

The Role of Local Police

Striking a Balance
Between Immigration Enforcement
and Civil Liberties



ABSTRACT

Historically high rates of immigration and demographic shifts in immigrant settlement patterns have given rise to contentious debate about U.S. immigration policies and practices, with long-standing resident communities demanding that government—federal, state, and local—more aggressively enforce immigration laws. In recent years, local law enforcement agencies have been drawn into the middle of the immigration debate, especially since 9/11, through pressure placed on them by their elected leaders, their communities, and the media to engage in federal immigration enforcement, a responsibility that has not traditionally been part of their organizational mandate.

To address the dilemma facing so many local police agencies about how to balance civil rights protections, community-policing priorities, and immigration enforcement, the Police Foundation launched a national project that brought together law enforcement executives, policy makers, elected officials, scholars, and community representatives in a series of focus groups across the country and at a national conference in Washington to collaboratively examine the implications of local law enforcement of immigration laws.

While local law enforcement agencies collaborate with federal immigration authorities in a wide range of activities, most of this project's discussions focused on U.S. Immigration and Customs Enforcement's 287(g) program of deputizing local and state police to perform immigration enforcement activities. Police executives have felt torn between a desire to be helpful and cooperative with federal immigration authorities and a concern that their participation in immigration enforcement efforts will undo the gains they have achieved through community oriented policing practices, which are directed at gaining the trust and cooperation of all members of the communities they serve.

This project revealed local law enforcement concerns about the impact of local police immigration enforcement on the relationship between immigrant communities and police and the probability of reduced cooperation of witnesses and victims of crime, thereby having a negative overall impact on public safety. They were also concerned about increased victimization and exploitation of immigrants, a possible increase in police misconduct, the impact on law enforcement budgets and resources, the high possibility of error given the complexity of immigration law, the possibility of racial profiling and other civil lawsuits, and the effect on immigrant access to other municipal services.

The report includes research on the rights of undocumented immigrants and the legal framework for the enforcement of immigration laws, demographics, immigration and criminality, evaluation of federal efforts to collaborate with local police on immigration enforcement (287(g) program), a national survey of law enforcement executives on immigration issues and local policing, the experience of undocumented youth, and a survey of law enforcement executives attending the foundation conference about their views on local immigration enforcement issues.

Finally, the report outlines local law enforcement views on the costs and benefits of immigration enforcement by local police and includes recommendations and policy positions that developed from project activities.