keep up with the ever-evolving information technology, especially as a means of alleviating some of the burdensome paperwork. Put money into document management. Make it a priority to integrate the practices and policies of the jail and the police department.
- **Chief Charlie Deane:** Based on my experiences I would recommend that the police chief has to be engaged and out in front. The chief and other agency leaders have to be prepared to push the message to the community, and not wait for the community to come to the police department. It may be somewhat obvious, but make sure you have a Spanish-speaking translator with you at events. Document everything and publish it on the website. Our agency's reputation was on the line. We have worked hard for that good reputation and wanted to keep it. Departments must be open and willing to seek information from the outside. Finally, ask other agencies how they have dealt with similar challenges. We received very helpful information from a variety of sources, including PERF, IACP, the Justice Department's Civil Rights Division, the New Jersey State Police, and others. Coordination with the local prosecutor and county attorney was essential.



Prince William County Deputy Chief
Barry Barnard

CONCLUSION

In the past several years, American law enforcement agencies have found themselves in the middle of the often-contentious immigration debate in communities across the country. The reflections of police chiefs and sheriffs in this report illustrate the challenges facing police leaders as they maneuver through a controversial issue that has complex implications for law enforcement practice and policy.

While many agencies broadly share similar experiences, seemingly no two agencies have the exact same experience. No one set of recommendations can account for the extreme differences in the political climate of various jurisdictions on the immigration issue. Compounding the problem is the fact that the immigration issue is dynamic. Not only are cities and counties across the country rushing to craft their own policies because federal lawmakers and policy-makers have been unable to set a national policy, but local jurisdictions can be affected by the policies of their neighboring states, counties, and cities. So police executives may need to analyze how other jurisdictions' policies can impact their own situations.

The combined experiences of law enforcement executives in North Carolina, Colorado, Texas and Prince William County, Virginia point to general principles that may inform chiefs and sheriffs in other jurisdictions across the country. These principles may help when agencies are faced with enforcing new state laws (such as in Alabama, Georgia, South Carolina and other states), are developing or enhancing partnerships with ICE and other federal agencies, are encouraging victims and witnesses to report crime, or are trying to find common ground among fractious community groups.

Following are some of the key principles cited by police leaders who participated in this project:

- **Use the precepts of community policing:** Principles of community policing, “legitimacy” in policing, and procedural justice are helpful in understanding many kinds of problems in policing, including immigration issues. Police chiefs and sheriffs who have dealt with immigration battles emphasize that it is important to maintain a sense of transparency and

fairness by encouraging open lines of communication with all community groups. Document your policies and programs regarding immigration issues, and post them online and via social media. Consider steps such as inviting community leaders or the news media to witness officer training sessions on immigration issues.

- **Understand that Congress is gridlocked and a comprehensive national policy is not expected soon:** Congress is not expected to approve comprehensive legislation on immigration reform in the foreseeable future. As a result, police chiefs noted that they must operate in a policy environment that is not always coherent. One chief noted that his state, illegal immigrants are offered reduced in-state college tuition rates, but they cannot obtain a driver's license. "So which is it?" he asked. "The double messages that we send to people who are here illegally must seem overwhelming to them." Another chief said, "There's no comprehensive, logical national policy on immigration and no national leadership on this issue. We need some strategic vision. I want to know from Congress what our goal is. From a police officer's standpoint, they want more clarity about what they are supposed to do."
- **Despite the lack of comprehensive national policy, local police should develop good working relationships with federal partners and other organizations:** The lack of leadership from federal lawmakers does not mean that local police agencies should avoid working with federal agencies as well as other law enforcement agencies, business and nonprofit groups, and community organizations. Positive working relationships among law enforcement at the federal, state and local levels enhances the ability of agencies to communicate with each other and discuss their problems and potential solutions.
- **Prioritize attention on illegal immigrants who commit serious crimes:** The capacity of federal immigration enforcement is limited by budget constraints and other considerations. Even if federal agencies wished to deport all illegal immigrants, they could not do so without massive increases in their funding. Congress is not calling for such an approach or providing such funding. Thus, many local police chiefs and sheriffs believe it makes sense to focus enforcement efforts on immigrants who have committed serious crimes. ICE also is promoting this approach.
- **If the community is debating immigration policy, police leaders must step up to the challenge:** Because the immigration issue is very polarizing, even police agencies that are well run and highly regarded in the community can suffer significant damage to their reputations if a battle over immigration policy occurs in their jurisdiction. The damage can extend to the entire community if a jurisdiction develops a reputation as extreme or unreasonable on the immigration issue. Law enforcement officials can avoid such damage, improve their department's standing in the community, and

even prevent harm to the entire jurisdiction by taking a leadership role and emphasizing clear, sensible messages, such as the theme espoused in Prince William County, Va., that immigration policy should be “fair, lawful, and reasonable.”

