



Immigration Enforcement and Community Policing

Contact: Jessica Vaughan, Director of Policy Studies (508)346-3380, jmv@cis.org

No evidence of a “chilling effect” from local police cooperation with ICE exists in federal or local government data or independent academic research.

- [Bureau of Justice Statistics data](#) show no meaningful differences among ethnic groups in crime reporting. Overall, Hispanics are slightly more likely to report crimes. Hispanic females especially are slightly more likely than white females and more likely than Hispanic and non-Hispanic males to report violent crimes. This is consistent with [academic surveys](#) finding Hispanic females to be more trusting of police than other groups.
- A major study completed in 2009 by researchers from the University of Virginia and the Police Executive Research Forum (PERF) found no decline in crime reporting by Hispanics after the implementation of a local police program to screen offenders for immigration status and to refer illegals to ICE for removal. This examination of [Virginia’s Prince William County](#) program is the most comprehensive study to refute the “chilling effect” theory. The study also found that the county’s tough immigration policies likely resulted in a decline in certain violent crimes.
- The most reputable academic survey of immigrants on crime reporting found that by far the most commonly mentioned reason for not reporting a crime was a language barrier (47 percent), followed by cultural differences (22 percent), and a lack of understanding of the U.S. criminal justice system (15 percent) — *not* fear of being turned over to immigration authorities. (Davis, Erez, and Avitable, 2001)
- The academic literature reveals varying attitudes and degrees of trust toward police within and among immigrant communities. Some studies have found that Central Americans may be less trusting than other groups, while others maintain that the most important factor is socio-economic status and feelings of empowerment within a community, rather than the presence or level of immigration enforcement. (See Davis and Henderson 2003 study of New York; Menjivar and Bejarano 2004 study of Phoenix)
- A 2009 study of calls for service in Collier County, Fla., found that the implementation of the 287(g) partnership program with ICE enabling local sheriff’s deputies to enforce immigration laws, resulting in significantly more removals of criminal aliens, did not affect patterns of crime reporting in immigrant communities. (Collier County Sheriff’s Office)
- Data from the Boston, Mass., Police Department, one of two initial pilot sites for ICE’s Secure Communities program, show that in the years after the implementation of this program, which ethnic and civil liberties advocates alleged would suppress crime reporting, showed that calls for service decreased proportionately with crime rates. The precincts with larger immigrant populations had less of a decline in reporting than precincts with fewer immigrants. (Analysis of Boston Police Department data by Jessica Vaughan, 2011)
- Similarly, several years of data from the Los Angeles Police Department covering the time period of the implementation of Secure Communities and other ICE initiatives that increased arrests of aliens show that the precincts with the highest percentage foreign-born populations do not have lower crime reporting rates than precincts that are majority black, or that have a smaller foreign-born population, or that have an immigrant population that is more white than Hispanic. The crime reporting rate in Los Angeles is most affected by the

amount of crime, not by race, ethnicity, or size of the foreign-born population. (Analysis of Los Angeles Police Department data by Jessica Vaughan, 2012)

- Recent studies based on polling of immigrants about whether they might or might not report crimes in the future based on hypothetical local policies for police interaction with ICE, such as one recent study entitled “Insecure Communities”, by Nik Theodore of the University of Illinois, Chicago, should be considered with caution, since they measure emotions and predict possible behavior, rather than record and analyze actual behavior of immigrants. Moreover, this study is flawed because it did not compare crime reporting rates of Latinos with other ethnic groups.

America’s sheriffs believe that assisting ICE is not a fiscal burden, even if they have to hold aliens in custody briefly for ICE to remove. On the contrary, cooperation produces significant local criminal justice cost savings as well as public safety benefits because it results in the removal of criminal aliens who otherwise would remain in the community to re-offend.

