



Debunking the Myth of “Sanctuary Cities”

Community Policing Policies Protect American Communities

By Lynn Tramonte



IMMIGRATION POLICY CENTER

...providing factual information about immigration and immigrants in America

March 2009

Debunking the Myth of “Sanctuary Cities” **Community Policing Policies Protect American Communities** by Lynn Tramonte*

Executive Summary

There is much confusion about the term “sanctuary city.” The term is often used derisively by immigration opponents to blast what are best described as community policing policies. In fact, these community policing policies are about providing safety, not sanctuary, to the residents of U.S. communities.

Historically, the federal government has enforced civil immigration law and state and local police have focused on enforcing criminal law. However, propelled by increased frustration with the nation’s broken immigration system, renewed focus on immigration enforcement, and anti-immigrant sentiment, demands for state and local police to take on an increased role in immigration enforcement have grown exponentially.

“We can’t afford to have victims out there who won’t call us because they’re afraid they’re going to be deported. People need to be able to call the police and have trust in us, without regard for their immigration status.”

Albert Nájera, Former Sacramento Police Chief¹

State and local police already have the authority to arrest anyone suspected of criminal activity, including non-citizens, and police regularly work with the Department of Homeland Security (DHS) to identify foreign-born criminals, detain them, and transport them for eventual deportation. However, most police do *not* arrest immigrants solely for being undocumented. To date, most state and local police have rejected calls for “deputization” in immigration law enforcement because they believe it makes it more difficult for them to protect their communities.

More than 50 cities and states across the country have adopted policies that prevent police agencies from asking community residents who have not been arrested to prove their legal immigration status. These policies do allow state and local police to report foreign-born criminals to DHS. Based on the tenets of community policing, these policies make it safe for immigrant crime victims and witnesses to report criminals to the police and help put them behind bars. Critics claim that these cities and states provide “sanctuary” to criminals, but research

* Lynn Tramonte is Deputy Director at America’s Voice, a communications campaign working to win common-sense immigration reform.

¹ Former Sacramento Police Chief Albert Nájera, “Police, feds may work in tandem,” *Sacramento Bee*, May 14, 2004.

shows that the opposite is true. Crime experts, including hundreds of local police officers, have found that cities with community policing policies continue to work closely with DHS and have built bridges to immigrant communities that have improved their ability to fight crime and protect the entire community.

This report concludes that:

- “Sanctuary city” is not an accurate term for cities with community policing policies. The police who rely upon community policing policies do not provide “sanctuary” to undocumented immigrants—they already have the authority to arrest criminals regardless of immigration status, and they already work with DHS to identify immigrant criminals. The cities and states that actively encourage police to enforce civil immigration laws are the real “sanctuaries” for criminals, because they are alienating a segment of the community that experiences crime but is afraid to report it.
- State and local police departments around the country support community policing policies because they help immigrants work with the police to put criminals behind bars.
- Crime experts, as well as advocates for crime victims, agree that community policing policies are essential to encouraging immigrants to access police protection and protecting the entire community.
- Despite the fact that elected officials, police officers, law enforcement associations, and many others have stated that expanded local enforcement of immigration laws undermines public safety, some critics and policymakers continue to oppose community policing strategies that limit police inquiries about immigration status. They insist that these state and local policies violate federal law and allow foreign-born criminals to avoid deportation, dismissing repeated statements from state and local police to the contrary. However, Members of Congress, DHS, and the U.S. Department of Justice (DOJ) have determined that states and localities with these community policing policies are complying with federal law and properly assisting immigration agents in identifying undocumented criminals.

Introduction

In Providence, Rhode Island, Guatemalan immigrant Danny Sigui helped convict a murderer by providing critical testimony against the accused. During preparation of the case, the state attorney general's office learned that Sigui was an undocumented immigrant, and reported him to the U.S. Department of Homeland Security (DHS).¹ Sigui was deported following the trial. When asked whether he would have come forward again, knowing that doing so would lead to his deportation, Sigui replied: "If I had known they would take my liberty, that they would take my children away from me, that they would put me [in immigration detention], I would not do this."² Without Sigui's testimony in the case, a murderer might have gone free. With Sigui's testimony, his subsequent deportation, and the publicity around it, one murderer is behind bars, but more criminals are free to prey on victims silenced by his example.

