

**“THE IMPACT OF IMMIGRATION REFORM ON AMERICAN
POLICING”**

by

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The Command College Futures Study Project is a FUTURES study of a particular emerging issue of relevance to law enforcement. Its purpose is NOT to predict the future; rather, to project a variety of possible scenarios useful for strategic planning in anticipation of the emerging landscape facing policing organizations.

This journal article was created using the futures forecasting process of Command College and its outcomes. Defining the future differs from analyzing the past, because it has not yet happened. In this article, methodologies have been used to discern useful alternatives to enhance the success of planners and leaders in their response to a range of possible future environments.

Managing the future means influencing it—creating, constraining and adapting to emerging trends and events in a way that optimizes the opportunities and minimizes the threats of relevance to the profession.

The views and conclusions expressed in the Command College Futures Project and journal article are those of the author, and are not necessarily those of the CA Commission on Peace Officer Standards and Training (POST).

The Impact of Immigration Reform on American Policing

How will the impact of immigration reform transform American policing? Imagine the possibility that immigrant communities in American stop using police services to report crimes as gang activity and violent crime continues to increase. How will future police chiefs ensure their organizations will support federal immigration laws while ensuring that police resources will not be used to routinely enforce suspected illegal immigrants?

Never before has a social issue had the ability to impact American policing and its relationship with many of the communities they serve. With a greater need to enforce borders, and a concern for homeland security, the issue of illegal immigration has become a high political priority at the local and national levels. As the potential for conflict increases, police chiefs across the country have a responsibility to work together and find a best practices model to develop future policing strategies. In the emerging landscape, the police profession will be in a pivotal position to influence national policy and develop a new model of policing to support federal law and to ensure safety for all.

Current State of Affairs

The inability of the Federal government to resolve conflict over immigration issues continues years after the passage of President Reagan's 1986 Immigration and Reform Act that granted citizenship to 2.7 million persons. Since that time, the United States has had a difficult journey enforcing illegal immigration in a comprehensive manner. The issue of immigration reform has now become a local government issue, and will be one of the determining factors to decide the next President of the United States. The challenge for American policing is to establish policies that will support federal law on immigration, while ensuring that police organizations will continue to maintain strong relationships with all segments of the community.

Organizations such as the Phoenix Police Department have taken courageous steps to strive for the right balance in support of federal immigration law while ensuring safe neighborhoods in the community (Arizona Daily Star, February 2007). Other organizations, such as the Prince William County Police Department (VA) strongly support the federal immigration laws and balance that support with a high level of outreach to the immigrant community (Boston Globe, February 2007). These organizations, and others, are developing unique strategies to find the right balance on immigration reform and policy development.

Immigration and American Culture

The issue of immigration reform is not new to American culture: During 18th century colonial era, one of the most pressing social issues was immigration (Rischin, 1965). Worries about immigration were shared by many of the founding fathers. George Washington did not want to encourage immigration, and was concerned with concentrated geographic settlement of any one group because he thought this would lead to the preservation of separate values (Rischin, 1965) Thomas Jefferson worried about the impact an influx of immigrants from countries governed by absolute monarchies would have on America's freedom and liberty (Rischin, 1965). In 1751, Pennsylvania's population was about 33% German, a concern for inventor and philosopher Benjamin Franklin. He wrote, *"Why should Pennsylvania, founded by the English, become a Colony of Aliens, who will shortly be so numerous as to Germanize us instead of our Anglifying them?"*(Rischin, 1965)

Franklin's remark reflected a public concern for the workforce and the financial drain on resources. Two hundred and fifty-seven years later, the social issues related to twelve million illegal immigrants in the United States remains a real and perceived burden on American society (Suro/Escobar,2006). The issue of immigration reform is a primary factor in an overwhelming number of local and national elections. It has separated political parties and caused division amongst

Americans (Jordan, 2008). Many are also at odds over this issue throughout the nation regardless of social, economic or religious backgrounds (Jordan, 2008).

