



July 6, 2016

Dear Senator:

As law enforcement leaders dedicated to preserving the safety and security of our communities, we have concerns about legislative proposals that would attempt to impose punitive, “one-size-fits-all” policies on state and local law enforcement. Rather than strengthening state and local law enforcement by providing us with the tools to work with the Department of Homeland Security (DHS) in a manner that is responsive to the needs of our communities, these proposals would represent a step backwards.

Attempts to defund so-called sanctuary cities regularly sweep too broadly, punishing jurisdictions that engage in well-established community policing practices or adhere to federal court decisions that have found federal immigration detainers to violate constitutional protections. Some proposals also would ramp up mandatory minimum sentences for immigration violations, even for non-violent offenses, at a time when there are bipartisan efforts working to reform such policies in the criminal justice system. We oppose these approaches and urge Congress to work to encourage – rather than compel – law enforcement agency cooperation within our federal system.

We believe that law enforcement should not cut corners. Multiple federal courts have questioned the legality and constitutionality of federal immigration detainers that are not accompanied by a warrant or probable cause. Even though the legality of such immigration holds is doubtful, some have proposed requiring states and localities to enforce them, shielding them from lawsuits. While this approach would reduce potential legal liability faced by some jurisdictions and departments, we are concerned these proposals would still require our agencies and officers carry out federal directives that could violate the U.S. Constitution.

Immigration enforcement is, first and foremost, a federal responsibility. Making our communities safer means better defining roles and improving relationships between local law enforcement and federal immigration authorities. But in attempting to defund “sanctuary cities” and require state and local law enforcement to carry out the federal government’s immigration enforcement responsibilities, the federal government would be substituting its judgment for the judgment of state and local law enforcement agencies. Local control has been a beneficial approach for law enforcement for decades – having the federal government compel state and local law enforcement to carry out new and sometimes problematic tasks undermines the delicate federal balance and will harm locally-based policing.

Over the past two years, the federal government has made progress in obtaining voluntary participation from a growing number of jurisdictions in the Priority Enforcement Program. This growing partnership between federal, state, and local government is threatened by federal efforts to mandate “one-size-fits-all” policies.



Rather than requiring state and local law enforcement agencies to engage in additional immigration enforcement activities, Congress should focus on overdue reforms of the broken immigration system to allow state and local law enforcement to focus their resources on true threats — dangerous criminals and criminal organizations. We believe that state and local law enforcement must work together with federal authorities to protect our communities and that we can best serve our communities by leaving the enforcement of immigration laws to the federal government. Threatening the removal of valuable grant funding that contributes to the health and well-being of communities across the nation would not make our communities safer and would not fix any part of our broken immigration system.

We similarly are concerned about new proposed “mandatory minimums” for immigration violators. With a growing bipartisan consensus on the need to reform mandatory minimums in the criminal justice system, we believe imposing new mandatory minimums on immigration violators would be counterproductive. Detaining a new pool of immigration violators for five years or more will be incredibly costly, diverting immense resources from more urgent priorities. Enforcement and detention policies should focus on those who pose a danger to the public, not non-violent immigration offenders.

Our immigration problem is a national problem deserving of a national approach, and we continue to recognize that what our broken system truly needs is a permanent legislative solution – broad-based immigration reform.

Sincerely,

Lieutenant Andy Norris  
Tuscaloosa County, AL

Chief Chris Magnus  
Tucson, AZ

Chief Roy Minter  
Peoria, AZ

Chief Sylvia Moir  
Tempe, AZ

Sheriff Chris Nanos  
Pima County, AZ

Sheriff Donny Youngblood  
Kern County, CA



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