Historically, the federal government has enforced civil immigration law and state and local police have focused on enforcing criminal law. However, propelled by increased frustration with the nation's broken immigration system, renewed focus on immigration enforcement, and anti-immigrant sentiment, demands for state and local police to take on an increased role in immigration enforcement have grown exponentially.

Based on the tenets of community policing, these policies make it safe for immigrant crime victims and witnesses to report criminals to the police and help put them behind bars.

State and local police already have the authority to arrest anyone suspected of criminal activity, including non-citizens, and police regularly work with DHS to identify foreign-born criminals, detain them, and transport them for eventual deportation. However, most police do *not* arrest immigrants solely for being undocumented. To date, most state and local police have rejected calls for "deputization" in immigration law enforcement because they believe it makes it more difficult for them to protect their communities. As Sigui's case illustrates, there is a real cost to this shift that damages local residents' trust in the police and undermines public safety.

More than 50 cities and states across the country have adopted policies that prevent police agencies from asking community residents who have not been arrested to prove their legal immigration status. These policies do allow state and local police to report foreign-born criminals to DHS.³ Based on the tenets of community policing, these policies make it safe for immigrant crime victims and witnesses to report criminals to the police and help put them behind bars. Critics claim that these cities and states provide "sanctuary" to criminals, but research shows that the opposite is true. Crime experts, including hundreds of local police officers, have found that cities with community policing policies do work closely with DHS and have built bridges to immigrant communities that have improved their ability to fight crime and protect all residents.

¹ The Homeland Security Act of 2003 abolished the Immigration and Naturalization Service (INS). Its components were absorbed into the newly-created Department of Homeland Security.

² "Guatemalan immigrant to be deported," *Providence Journal*, August 6, 2003.

³ National Immigration Law Center, *Laws, Resolutions, and Policies Instituted Across the U.S. Limiting Enforcement of Immigration Laws by State and Local Authorities* (Washington, DC: April 2008), www.nilc.org/immlawpolicy/LocalLaw/locallaw_limiting_tbl_2008-04-15.pdf.

“Sanctuary City” is a Misnomer

There is much confusion about the term “sanctuary city.” The term is often used derisively by immigration opponents to blast what are best described as community policing policies. In fact, these community policing policies are about providing safety, not sanctuary, to the residents of U.S. communities.

The phrase “sanctuary city” is a relic of decades-old policies. In the 1980s, thousands of Central American refugees came to the United States seeking protection from civil wars raging in the region. Initially, many were denied asylum in the United States due to Cold War politics, and were therefore “undocumented.” Churches, synagogues, and other religious institutions banded together to oppose the return of these refugees to the countries where they had been persecuted. These institutions became part of the Sanctuary Movement, a sort of “underground railroad” for Salvadoran and Guatemalan asylum-seekers which helped with legal representation, employment, and other basic needs. Some cities pledged solidarity with the Sanctuary Movement and opposition to the government’s treatment of these refugees. Eventually, through lawsuits and changes to federal law, most of the asylum-seekers won a second chance at legal immigration status, and many are now U.S. citizens.⁴

Community policing policies are about providing safety, not sanctuary, to the residents of U.S. communities.

The concept of community policing began taking shape in the late 1970s, however, before the Sanctuary Movement began. Cities with growing immigrant populations began adapting the community policing framework to their changing communities. In 1979, the Los Angeles Police Department issued Special Order 40,⁵ which prohibits police officers from inquiring about the immigration status of people not suspected of crimes. According to the policy, which remains in effect today, “participation and involvement of the undocumented alien community in police activities will increase the Department’s ability to protect and serve the entire community.”⁶ In addition to reassuring immigrant crime victims that they can report their attackers without risking deportation, the Los Angeles policy instructs officers on how to refer non-citizens arrested for crimes to federal authorities. As the promise of community policing took root, many other cities with large immigrant populations enacted policies like Los Angeles’.⁷

After 9/11, immigration enforcement actions conducted in the name of fighting terrorism began to chill immigrant contact with state and local police.⁸ As a way to re-establish trust with immigrant residents and encourage crime reporting by all, more cities and states enacted community policing policies based on the Los Angeles model. Some of these policies were enacted by legislative bodies, while others were issued as executive orders. Still others exist as

⁴ Susan Gzesh, “Central Americans and Asylum Policy in the Reagan Era,” Migration Information Source, April 2006, www.migrationinformation.org/Feature/display.cfm?id=384.