- According to a report from the [Government Accountability Office](#), states and localities incur significant costs to incarcerate illegal aliens who are arrested for other local crimes. Texas spends about \$12,000 per illegal alien inmate per year and California spends about \$34,000 per illegal alien inmate per year. In 2009, California taxpayers spent about \$1.1 billion to incarcerate illegal aliens; Los Angeles County spent \$139 million jailing illegal aliens; New York City spent \$88 million; Orange County, Calif., spent \$74 million; Maricopa County, Ariz., spent \$42 million; and Harris County, Texas, spent \$30 million.
- Much of this cost is not for serious or violent offenders, but for chronic repeat offenders. According to the GAO, in 2009, the average incarcerated alien had seven arrests and committed an average of 12 offenses.
- Sheriffs who participate in ICE programs report significant decreases in the average daily population of inmates in local jails as criminal aliens are removed instead of released. For example, the Whitfield County (Ga.) Sheriff’s Office reports that each identification and removal of a criminal alien saves taxpayers over \$20,000 in jail costs, not counting health care, prosecutorial costs, probation and parole, and harm to victims of crime. Collier County, Fla., has reported jail cost [savings of about \\$550,000 per year](#) through the removal of criminal aliens.
- The [287\(g\) program](#) in particular is extremely cost-effective, as it enables local law enforcement officers to take on part of ICE’s workload at no net cost to the federal government. It produces far more arrests per dollar spent than Secure Communities and other ICE programs.
- Local officials who claim that they incur costs for detaining immigrants for ICE often fail to mention that their jurisdictions receive tens of thousands (sometimes millions) of dollars in [reimbursement from the federal government](#) under the State Criminal Alien Assistance Program.

Proposals to increase ICE-local cooperation, most recently the Strengthen and Fortify Enforcement (SAFE) Act, H.R.2278, enjoy strong support among law enforcement leaders across the country. (See samples of such views below.)

- Local law enforcement leaders — sheriffs, police, and state agencies — routinely and repeatedly express concern over crime problems associated with illegal immigration and routinely and repeatedly express their willingness to assist ICE, and that it is their duty to assist ICE.
- It is the official position of the [National Sheriffs Association](#) (NSA), representing 20,000 members, that the federal government should maintain and even expand programs that enable them to assist with immigration enforcement, including in particular 287(g), Secure Communities, and Operation Stonegarden. In addition, the NSA “strongly opposes” amnesty for illegal aliens currently living in the country.
- Some local law enforcement leaders and organizations have taken offense at pro-amnesty groups’ attempts to portray them as unqualified to help enforce immigration laws. In a letter to Congress earlier this year, Sheriff Sam Page, past president of the North Carolina Sheriffs Association, wrote:

I was shocked by some of the statements and assumptions made by representatives of these groups at the [SAFE Act] hearing last month. [They] suggested that local law enforcement officers are incapable of understanding immigration law, that they are unable or unwilling to enforce such laws fairly without discriminating against minorities or legal immigrants, and that they are unable to distinguish between victims and offenders, thus sowing distrust in immigrant communities. They even questioned the motives of those victimized by criminal aliens. They claimed that law enforcement officers are adamantly opposed to any involvement in immigration matters. Of course, they are wrong.

- The National Immigration Law Center, a pro-illegal alien group, recently published a report criticizing the SAFE Act and the practice of local agencies assisting ICE, claiming that more than 100 local law enforcement agencies had taken a position in opposition to local enforcement of immigration laws. In fact, some of the police departments and chiefs quoted in the report now refuse to confirm this position, and others outright deny that they have taken this stance. For example, spokespersons for the Chandler, Ariz., Police Department, which was cited in the [NILC report](#) told CIS researchers that they unequivocally did not take this position, and noted that the NILC had apparently misleadingly imputed their chief's position from her remarks on a different matter.

Statements from Law Enforcement Leaders

On the SAFE Act:

H.R. 2278, the "Strengthen and Fortify Enforcement Act" is the best plan I have seen presented to protect America. The bill, if approved, will give law enforcement agencies across the United States clear direction so immigration enforcement can be consistent throughout all communities.