- **Speak with one voice:** Law enforcement agencies should strive to ensure that the message they send regarding immigration policies is consistent. The messages a chief gives to the public and the news media should be consistent with the messages the chief gives to officers. And the statements made by line officers to local residents should reinforce the messages put forth by top leaders.
- **A pragmatic position wins respect:** Generally, police chiefs and sheriffs have sought middle-ground positions between two extremes: those who say all illegal immigrants should simply be deported, and those who see little or no role for local police in assisting federal immigration officials. Nearly all law enforcement executives have taken a pragmatic approach, in which they aim to understand the views of their local residents and develop policies that reflect the local culture and are consistent with all of the considerations that go into providing effective local law enforcement.
- **Many police leaders are concerned about erosion of the public’s trust in law enforcement:** One of the primary reasons that local law enforcement agencies do not want to become more involved in enforcing federal immigration laws is that they believe aggressive enforcement will erode the trust that police have worked to develop with communities, and especially immigrant communities. Some police chiefs have noted that many immigrants who are in the United States *legally* avoid any contact with the police—even when they are victims of or witnesses to crime—because they have relatives or friends who are in the country illegally, or because they come from countries with histories of police repression and brutality.
- **Members of the public often do not distinguish between law enforcement agencies:** Many members of the public may not be familiar with the differences between federal, state, and local laws, and with the divisions of responsibilities among various law enforcement agencies. Thus, they may have a misperception that because immigration is governed by laws, all law enforcement agencies have responsibility for enforcing those laws. Police chiefs should take the lead in communicating consistent messages that correct these misunderstandings of how the U.S. justice system operates, as Chief Charlie Deane did in Prince William County, Va.
- **Illegal immigrants are often victims of crime:** While law enforcement officials have differing views on the extent of criminal activity by illegal immigrants, there is consensus that illegal immigrants are often victims of or witnesses to crime. And many law enforcement executives have reported that immigrants who witness a crime often are unwilling to report it because they are afraid that any contact with the police may lead to problems with ICE

either for themselves or their family members. This general fear of the police and lack of trust keep immigrants from assimilating the values and norms of U.S. communities, and make them reluctant to engage with the police on crime prevention and community-building. **Police agencies find that they must continually work with immigrant communities to build trust, combat fear, and provide information about police services.**

- **Include a wide range of stakeholders in developing policies:** Working collaboratively with stakeholders from inside and outside the department ensures a broad understanding and assessment of issues. Including interested persons in discussions and encouraging community participation create an opportunity for critical assessment and evaluation of policies and operations.
- **Reach out to immigrant communities:** Educating the immigrant community about police practices and procedures as well as the criminal justice system is important to managing the expectations of the immigrant community and fostering cooperation from the community. Working with immigrant communities will require significant outreach, not only to gain the trust of the community, but to ensure that policies and programs of the agency are understood. Ongoing dialogue will be an important component of maintaining the trust of the community.
- **Take a comprehensive approach to training officers:** Educating police officers about the cultures of the immigrant communities they serve is important to developing an effective working relationship that serves both the community and the police.
- **Engage the entire community:** Educating communities about the police role in immigration enforcement, especially the legal authorities and responsibilities of local police and federal law enforcement, can help all community members understand what the local police can do in regard to illegal immigration. At the same time, the community should be aware of the responsibility of ICE to carry out immigration investigations, enforcement, and deportations.
- **Be proactive on the immigration issue; do not wait for the community to come to you:** Police chiefs and sheriffs have to be engaged and out in front. The chief and other agency leaders have to be prepared to engage the community, and not wait for the community to come to the police department. Departments must be open and willing to seek information from the outside.

APPENDIX

PARTICIPANTS AT THE PERF EXECUTIVE SESSIONS ON IMMIGRATION AND LOCAL LAW ENFORCEMENT

RALEIGH, NC JANUARY 7, 2010

Chief William Anderson
Greenville Police Department

Executive Director Tony Asion
El Pueblo, Inc.