⁵ Special Order 40 can be viewed at

www.democracyinaction.org/dia/organizationsORG/NILC/images/SpecialOrder40.pdf.

⁶ Ibid.

⁷ National Immigration Law Center, op. cit.

⁸ See the Bill of Rights Defense Committee (www.bordc.org/index.php) for more information.

police department general orders or operating instructions, and a few were even mandated by the courts due to lawsuits challenging unlawful immigration enforcement actions by police.⁹ These community policing policies now exist in towns large and small, from Portland, Maine to Portland, Oregon, and many places in between.

Community Policing and Immigration Enforcement

State and local police departments around the country support these community policing policies because they encourage immigrants to work with the police to put criminals behind bars. According to San Jose, California Police Chief Rob Davis, “we have been fortunate enough to solve some terrible cases because of the willingness of illegal immigrants to step forward, and if they saw us as part of the immigration services, I just don’t know if they’d do that anymore. That would affect our mission, which I thought was to protect and serve our community.”¹⁰

The International Association of Chiefs of Police (IACP), the nation’s premier law enforcement association, voiced its perspective in a 2004 policy paper, “Enforcing Immigration Law: The Role of State, Tribal and Local Law Enforcement.”¹¹ According to the IACP, “local police agencies depend on the cooperation of immigrants, legal and illegal, in solving all sorts of crimes and in the maintenance of public order. Without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families.” Federal legislation that would sanction police departments unless they reversed their community policing policies was deemed “unacceptable” by this law enforcement institution.

In 2006, the Major Cities Chiefs Association (MCCA), a group of police chiefs from the sixty-four largest police departments in the United States and Canada, issued a similar policy statement. According to the MCCA, “without assurances that contact with the police would not result in purely civil immigration enforcement action, the hard won trust, communication and cooperation from the immigrant community would disappear. Such a divide between the local police and immigrant groups would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts.”¹²

These law enforcement experts understand that the entire community suffers when a portion of the population is too fearful to cooperate with the police. Many immigrant families are “mixed status” families, comprised of U.S. citizens, legal permanent residents, and

⁹ Michele Waslin, “Immigration Enforcement by Local and State Police: The Impact on Latinos,” *Law Enforcement Executive Forum* 7, no. 7 (November 2007): 15-32.

¹⁰ “CLEAR Act puts cuffs on police: Giving them another duty, immigration enforcement, would make us all less safe,” *San Jose Mercury News*, April 15, 2004.

¹¹ International Association of Chiefs of Police, “Enforcing Immigration Law: The Role of State, Tribal and Local Law Enforcement” (Alexandria, Virginia: November 30, 2004), www.theiacp.org/documents/pdfs/Publications/ImmigrationEnforcementconf.pdf.

¹² Major Cities Chiefs Association, *Immigration Committee Recommendations For Enforcement of Immigration Laws by Local Police Agencies*, (June 2006), www.majorcitieschiefs.org/pdfpublic/mcc_position_statement_revised_cef.pdf.

undocumented immigrants.¹³ The fear of deportation among immigrant families is so intense that even legal residents and U.S. citizens can be afraid to contact law enforcement unless they know it is “safe” to do so.