— Sheriff Paul R. Babeu, Pinal County, Ariz., and also on behalf of the Western States Sheriffs Association, including sheriffs from 13 western states.

It has been our opinion from the beginning that the approach taken in the SAFE Act is the approach needed if as a nation we are serious about fixing our broken immigration system.

— Chris Crane, President, National ICE Council of the American Federation of Government Employees.

NAFBPO endorsed the SAFE Act (H.R.2278) as presented in the Judiciary Committee as the proper starting point in the correct approach to solving our national immigration problems, as it was introduced.

— Zack Taylor, Chairman, National Association of Former Border Patrol Officers.

I strongly support the provisions of the SAFE Act (H.R.2278).

— Sheriff Neil Godfrey, Moore County, N.C.

You can sign me on in support of the SAFE Act.

— Sheriff Bob Alford, Johnson County, Texas.

As sworn Sheriffs representing the rule of law for the citizens of our communities, it is imperative that we support measures to strengthen the enforcement of the immigration laws at the federal, state, and local levels. The SAFE Act (H.R.2278), sponsored by Rep. Trey Gowdy, is a measure that truly provides the authority and the tools we need to protect our national authority and enhance public safety. . . . The National Sheriffs Association position paper clearly states our position against any form of amnesty in that we do support the enforcement of immigration laws, and that we should be permitted to assist in this mission.

— Sheriff Chuck Jenkins, Frederick County, Md.

I support the SAFE Act.

— Sheriff B.J. Barnes, Guilford County, N.C.

I support the passage of the SAFE Act.

— Sheriff Ronny R. Anderson, Cumberland County, Pa.

This bill [the SAFE Act] truly aims to address the public safety problems caused by uncontrolled immigration. . . . Representative Gowdy was apparently motivated to introduce this bill by his concern for people in our communities who have been harmed by the criminal acts of those here in defiance of our laws. . . . Like many of my colleagues, I believe the SAFE Act will restore the rule of law in the arena of immigration, provide tools and resources to ICE for enforcement, allow and encourage local agencies to help, and hold DHS leaders accountable through Congressional legislation and oversight.

— Sheriff Sam Page, Rockingham County, N.C.

In our community we rely on legal immigrants to help many of our local farms. With [the SAFE Act] legislation it would ensure that we could continue to keep the law abiding workers here and catch the illegal ones with the cooperation of the federal agencies and protect our citizens.

— Sheriff Michael Carpinelli, Lewis County, N.Y.

On Working with ICE:

In my 28-year career in law enforcement in the city of Baltimore and later as chief of Maryland's transportation security, I found it useful to work in partnership with ICE, to effectively address drug dealing, gangs, and other crimes, and keep all our residents safe. I knew my community and needed the federal resources, but they needed me to help them understand how to address the problems in my community. As local law enforcement, we are the boots on the ground every day, and the federal government is needed for backup. In transportation security, we faced a genuine threat from international terrorism, and quite simply, state and local agencies are not equipped to handle it on their own. When we share information and resources, we all can do our jobs better. For local law enforcement not to be involved in enforcing immigration would tie our hands in investigating and preventing crimes. Enforcing immigration laws, like all laws, is not incompatible with good community policing — it's essential to it.

— Gary W. McLhinney, former president, Baltimore City Fraternal Order of Police and Chief of the Maryland Transportation Authority.

An individual's immigration status is relevant once they are taken into custody for a criminal offense. Our personnel are allowed to use any and all law enforcement related databases to determine who an individual is, especially when they do not have identification. . . . Our current policy clearly states we will not randomly stop people for the sole purpose of ascertaining immigration status. In addition, our policy does not allow officers to take into consideration one's immigration status if one is a victim of a crime. On the other hand, our policy indicates that we will cooperate with ICE if it serves the public safety interest of our city. Clear policy items such as these need to be conveyed to the community at large and can be used to create a better environment for police-community relations.