Sheriff Daniel Bailey
Mecklenburg County Sheriff's Office

Chief Tim Bellamy
Greensboro Police Department

**Former Raleigh Mayor
Thomas Bradshaw**
Managing Director, Transportation Group at
Citigroup Global Markets, Inc.

**Immigration Specialist
Edward Brigham**
North Carolina Sheriffs' Association

**Assistant Director (Field Operations)
Frank Brown**
North Carolina State Bureau of Investigation

**Lieutenant (Special Operations
Division) Doug Burroughs**
Guilford County Sheriff's Office

**Assistant Director (Detention
Division) Dail Butler**
Wake County Sheriff's Office

**Captain (Special Operations Division)
Tony Caliendo**
Guilford County Sheriff's Office

**Lieutenant (Drugs & Vice,
Detective Division) C.A. Carrigan**
Raleigh Police Department

Assistant Chief Loretta Clyburn
Durham Police Department

Captain Betty Crump
Concord Police Department

Chief Brian Curran
Chapel Hill Police Department

Chief Harry Dolan
Raleigh Police Department

Chief William Farley
Gaston County Police Department

Captain Thomas Forrest
Greenville Police Department

Colonel Randy Glover
North Carolina State Highway Patrol

**Detention Division Director
Frank Gunter**
Wake County Sheriff's Office

Assistant Director for Enforcement
Thomas Homan
Immigration and Customs Enforcement

Director of Special Projects
Keenon James
North Carolina Sheriffs' Association

Sergeant Todd S. Jordan
Crime Intelligence Unit
Raleigh Police Department

Captain Alton King
Intelligence Unit
Goldsboro Police Department

Director of Campaign Partnerships
Patty Kupfer
America's Voice

Chief Jose Lopez
Durham Police Department

U.S. Democracy Program Director
Geri Mannion
Carnegie Corporation of New York

Major Paul Martin
Support Services
Durham County Sheriff's Office

Captain Andy D. Nichol
Detective Division
Raleigh Police Department

Deputy Chief Barry Nickalson
Cary Police Department

Captain Randy Pait
Special Operations Division
Wilmington Police Department

Training Coordinator Dennis Poteat
Raleigh Police Leadership Institute

Chief Philip Potter
Huntersville Police Department

Deputy Chief Ed Preston
New Bern Police Department

Chief Daniel Reynolds
Greer, SC Police Department

Captain Michael Ripberger
Durham Police Department

287(g) Program Director
Raymond Rivera
Wake County Sheriff's Office

Staff Attorney Marty Rosenbluth
Southern Coalition for Social Justice

Major Darrell W. Salmon
Special Operations Division
Raleigh Police Department

Training Manager Mark Strickland
North Carolina Justice Academy

Public Information Officer
Jim Sughrue
Raleigh Police Department

Project Director Arturo Venegas
Law Enforcement Engagement Initiative

Chief Donna Waters
Raleigh-Durham International Airport
Police Department

Chief Michael Yaniero
Jacksonville, NC Police Department

Director of Public Safety
Thomas Younce
North Carolina State University

COLORADO SPRINGS, CO
MARCH 30, 2010

Sheriff James Alderden
Larimer County Sheriff's Office

Director Corey Almond
Pikes Peak Immigrant and
Refugee Collaborative

Commander Sue Autry
Colorado Springs Police Department

Deputy Chief of Operations
Mike Battista
Denver Police Department

Chief James Burack
Milliken Police Department

Deputy Chief Pete Carey
Colorado Springs Police Department

Division Chief Jim Coleman
Lakewood Police Department

Captain Kevin Eldridge
Colorado State Patrol

Assistant City Attorney Moses Garcia
City of Loveland, TX

Chief Jerry Garner
Greeley, CO Police Department

Deputy Chief Ron Gibson
Colorado Springs Police Department

Colorado State Director
Julie Gonzales
Reform Immigration for America

Chief Ken Hilde
Pikes Peak Community College
Police Department

Chief Rick Holman
Breckenridge, CO Police Department

Deputy Director of Emergency
Services Steven Jacob
U.S. Army Garrison, Fort Carson, CO

Deputy Chief Terry Jones
Aurora Police Department

Director of Campaign Partnerships
Patty Kupfer
America's Voice

Director John Longshore
Immigration and Customs Enforcement,
Denver Field Office

Sheriff Terry Maketa
El Paso, TX County Sheriff's Office

Deputy Special Agent in Charge
Paul Maldonado
ICE Office of Investigations

Captain Rob McDaniel
Loveland, TX Police Department

Chief Richard Myers
Colorado Springs Police Department

Chief Donnie Perry
Greenwood Village, CO Police Department

Bureau Chief Paula Presley
El Paso County, TX Sheriff's Office

Director Ronald Sloan
Colorado Bureau of Investigation

Resident Agent in Charge
Steven Smith
Federal Bureau of Investigation

President Rhonda Solis
Hispanic Women of Weld County, CO
Latino Advisory Council Member of Greeley,
CO Police Department