Criminal justice expert David A. Harris, a professor at the University of Pittsburgh School of Law, writes that immigrants are often preyed upon by criminals who assume they will be less likely to contact the police out of fear of deportation. In his book *Good Cops: The Case for Preventive Policing*, Harris says police can help combat that vulnerability and put more criminals behind bars by keeping the immigration status of crime victims and witnesses confidential, and communicating this policy clearly to the immigrant community. According to Harris, after a wave of violent robberies in Austin, Texas, Assistant Police Chief Rudy Landeros launched an outreach campaign to encourage Latinos of all immigration statuses to report crimes to the police.¹⁴ His police department told the community: “Trust us. We are not Immigration, we are not going to arrest you, and we are not going to deport you.” As a result of the Department’s efforts, reports of armed robberies grew by 20 percent, and over 150 serial criminals were arrested.

Advocates for crime victims agree that these community policing policies are essential to encouraging immigrants to access police protection. Leslye Orloff, Director of the Immigrant Women Program of Legal Momentum (formerly the NOW Legal Defense and Education Fund), testified before the House Judiciary Subcommittee on Immigration, Border Security, and Claims that “fear of being reported to [immigration authorities] and of subsequent deportation is one of the most significant factors preventing immigrant victims of domestic violence from seeking help from legal and social service systems.”¹⁵ In her testimony, Orloff recommended that all cities and states adopt community policing policies that encourage immigrants to report crimes without fear of deportation.

After a wave of violent robberies in Austin, Texas, Assistant Police Chief Rudy Landeros launched an outreach campaign to encourage Latinos of all immigration statuses to report crimes to the police. His police department told the community: “Trust us. We are not Immigration, we are not going to arrest you, and we are not going to deport you.” As a result of the Department’s efforts, reports of armed robberies grew by 20 percent, and over 150 serial criminals were arrested.

In the report *Balancing Federal and Local Priorities in Police-Immigrant Relations*, Michele Wucker, Executive Director of the World Policy Institute, provides a snapshot of how relations between police and the immigrant community have been managed successfully in

¹³ Jeffrey S. Passel, *Size and Characteristics of the Unauthorized Migrant Population in the U.S.* (March 7, 2006), <http://pewhispanic.org/reports/report.php?ReportID=61>.

¹⁴ David A. Harris, *Good Cops: The Case for Preventive Policing* (New York: The New Press: 2005).

¹⁵ House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *Hearing on: New York City’s ‘Sanctuary’ Policy and the Effect of Such Policies on Public Safety, Law Enforcement, and Immigration*, 108th Cong., 1st Session, February 27, 2003, <http://judiciary.house.gov/OversightTestimony.aspx?ID=265>.

Portland, Oregon since 9/11.¹⁶ This city has a resolution affirming a provision in the state code that prevents state and local police from investigating or detaining persons who have not violated criminal laws, even though they may have committed a civil immigration law violation.

According to the report, the city of Portland has cultivated a strong working relationship with members of the Muslim, South Asian, Arab, and immigrant communities over the course of several years through a commitment to two-way dialogue and incorporating the communities' concerns into city business. After 9/11, the Portland Police Department helped establish a community advisory organization made up of Arab and Muslim community leaders; acted promptly to address safety concerns faced by members of the Muslim, Arab, and South Asian communities experiencing hate crimes; and refused to participate in certain federal law enforcement programs that targeted residents based on national origin or religion instead of conduct. According to Wucker, "the Portland police department's refusal to implement the Bush administration's calls for enforcing federal policy bolstered local Muslims' sense of security, as did police-community dialogue and the police department's commitment to working with immigrant groups."¹⁷

Unfortunately, examples of state and local police involvement in the deportation of non-criminals also exist, and send powerful messages to local communities that dismantle community trust. The case of Danny Sigui, mentioned at the beginning of this article, is but one example. During the October 2002 sniper rampage in the Washington, DC area, many immigrants were fearful of approaching the authorities with tips and information. The arrest and deportation of a pair of undocumented workers who were not involved in the crimes, but simply used a phone booth staked out by the investigative team, validated those fears.¹⁸ Following this highly visible development, Montgomery County, Maryland Police Chief Charles Moose had to take to the airwaves and make a plea to the region's immigrant residents, asking for their cooperation. INS Commissioner James Ziglar also tried to reassure immigrants that the INS would not question the immigration status of those who came forward with information, but the damage to community trust was done.

