

## LWV Question 8

### League of Women Voters: Immigration Study, Consensus Question

#### #8: Should state and local police be deputized so that they can enforce immigration laws in IL?

##### Facts

A resolution introduced in Cook County would make it a symbolic *sanctuary* for undocumented immigrants would guarantee that county employees wouldn't ask about immigration status during routine interactions. Those who called this measure '*treason*', argued that Cook County would be opening doors to enemy invaders.

- The **federal government** determines who enters the country, who leaves and in what numbers; Though there have been rumors of **local police** taking federal law into their own hands, for the most part they have been working with **U.S. Immigration and Customs Enforcement (ICE)**.
- According to criminal law, **first illegal entry is a misdemeanor, subsequent entries qualify as felonies**. Most persons do not face criminal charges because the primary solution is to **return the illegal immigrants to their country**. In the civil deportation process the illegal immigrant may assert they should be admitted legally or agree to leave voluntarily.
- (In 1994, police in Katy, TX searching for illegals detained 80+ Hispanics who were U.S. citizens or foreign nat'ls here legally, resulting in numerous lawsuits).
- Bush administration wants to accept the Justice Dept.'s interpretation of the '96 law which said state and local authorities have the power to arrest people for violating immigration law; this would allow the nation's 600,000+ local police to arrest illegal immigrants at will.
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##### Pro

- A few thousand federal immigration officers are unable to handle the **7-10 million undocumented immigrants**; therefore, recruit hundreds of thousands of local officers to help address the problem.
- Those in favor feel, with not enough federal agents to root out terrorists, local police need this authority to keep illegal immigrants suspected of terrorism from being released for lack of enough agents.

##### Con

Though it would not protect against arrests made by ICE - **racial profiling or improper treatment by inexperienced officials** possibly resulting in law suits, are risks addressed by this resolution.

Hiring more INS agents, not rewriting immigration policy, would ensure our law enforcement efforts remain targeted on terrorists, and not immigrants.

- Police raids and routine road blocks produce fear in the immigrant communities. The fear of investigation and possible deportation of members of immigrant communities could **limit their cooperation with local authorities**.
- Family separations due to deportations are a consequence of illegal immigrations.

Fighting crime, providing safety and protecting quality of life is **expected of local police**. Local resources are needed to address burglaries, assaults, murders, traffic violations rather than illegal immigration.

- Local law enforcement can arrest and detain undocumented people who entered illegally, a criminal violation, but has **no authority over foreign visitors who have overstayed their visas, which is only a civil violation**. The latter constitute about half of the undocumented, so there is a justified fear that this could lead to local agencies being sued for violating federal laws.

- U.S. Supreme Court has determined the protections of the **Fourth Amendment** prohibit police officers from stopping or detaining a person on less than reasonable suspicion even when the suspected violation relates to illegal immigration. Immigration is a federal power which **cannot require state and local police** to assist in enforcing the Immigration and Naturalization Act (INA).
- State and **local police are not trained** to enforce immigration laws which require knowledge of suspects' status and visa history
  
- Following the 9/11 terrorist attacks and subsequent **Patriot Act**, confusion as to who at the **state level** could enforce the immigration laws developed.
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- “While some undocumented parents are detained during workplace raids, most of those detained are criminals... Our priority is to enforce the law. We’re focusing on the criminals who do crimes that make them deportable.”

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“PA City Puts Illegal Immigrants on Notice”  
Question 7

see

“U.S. judge issues restraining order suspending anti-immigration law”

see Question 7

**Web Memo** – Heritage Foundation

*Action from Congress is needed to improve border security;*

*special attention should be given to better engagement of state and local law enforcement.*

- **Reform needed:** Restoring the integrity of U.S. immigration laws is a national problem. The federal government lacks the capacity to adequately pursue or deter violators; *state and local law enforcement* should neither ignore immigration law nor hesitate to cooperate with federal officials.
- **The Wrong Answer:** Congress shouldn’t force state and local law enforcement to do the federal government’s job by
  - 1) establishing large, unfunded federal mandates;
  - 2) shifting priorities to immigration violations rather than crime solving and prevention on a local level;
  - 3) undermining the FBI’s Nat’l Criminal Info Center database by cluttering it with entries for immigrants with minor violations or whose status changes frequently, making it hard to remain current and impeding police officers access to needed criminal information;
  - 4) exposing state and local law enforcement to significant liability.
- **The Right Answer:** Strengthen Section 287(g) of the INA programs by
  - 1) drafting nationwide strategy to implement it;
  - 2) creating a nat’l center for lessons learned and best practices;
  - 3) reporting to Congress annually on its progress;
  - 4) making homeland security grants available;
  - 5) funding training and supervision of up to 5,000 state and local law enforcement officers nationwide.

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