

January 13, 2015

Re: H.R. 240, The Department of Homeland Security Appropriations Act, 2015.

Dear Representative:

We, the undersigned law enforcement officers, write to express our opposition to various proposals under consideration in the House of Representatives that seek to override aspects of the Obama Administration's immigration policies.

While acknowledging that there is good-faith disagreement over certain aspects of the administration's immigration policies, several of the proposals under consideration by the House of Representatives would represent a step backward, lead to uncertainty in our immigration enforcement system, and make it harder for state and local law enforcement to police our communities.

The 114th Congress has a tremendous opportunity to fix our broken immigration system, advancing reforms that will help the economy and secure our borders. While we are encouraged by proposals that would secure our borders and reform outdated visa programs, we are concerned by reports of various proposals in the House that do not appear to have bipartisan support and could unnecessarily threaten a partial governmental shutdown affecting the Department of Homeland Security (DHS). As law enforcement officers, we regularly work with DHS and its component agencies and fear that an unfunded DHS will sow confusion and uncertainty.

We are also concerned about proposed substantive changes that would undercut existing protections for victims of domestic violence, undermine law enforcement's ability to focus on catching and deporting dangerous criminals, compel state and local law enforcement to hold low-level offenders without probable cause, and threaten long-established and necessary federal programs and funding that have long aided state and local law enforcement. We oppose proposals that (1) make law-abiding immigrants feel less safe in our communities, (2) focus federal law enforcement away from catching serious criminals and security threats, (3) increase the state and local role in immigration enforcement, and (4) threaten needed federal resources and funding used by state and local law enforcement.

1. When immigrants feel safe in their communities, we are all safer.

When immigrants feel safe in their communities, including immigrant victims of domestic violence, we are all safer. We oppose amendments that remove key protections from domestic violence victims and undermine the executive branch's ability to prioritize criminals over otherwise law abiding immigrants.

One proposal under consideration by the House would scrap DHS's entire existing enforcement framework, because it does not treat "any alien convicted of any offense involving domestic violence, sexual abuse, child molestation, or child exploitation as within the categories of aliens

subject to the Department of Homeland Security’s highest civil immigration enforcement priorities.”

While the amendment is intuitively appealing and directed toward protecting domestic violence victims, it actually has the opposite effect in many cases. By guaranteeing “highest” priority treatment of all domestic violence cases, the amendment raises the stakes for any report of domestic violence – a single report of domestic violence could lead to removal proceedings and deportation.

Immigrant victims are particularly vulnerable to being arrested and prosecuted for domestic violence, even when they are not the primary perpetrator of violence in the relationship, due to language and cultural barriers. Once in custody and/or facing trial, and desperate to be released and reunited with their children, these same factors – combined with poor legal counsel, may lead to deportation of wrongly accused victims who may have pled to or been unfairly convicted of domestic violence charges. Currently, federal authorities have flexibility in separating victims from perpetrators in dual arrest situations. The proposed amendment would remove this flexibility, leading to the deportation of victims of domestic violence.

2. Law enforcement should refocus its priorities toward catching serious criminals and security threats.

Federal immigration agencies, including Immigration and Customs Enforcement (ICE), do not have the capacity or resources to remove all undocumented immigrants. Existing federal policies prioritize the removal of immigrants with criminal records over those who pose no threat to the community. We believe that law enforcement agencies should spend their limited time and resources focusing on pursuing truly dangerous criminals, not otherwise law-abiding members of the community.

Various amendments would seek to override these longstanding priorities. We oppose such amendments.

3. Immigration enforcement is a federal responsibility.

We believe that immigration enforcement on the state and local levels diverts limited resources away from public safety and undermines trust within immigrant communities. State and local law enforcement agencies face tight budgets and often do not have the capacity or resources to duplicate the federal government’s work in enforcing federal immigration laws. Rather than apprehending and removing immigrants who have no criminal background or affiliation and are merely seeking to work or reunite with family, it is more important for state and local law enforcement to focus limited resources and funding on true threats to public safety and security.

Various amendments would seek to foist additional enforcement responsibilities onto state and local law enforcement, including amendments that would reinstitute and codify the Secure Communities program. Some proposals also would impose a federal mandate on state and local law enforcement agencies to hold suspects even in the absence of probable cause, an action that raises serious constitutional and legal questions and would risk creating legal liability for state and local law enforcement agencies. We oppose such amendments.

4. State and local law enforcement need adequate resources.

To the extent that state and local law enforcement play a role in immigration enforcement, the federal government must provide adequate funding in line with these responsibilities.

Some proposals under consideration by the House would place needed federal funding to state and local law enforcement at risk. These proposals, including proposed amendments that would condition significant federal funding on holding suspects in the absence of probable cause, raise serious concerns. We oppose such amendments.

Additionally, as referenced above, we call on Congress to fund DHS, including valuable DHS programs that provide needed funding to state and local law enforcement. We support legislation to fully fund this crucial agency for the entire 2015 fiscal year.

Conclusion

As law enforcement officers, we believe that the 114th Congress has a tremendous opportunity to fix our broken immigration system, advance reforms that will help the economy and secure our borders. Any executive actions taken by the executive branch are temporary and limited – by themselves they will not fix a broken system, nor will their repeal fix a broken system.

We continue to recognize that what our broken system truly needs is a permanent legislative solution. It is our hope that DHS funding legislation passes promptly and without any of the shortcomings we flagged above. Passing such legislation opens the door for this Congress to work constructively towards necessary immigration reform legislation.

Sincerely,

(List alphabetically by last name)

Chief Richard Biehl
Dayton Police Department
Dayton, Ohio

Sheriff Clarence Dupnik
Pima County Sheriff's Office
Pima County, Arizona

Sheriff Tony Estrada
Santa Cruz County Sheriff's Office
Santa Cruz County, Arizona

Chief Randy Gaber
Madison Police Department
Madison, Wisconsin

Chief Ronald Haddad
Dearborn Police Department
Dearborn, Michigan

Chief James Hawkins
Garden City Police Department
Garden City, Kansas

Chief Mike Koval
City of Madison Police Department
Madison, Wisconsin

Chief Jose Lopez
Durham Police Department
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Sheriff Leon Lott
Richland County Sheriff's Department
Richland County, South Carolina

Chief Thomas Manger
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Sheriff William McCarthy
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