More recently, some state and local police efforts to assist DHS in deporting undocumented "criminals" have begun to chill immigrants' relationships with the police. A number of state and local agencies have entered into agreements with the DHS and received training in immigration law under what is known as the "287(g)" program.¹⁹ Some received this training in order better to assist DHS in conducting immigration screenings of convicted criminals. Still others have used the training in order to operate as *de facto* immigration agents, and ask residents they come across in traffic stops or other routine situations to prove they are

¹⁶ Michele Wucker, *Balancing Federal, State, and Local Priorities in Police-Immigrant Relations* (Washington, DC: Immigration Policy Center, American Immigration Law Foundation, June 2008), [/www.immigrationpolicy.org/images/File/infocus/Police-ImmigRelations05-08.pdf](http://www.immigrationpolicy.org/images/File/infocus/Police-ImmigRelations05-08.pdf).

¹⁷ *Ibid.*, p. 13.

¹⁸ "The Hunt for a Sniper: Richmond is Jolted by a Sniper's Attack and the Aftermath as Well," *The New York Times*, October 22, 2002, <http://query.nytimes.com/gst/fullpage.html?res=9A03E2D6163CF931A15753C1A9649C8B63&sec=&spon=&page=wanted=all>

¹⁹ U.S. Immigrant and Customs Enforcement Fact Sheet on 287(g) Program, April 28, 2008, www.ice.gov/partners/287g/Section287_g.htm.

legally present in the United States. Under this program, many undocumented immigrants have been arrested and deported for minor offenses related to their status as undocumented workers, such as driving without a license.²⁰ In addition, state and local police have participated in DHS “Fugitive Operations Teams” that often go to the homes of non-criminal, undocumented workers with outstanding deportation orders to arrest them.²¹ These initiatives were initially billed as discreet in nature and limited to criminal apprehensions, but the reality has been quite different. A February 2009 study by the Migration Policy Institute found that 73% of the individuals apprehended by Fugitive Operations Teams had no criminal convictions; in 2007, fugitives with criminal convictions represented just 9% of total Fugitive Operations Team arrests.²² The others arrested are “collaterals” that the teams find in homes, neighborhoods, strip malls, and other locations while they are searching for those identified as violent criminals. Because undocumented immigrants see the police arresting people who are not hardened criminals but rather workers without papers just like them, they are becoming more fearful that cooperating with the police could have the same result for them or their loved ones.

The Battle of Politics vs. Good Policy

Despite the fact that elected officials, police officers, law enforcement associations, and many others have stated that expanded local enforcement of immigration laws undermines public safety,²³ some politicians in Washington continue to oppose community policing strategies that limit police inquiries about immigration status. They insist that these state and local policies violate federal law and allow foreign-born criminals to avoid deportation, dismissing repeated statements from state and local police to the contrary. U.S. Representative Marsha Blackburn (R-7th/TN), for instance, is the lead sponsor of a bill that she says would send “a tough message to sanctuary cities by reducing federal funds to those cities that provide sanctuary to violent criminal aliens.”²⁴ U.S. Representative Ted Poe (R-2nd/TX) charged so-called “sanctuary cities” with harboring members of the Central American *Mara Salvatrucha* (MS-13) gang “in the name of compassion.”²⁵ The bill they support, the *Charlie Norwood CLEAR Act of 2007* (H.R. 3494), would deny State Criminal Alien Assistance Program (SCAAP) funding to the scores of cities and states across the country that limit assistance in immigration enforcement to criminal matters. (SCAAP is a federal program that reimburses state and local governments for the costs of detaining undocumented criminals.)

²⁰ See “Mom arrested, kids left on I-85,” *The News and Observer*, July 23, 2008, www.newsobserver.com/news/crime_safety/story/1150866.html and “Immigrant, Pregnant, Is Jailed Under Pact,” *The New York Times*, July 20, 2008, www.nytimes.com/2008/07/20/us/20immig.html?scp=1&sq=immigrant&st=cse.

