



Major Cities Chiefs Association Immigration Position October 2011

The foundation of the Major Cities Chiefs Association's nine point position statement is based upon five key concerns with local police enforcing federal immigration law. These concerns are:

1. It undermines the trust and cooperation with immigrant communities which are essential elements of community oriented policing.
2. Local agencies do not possess adequate resources to enforce these laws in addition to the added responsibility of homeland security.
3. Immigration laws are very complex and the training required to understand them significantly detracts from the core mission of local police to create safe communities.
4. Local police do not possess clear authority to enforce the civil aspects of these laws. If given the authority, the federal government does not have the capacity to handle the volume of immigration violations that currently exist.
5. The lack of clear authority increases the risk of civil liability for local police and government.

Given these concerns, the Major Cities Chiefs are recommending that Congress and the President adopt the following nine points:

1) COMMITMENT OF CONTINUED ENFORCEMENT AGAINST CRIMINAL VIOLATORS REGARDLESS OF IMMIGRATION STATUS

M.C.C. member agencies are united in their commitment to continue arresting anyone who violates the criminal laws of their jurisdictions regardless of the immigration status of the perpetrator. Those individuals, regardless of their citizenship status, who commit criminal acts will find no safe harbor or sanctuary from their criminal violations of the law within any major city but will instead face the full force of criminal prosecution.

2) A FEDERAL RESPONSIBILITY

Immigration is a federal policy issue between the United States government and other countries, not local or state entities and other countries. Any immigration enforcement laws or practices should be nationally based, consistent, and federally funded.

3) SECURE THE BORDERS

Immigration is a national issue and the federal government should first act to secure the national borders preventing illegal entry into the United States. We support further and adequate funding of federal agencies responsible for border security and immigration enforcement so they can accomplish this goal. We also support consideration of all possible solutions including construction of border fences where appropriate, use of surveillance technologies and increases in the number of border patrol agents.

4) ENFORCE LAWS PROHIBITING THE HIRING OF UNDOCUMENTED IMMIGRANTS

The federal government and its agencies should continue its enforcement of existing immigration laws prohibiting employers from hiring illegal immigrants. Enforcement and prosecution of employers who illegally seek out and hire undocumented immigrants or turn a blind eye to the undocumented status of their employees will help to eliminate one of the major incentives for illegal immigration. Additionally, this will serve to reduce the exploitation of individual workers.

5) CONSULT AND INVOLVE LOCAL POLICE AGENCIES IN DECISION MAKING

Major Cities Chiefs and other representatives of the local law enforcement community should be consulted and involved in any process to develop a national initiative or practice impacting local police agencies. The inclusion of local law enforcement at every level of development will take advantage of their perspective and experience in local policing.

6) LAW ENFORCEMENT PRIORITIES

The decisions related to how local law enforcement agencies allocate their resources, direct their workforce and define the duties of their employees to best serve and protect their communities must be left in the control of local governments. The decision to have local police officers perform the function and duties of immigration agents should be left to the local government. This shall not be mandated or forced upon them by the federal government through the threat of sanctions or the withholding of existing police assistance funding.

7) NO REDUCTION OR SHIFTING OF CURRENT ASSISTANCE FUNDING

The funding of any initiative concerning the enforcement of immigration laws should not be at the detriment or reduction directly or indirectly of any current federal funding or programs focused on assisting local police agencies with local policing or homeland security activities.

8) CLARIFICATION OF AUTHORITY AND LIMITATION OF LIABILITY

The authority of local police agencies and their officers to become involved in the enforcement of immigration laws should be clearly stated and defined. The statement of authority should also establish liability protection and an immunity shield for police officers and police agencies that take part in immigration enforcement as authorized by clear federal legislation.

9) CLARIFICATION OF IMMIGRATION AND CUSTOM ENFORCEMENTS PROGRAMS AND THE PURPOSE OF THE N.C.I.C. SYSTEM

Clarification of the Immigration and Customs Enforcement's program goals and oversight of its mission and implementation is strongly encouraged. Further, the integrity of the N.C.I.C. system as a notice system for criminal warrants and/or criminal matters must be maintained. The inclusion of civil detainees in the system continues to create confusion for local police agencies subjecting them to possible liability for exceeding their authority by arresting a person upon the basis of a mere civil detainer. Federal agencies should seek federal criminal warrants for any person they have charged criminally with violations of immigration laws and submit those criminal warrants on the N.C.I.C. system so the warrants can be acted upon by local police officers within their established criminal enforcement authority and training.