Lieutenant Mark Speckman
El Paso County, TX Sheriff's Office

Senior Deputy District Attorney
Frederick Stein
4th Judicial District, State of Colorado
Sheriden, CO Police Department

Project Director Arturo Venegas
Law Enforcement Engagement Initiative

Deputy Chief Rod Walker
Colorado Springs Police Department

Commander Sam Washburn
El Paso County, TX Sheriff's Office
Metro Narcotics and Intelligence Task Force

Chief Tom Wickman
Frisco Police Department

Bureau Chief Randy Winsett
Weld County Sheriff's Office

Chief Joe Wray
Dillon Police Department

LAREDO, TX
JANUARY 20, 2011

Deputy Field Office Director
Deborah Achim
ICE Enforcement and Removal Operations

Captain Orlando Alanis
Texas Department of Public Safety
Texas Highway Patrol

District Attorney Isidro Alaniz
Webb & Zapata Counties, Texas

Assistant Chief Jose Banales
San Antonio Police Department

Executive Director Sylvia Bruni
Children's Advocacy Center of
Laredo-Webb County, Texas

Captain Clemente Camarillo
United Independent School District
Police Department, Laredo, Texas

Chief John Cardoza
University of Texas Systems Police

Lieutenant Russell Cerda
Union Pacific Railroad Police

Chief Luis Contreras
Crystal City Police Department

Chief Lonnie Cook
Laredo Independent School District
Police Department

Policy Director Jose Escobedo
Border Network for Human Rights

Director Tony Garcia
South Texas High Intensity
Drug Trafficking Area

Chief Ray Garner
United Independent School District
Police Department, Laredo, Texas

Deputy Chief Assistant District
Attorney Pedro Garza
Webb County District Attorney's Office

Administrative Commander
Scott Garza
Webb County Sheriff's Office

Chief Juan Gonzalez
San Juan, Texas Police Department

Captain Todd Green
Corpus Christi Police Department

Sheriff Greg Hamilton
Travis County Sheriff's Office

Deputy Special Agent in Charge
Michael Hinojosa
Immigration and Customs Enforcement

Staff Lieutenant Robert Hunter
Texas Department of Public Safety,
Texas Rangers (Border Security)

Assistant Director Harold Hurtt
ICE Office of State,
Local and Tribal Coordination

Chief Assistant District Attorney
Marisela Jacaman
Webb County District Attorney's Office

Assistant Field Officer Omar Juarez
ICE Enforcement and Removal Operations

Lieutenant Frank Lopez
Texas Department of Public Safety
Commercial Vehicle Enforcement

Chief Robert Macdonald
Uvalde Police Department

Chief Carlos Maldonado
Laredo Police Department

Director Geri Mannion
U.S. Democracy Program/
Special Opportunities Fund
Carnegie Corporation of New York

Deputy Chief Gabriel Martinez
Laredo Police Department

Chief William McManus
San Antonio Police Department

Officer Raul Meza
Union Pacific Railroad Police

Chief Roy Minter
Denton Police Department

U.S. Attorney Jose Moreno
U.S. Attorney, Southern District Of Texas

Assistant Chief Gilbert Navarro
Laredo Police Department

**Program Officer Mayra
Peters-Quintero**
Ford Foundation

Chief Arnaldo Ramos
Del Rio Police Department

Assistant Chief Deputy Alex Ramos
U. S. Marshals Service,
Southern District Of Texas

**Special Agent in Charge
Jerry Robinette**
Immigration and Customs Enforcement

**Senior Communications Officer
Richard Rocha**
ICE Office of State,
Local and Tribal Coordination

Chief Victor Rodriguez
McAllen Police Department

**Assistant Special Agent in Charge
Armando Salas**
ATF, Houston Field Office

Captain Eduardo Trevino
Mercedes Police Department

Project Director Arturo Venegas
Law Enforcement Engagement Initiative

Mr. Armando Villalobos
Cameron County and District Attorney's
Office

Sister Rosemary Welsh
Sisters of Mercy

PRINCE WILLIAM COUNTY, VA JUNE 7, 2011

Ms. Emily Baker
Administrative Support,
Prince William County Police Department

**Deputy Chief of Police Barry M.
Barnard**
Prince William County Police Department

Sergeant David J. Bassett
Eastern District,
Prince William County Police Department