²¹ “Raids target immigrants ordered to leave the U.S.,” *Seattle Times*, July 2, 2007, http://seattletimes.nwsources.com/html/localnews/2003772316_iceraid03m.html.

²² Mendelson, Margot, Shayna Strom, and Michael Wishnie. *Collateral Damage: An Examination of ICE’s Fugitive Operations Program*. Washington, DC: Migration Policy Institute, February 2009.

²³ See the National Immigration Forum, “Proposals to Expand the Immigration Authority of State and Local Police” (Washington, DC: September 18, 2006) for quotes from state and local police, crime victim advocates, and others. Available at: www.immigrationforum.org/documents/TheDebate/EnforcementLocalPolice/CLEARHSEAQuotes.pdf.

²⁴ *Congressional Record*, September 4, 2007, speech before the U.S. House of Representatives.

²⁵ *Congressional Record*, July 30, 2007, speech before U.S. House of Representatives.

The charges made today against these community policing policies are similar to those made during the mid-1990s, when the country was wrestling with similar anti-immigrant sentiments. In 1996, the U.S. Congress passed two provisions aimed at undercutting cities and states that practice such policies. Section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act²⁶ and section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act²⁷ barred state and local governments from preventing their employees from disclosing immigration status information to federal immigration authorities. However, the laws did not address policies that prohibit state and local officials from acquiring that information in the first place, and they did not affirmatively require agencies to ask the immigration status of crime victims, for example.

Following the enactment of the 1996 laws, some community policing policies had to be revised—most famously the city of New York’s, when then-Mayor Rudy Giuliani lost his suit against the federal government to prevent implementation of the 1996 provisions.²⁸ Post-1996, these community policing policies, including the revised New York policy, have survived legal scrutiny. Most recently, a lawsuit challenging Los Angeles Special Order 40 was blocked in June 2008 when the judge rejected arguments that it conflicted with federal and state law. Los Angeles Police Chief William Bratton praised the ruling, saying that the judge preserved “an essential crime-fighting tool for us.”²⁹

“I’m not aware of any city, although I may be wrong, that actually interferes with our ability to enforce the law.”

-- **Michael Chertoff**, Secretary of the Department of Homeland Security

In fact, in response to inquiries from Members of Congress, even DHS and DOJ have determined that states and localities with these community policing policies are complying with federal law and properly assisting immigration agents in identifying foreign-born criminals. During a 2007 hearing of the House Homeland Security Committee, DHS Secretary Michael Chertoff told Rep. Ginny Brown-Waite (R-5th/FL): “I’m not aware of any city, although I may be wrong, that actually interferes with our ability to enforce the law.”³⁰ And a 2007 DOJ audit examining police-DHS cooperation confirmed Secretary Chertoff’s analysis. According to the DOJ Office of Inspector General’s report:

Our review did not disclose any instances of outright failure to cooperate with ICE [Immigration and Customs Enforcement, a division of DHS] in the removal of criminal aliens from the United States. Instead, we found that local jurisdictions often set the enforcement of state and local law as a priority, while sometimes permitting or encouraging law enforcement agencies and officers to work with ICE to some degree on immigration matters.³¹

²⁶ Pub. L. No. 104-193, 110 Stat. 2105 (1996).

²⁷ Pub. L. No. 104-208, 110 Stat. 3009 (1996).

²⁸ *City of New York v. United States*, 179 F.3d 29 (2d Cir. 1999), <http://lw.bna.com/lw/19990608/976182.htm>.

²⁹ “LAPD Won’t Ask About Immigration Status,” Associated Press, June 27, 2008.

³⁰ “Congress to New York (and Chicago and L.A.): Drop dead,” Salon.com, October 4, 2007, www.salon.com/news/feature/2007/10/04/sanctuary/.

³¹ U.S. Department of Justice, Office of the Inspector General, *Cooperation of SCAAP Recipients in the Removal of Criminal Aliens from the United States*, Audit Report 07-07, January 2007, pp. iv-v, [/www.usdoj.gov/oig/reports/OJP/a0707/final.pdf](http://www.usdoj.gov/oig/reports/OJP/a0707/final.pdf).