— Chief Steven A. Mazzie, Everett, Mass., to Jessica Vaughan, March 2008.

The best way to build trust and cooperation with the immigrant communities is for law enforcement officers to enforce the law compassionately and constitutionally. . . . Law enforcement agencies should educate themselves on immigration law as well as develop partnerships with ICE . . . Partnerships with ICE agents will help make communities safer because they are focused on criminal aliens that are causing most of the problems.

— Chief James D. Chadwick, retired, Dalton, Ga., to Jessica Vaughan, March 2008.

People have claimed that 287(g) [a popular ICE-local partnership] is prohibitively expensive, but it is not nearly as expensive to the local communities as is the status quo of federal-only immigration enforcement. One recidivist over the course of 10 years — how much does he cost the community?

— Lieutenant David Wesley Lynch, Whitfield County, Ga., Sheriff's Office, as told to Jessica Vaughan, 2009.

The alleged "chilling effect" of immigration law enforcement has been offered as a putative apology for the wholesale application of discretion. In effect, this notion is that if we enforce immigration law then the illegally present foreign national will refuse to report their personal victimization to law enforcement for fear of deportation/removal. I disagree. Trust is not inspired in the idea that certain crimes will not be enforced by law enforcement. The reverse is true. Trust is built on a foundation of predictability; consistent application of law creates predictability, which inspires trust.

— Sheriff Don Hunter, retired, Collier County, Fla., published in *Sheriff Magazine*, 2007.

Ninety-five percent of the major drug traffickers in our county are illegal criminal aliens. . . . [ICE programs] are the only source we have of identifying those that are in custody. . . . Eighty percent of the people that come through our 287(g) programs were committing other crimes; give the wrong name; you find that they're wanted in other parts of the country — child molesting, murder, rape, drug trafficking — and it's the only way that we know who we have in our custody. . . . And I can tell you the crime rate in Alamance County has gone down, and the only thing we are doing differently is the 278(g) program which we started in 2007.

— Sheriff Terry Johnson, Alamance County, N.C., at a CIS panel in 2011.

It's not just the border counties. It's not just big cities. We're having these [criminal alien] problems in rural Surry County at 536 square miles, and our latest census said about 73,000 people. The same issues that they're having on the border in Arizona, we're having in Mayberry. So it's something that touches us all over the state and all over the United States. It's not just a matter of people coming in illegally; it's the people that are here for the purpose of engaging in criminal conduct. There are lots of drugs, there are lots of weapons, and it is a national security issue.

— Sheriff Graham Atkinson, Surry County, N.C. at a CIS panel in 2011.

Our cooperation with ICE through Secure Communities and other ICE programs has benefitted public safety in my county by ensuring that those foreign nationals who commit crimes will be removed from the country instead of returned to the community to find new victims.

— Sheriff Lew Evangelidis, Worcester County, Mass.

If I have somebody in my community that is not supposed to be there, and I just write them a ticket because they say their name is so-and-so and let them go, if, a week later, they're in a traffic accident and they end up killing somebody — I believe that's on my shoulders. That's my fault. Because I was supposed to do something about that person that was there illegally. . . . If you all remember the Oklahoma City bombing, the perpetrator of that act, McVeigh, was stopped by a traffic violation. So if somebody is saying, well, you know, all you have is a traffic violator there and you can't identify, that's not a big issue — for us it is in law enforcement. We have arrested some of those folks and have found out later that they've been murder suspects in other states. They've been wanted. They've been sex offenders. So that kind of issue is very important to us.

— Sheriff Dan Altena, Sioux County, Iowa, at a CIS panel in 2011.

We currently have 38 percent of our un-served warrants — and many of those will never be served because of documentation/identification problems — that we currently are holding are of illegal immigrants.

— Sheriff Rick Oliver, Yadkin County, N.C., at a CIS panel in 2011.