Officer Ramona Bates
Western District Station,
Prince William County Police Department

First Sergeant Kim Chinn
Public Information Officer,
Prince William County Police Department

Assistant Chief Major Mike E. Crosbie
Prince William County Police Department

Officer Michael P. Day
Western District Station,
Prince William County Police Department

Chief Charlie Deane
Prince William County Police Department

Officer Duary L. Harris
Western District Station,
Prince William County Police Department

Erica Hernandez
Training, Prince William County
Police Department

First Sergeant Shana A. Hrubes
Assistant to the Chief,
Prince William County Police Department

**Assistant Chief Major Stephan M.
Hudson**
Prince William County Police Department

Captain Kevin L. Hughart
Night Commander,
Prince William County Police Department

Captain E. Fred Miller
Academy Director,
Prince William County Police Department

Sergeant David L. Moore
Western District Station,
Prince William County Police Department

First Sergeant Richard W. Noble
Criminal Alien Unit Supervisor,
Prince William County Police Department

Officer Jimmy D. Pearce
Eastern District Station,
Prince William County Police Department

Officer Edward Petke
Eastern District Station,
Prince William County Police Department

Officer Brian L. Pooler
Western District Station,
Prince William County Police Department

Mr. Thomas J. Pulaski
Senior Administrative Manager, Prince
William County Police Department

First Sergeant Eileen Welsh
SRO Unit, Criminal Investigations Division,
Prince William County Police Department

ABOUT PERF



POLICE EXECUTIVE
RESEARCH FORUM

Founded in 1976, the Police Executive Research Forum (PERF) is a police research organization and a provider of high-quality management services, technical assistance, and executive-level education to support law enforcement and the criminal justice system. As a private, nonprofit organization, PERF was formed to improve the delivery of police services through:

- the exercise of strong national leadership;
- public debate of police and criminal justice issues;
- research and policy development; and
- the provision of vital management and leadership services to police agencies.

PERF's founding principles include improving police service by continuing to professionalize police executive management; fostering research, growth, and knowledge of police science and administration; and supporting the continuing development and implementation of standards to improve police performance. PERF has an extensive history of measuring all aspects of police agency performance, striving to find the best policing practices, and disseminating that knowledge to police agencies.

PERF conducts innovative police and criminal justice research and provides a wide variety of management and technical assistance programs to police agencies throughout the world. PERF's groundbreaking projects on community and problem-oriented policing, racial profiling, use-of-force issues, and crime reduction strategies have earned it a prominent position in the police community.

PERF also works toward increased professionalism and excellence in the field through its training and publications programs. PERF sponsors and conducts the Senior Management Institute for Police (SMIP), which provides comprehensive professional management and executive development training to police chiefs and law enforcement executives. Convened annually in Boston, SMIP offers instruction by professors from leading universities, including many from Harvard University's Kennedy School of Government, as well as by leading police practitioners.

PERF has also developed and published some of the leading literature in the law enforcement field, including the following:

- *Police and Immigration: How Chiefs Are Leading Their Communities through the Challenges* (2011)
- *Police Chiefs and Sheriffs Speak Out on Local Immigration Enforcement* (2008)

- How Are Innovations in Technology Transforming Policing? (2012)
- Labor-Management Relations in Policing: Looking to the Future and Finding Common Ground (2011)
- Managing Major Events: Best Practices from the Field (2011)
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- Supervision and Intervention within Early Intervention Systems: A Guide for Law Enforcement Chief Executives (2005)
- Managing a Multi-Jurisdiction Case: Identifying Lessons Learned from the Sniper Investigation (2004)
- Patrol Training Officer (PTO) Program (2004)
- Community Policing: The Past, Present and Future (2004)
- Recognizing Value in Policing: The Challenge of Measuring Police Performance (2002)
- Racially Biased Policing: A Principled Response (2001)
- Citizen Involvement: How Community Factors Affect Progressive Policing (2000)
- Problem-Oriented Policing: Crime -Specific Problems, Critical Issues and Making POP Work (3 volumes, 1998-2000)

For more information go to www.policeforum.org.

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Carnegie Corporation of New York was created by Andrew Carnegie in 1911 to promote “the advancement and diffusion of knowledge and understanding.” For nearly a century, the Corporation has carried out Carnegie’s vision of philanthropy by building on his two major concerns: international peace and advancing education and knowledge. As a private grantmaking foundation, the Corporation will invest in nonprofit organizations to fulfill Mr. Carnegie’s mission, “to do real and permanent good in this world.”

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