The Bush Administration has acknowledged that these community policing policies do not interfere with ICE’s ability to enforce immigration laws and do not provide sanctuary to criminals. Nevertheless, unsubstantiated and politically motivated attacks on community policing policies continue, as a proxy for the larger issues related to the broken immigration system and Congress’s failure to restore control and order to U.S. immigration policy.

State and Local Police Push Back

Organizations representing state and local governments and police officers have responded forcefully to misinformed attacks like those of Reps. Blackburn and Poe. They report that the cities and states with these community policing policies are also the ones that work most often with ICE to have foreign-born criminals deported. They contact the Law Enforcement Support Center—the entry point for ICE referrals—on a daily basis,³² and receive the most SCAAP funding for detaining undocumented criminals.³³ They are the cities and states with the largest immigrant populations, and they have learned how best to police a diverse community and protect public safety. By challenging these cities and states that are doing everything they can to put criminals behind bars, some members of Congress are actually working against effective policing.

The cities that utilize these community policing strategies are actively working with the federal government to combat gangs and violence. Their community policing policies and anti-gang efforts are really two sides of the same coin, and immigrant assistance in reporting MS-13 gang members, for example, is crucial to getting those criminals off the streets. As Phoenix Police Commander Chris Crockett remarked: “There is a misconception about our policy: that we don’t do anything about illegal immigrants who commit crimes. That is not true. If you commit a crime, we arrest you.”³⁴

In a letter to Congress opposing an amendment related to the *Charlie Norwood CLEAR Act* in the House of Representatives, the National League of Cities, U.S. Conference of Mayors, counties of Prince George’s and Montgomery in Maryland, city and county of San Francisco, and cities of Miami, New York, and Philadelphia wrote: “Confidentiality policies have been critical in helping local jurisdictions enhance their community policing efforts to deter crime.”³⁵ Reacting to a similar amendment filed in the Senate, the Major Cities Chiefs Association wrote: “Law enforcement has consistently opposed these types of mandates for

“There is a misconception about our policy: that we don’t do anything about illegal immigrants who commit crimes. That is not true. If you commit a crime, we arrest you.”

Chris Crockett, Phoenix Police Commander

³² See Law Enforcement Support Center query data at <http://www.mnllp.com/GOVbcbp0803lesc.pdf> and Hannah Gladstein, et al., *Blurring the Lines: A Profile of State and Local Police Enforcement of Immigration Law Using the National Crime Information Center Database, 2002-2004* (Washington, DC: Migration Policy Institute, December 2005), www.migrationpolicy.org/pubs/MPI_report_Blurring_the_Lines_120805.pdf.

³³ SCAAP funding amounts by state and county can be viewed at www.ojp.usdoj.gov/BJA/grant/07SCPav.pdf.

³⁴ “Illegal-immigration foes want police to change rules,” *Arizona Republic*, November 4, 2007.

³⁵ This letter can be viewed at www.immigrationforum.org/documents/TheDebate/EnforcementLocalPolice/CitiesLetteronAnti-SanctuaryAmendment060919.pdf.

years...Now is the time that Congress should be increasing support to law enforcement, not burdening us with unworkable mandates.”³⁶

John Feinblatt, Criminal Justice Coordinator for the City of New York, sums up the Congressional debate over so-called “sanctuary cities” as a campaign of misinformation: “People who want to paint New York or other cities as not cooperating with immigration officials need to look at the facts,” he said.³⁷ “[P]erhaps the most vivid example is in our city jail. ICE has its own office that we supply them. We do joint operations with them. For instance, ICE has estimated—conservatively, it says—that at least 200 new cases each month are identified through cooperative efforts of New York City.”

Restoring Law and Order

Despite the facts, the existence of so-called “sanctuary cities” continues to be a hot topic on right-wing talk radio and in the conservative blogosphere. Immigration opponents point to isolated, high-profile crimes committed by foreigners in order to “prove” their point that immigrants are likely to be criminals. However, research has consistently shown that immigrants are much less likely than the native-born to be in prison, and high rates of immigration are not associated with higher rates of crime.³⁸ Furthermore, as this article has documented, the police who use these policies do not provide “sanctuary” to foreign-born criminals—they already have the authority to arrest criminals regardless of immigration status, and they already work with DHS to identify criminals who could be deported. These community policing policies help put criminals away, not shield them from detection. Recently, Phoenix Mayor Phil Gordon criticized Maricopa County Sheriff Joe Arpaio’s emphasis on immigration enforcement, stating that Sheriff Arpaio has created a “sanctuary county for felons” by focusing on immigration and failing to pursue felony warrants.³⁹

What is driving this misinformation, and what can be done about it? Clearly, the public is frustrated with the federal government’s failure to design a rational immigration system and control our borders. Anti-immigrant politicians and pundits are exploiting that concern, using distortions to drive the public toward an anti-immigrant agenda. But when given a set of policy options, the public is much more pragmatic than many politicians in Washington believe.

Research and polling shows that Americans support these community policing policies because public safety is a top priority, and they want the entire community to work with law enforcement to achieve this goal. According to a December 2007 poll conducted for the Third Way, a Democratic policy and research organization, 66 percent of American voters believe that allowing undocumented immigrants to report crimes to the police without being questioned

³⁶ The MCCA letter can be viewed at

www.immigrationforum.org/documents/TheDebate/EnforcementLocalPolice/MCC_Letter_Vitter101607.pdf.

³⁷ “Congress to New York (and Chicago and L.A.): Drop dead,” Salon.com, October 4, 2007,

<http://www.salon.com/news/feature/2007/10/04/sanctuary/>.

³⁸ For a discussion of immigrants and crime rates, see *Immigrants and Crime: Are They Connected?* (Washington, DC: Immigration Policy Center, American Immigration Law Foundation, December 2007),

<http://www.immigrationpolicy.org/images/File/factcheck/Crime%20Fact%20Check%2012-12-07.pdf>.

³⁹ Newton, Casey. “Gordon: Arpaio has Made County a ‘Sanctuary’ for Felons.” *Arizona Republic*, April 15, 2008.

about their immigration status is an effective crime-fighting policy.⁴⁰ MCCA Executive Director Thomas Frazier would agree: “Taking a patrol officer off the street to book someone who is here because of all the failures of the federal system is not a priority of big-city law enforcement. It makes a couple of assumptions that aren't always true: that the illegal immigrants you arrest are a threat to public safety, that their removal will make your community safer, and that you have nothing better to do.”⁴¹

Congress needs to enact a federal immigration law that will restore control and order to our immigration system by screening the existing population of undocumented immigrants; isolating the few bad apples who should not be allowed to remain in the United States because they've committed crimes; requiring the rest to legalize their status; and fixing the problems with our system that created this build-up of undocumented immigrants in the first place. An important piece of this law would be a smart and effective enforcement regime, but the idea that we could deport our way to a solution—or ask state and local police agencies to step in where the federal government has failed—is counterproductive at best.

Until Congress acts to fix this problem comprehensively, state and local governments will be under pressure to deal with the consequences of our broken system. Scores of police departments around the country have decided to make public safety their number-one priority, and reject politicians' demands that would undermine their efforts to fight crime. Their community policing policies make all of us safer. The cities and states that actively encourage police to enforce civil immigration laws are the real “sanctuaries” for criminals, because they are alienating a segment of the community that experiences crime but is afraid to report it.

The new Obama Administration and Secretary of the Department of Homeland Security Janet Napolitano now have the opportunity to re-examine DHS policies and priorities and work to achieve effective immigration enforcement. Policies that undermine crime solving and have a negative impact on American communities should be reconsidered. Congress should focus less on punishing cities and states that involve immigrants in community policing, and more on fixing federal immigration laws.

⁴⁰ Third Way, “Third Way Crime Poll Highlights” (Washington, DC: February 23, 2008), http://www.thirdway.org/data/product/file/120/TW_Crime_Poll_Toplines_wHighlights.pdf.

⁴¹ “Local police split over immigration enforcement,” McClatchy Washington Bureau, December 6, 2007.