In a 2008 nationwide survey by the Pew Hispanic Center, just over half of all Latino adults in the U.S. reported they worry that they, a family member or a close friend could be deported (PEW Hispanic Center Survey, 2006). Nearly two-thirds said the failure of Congress to enact an immigration reform bill has made life more difficult for all Latinos. Smaller numbers of Latinos (ranging from about one-in-eight to one-in-four) said the heightened attention to immigration issues has had a specific negative effect on them personally. These effects include more difficulty finding work or housing; less likelihood of using government services or traveling abroad; and more likelihood of being asked to produce documents to prove their immigration status (PEW Hispanic Center Survey, 2006).

In spite of these concerns, the Republican Party continues to focus its energy on Immigration Reform. In early 2008, Presidential candidate Matt Romney recommended budget restrictions on “sanctuary” cities and fiercely opposing amnesty for those in the country illegally (Wall Street Journal, February, 2008). Groups such as F.A.I.R. (Federation for American Immigration Reform), with more than 250,000 members, are focused on stopping illegal immigration into this country (Wall Street Journal, February, 2008). There are concerns from anti-immigration groups about the number of illegal immigrant along with other issues such as the soaring cost of health, education and public services for non-citizens (PEW Hispanic Center, 2006). In the middle of the argument are police organizations entrusted to provide policing services to all people in all parts of the community. To understand how this issue impacts public safety, there must be an understanding of where the culture of American Policing has been and what has been accomplished since the 1960’s regarding the relationship between immigrant communities and the police.

From the 1960’s to the Present

The lack of trust and confidence between the police and the community is not an emerging issue. It was first observed in the late 1960's and early 70's during the Vietnam and Civil Rights eras (Cannon, 1999). The question in the 1970's was how public safety was going to improve its relationship with minority communities in America to change increasing crime trends and lack of distrust between people and the police. The nightly news created the perception that the police were at war with its young people and minority communities (Goldstein, 1990 p. 159).

The response from public safety and political and government leaders was the deployment of Community Policing (COP). COP took the form of directive patrols, team policing and the development of community relationships (Goldstein, 1990). There was also a renewed sense of how the "police force" should look. As a result, intense recruitment in the 1970's sought to hire more Black, Latino and female officers (Cannon, 1999). Although the problems of community/police relations had not been resolved, it has helped to erode some of the crime and social issues that destroyed neighborhoods for decades. Through the 1980's and into the 1990's, a new emphasis on community policing had evolved. In part, its success was now measured through public safety's ability to enhance its relationship with the minority communities in America (Goldstein, 1990). It required a constant effort by police departments to provide safe neighborhoods, and to include the immigrant and low income communities into the philosophy of "community policing." After the events of 9/11, though, the relationship between the minority communities and police departments was about to change.

Post 9/11

Immediately after the terrorist attacks on 9/11/01, the response from some police and political leaders began moving to improve and strengthen relationships within the immigrant and minority communities (Migration Police

Institute, 2003). This approach was not universal, and in some towns it was quite the opposite (Migration Police Institute, 2003). In the post 9/11 world, the issue of race relations had resurfaced, but this time with the “face” of immigrants at the root of the issue (Abraham/Spencer, 2006). America’s communities had become the “melting pots” of culture diversity and the many civil rights issues brought about by mostly Black Americans in the 1960’s had resurfaced in the new millennium (Suro/Escobar, 2006). The concern that immigrants with expired student visas from the Middle East had somehow been allowed to illegally stay in American had become an issue of national security. As a result, there was new emphasis on strengthening immigration laws and improving security at the American borders (Abraham/Spencer, 2006).

As a result of increased immigration concerns and homeland security efforts, a growing lack of trust and respect between the police and the immigrants of this country began to grow from 2001 to the present. Most recently, evidence of this fear can be in found in Port Chester, N.Y., where a 24 year old mother did not immediately report her three- and four-year old children were missing because of her illegal immigration status (Associated Press, March 12th, 2007). In another example, the NBC news affiliate in Maryland, VA. reported that a new anti-immigrant ordinance was being considered and has caused widespread fear among illegal immigrants and a decrease in use of local public services.

The social issue of illegal immigrants is also impacting government resources and has developed into a political debate. This has led to adverse community/police relations and the inability to provide safe neighborhoods in less stable communities (Suro/Escobar, 2006). Some examples of the financial impact were first reported in 2005 by the Center for Immigration Studies. 2002 costs included 2.5 billion dollars in Medicaid for illegal immigrants, 1.4 billion dollars in school aid, 1.6 billion in federal prisons and courts, with a total of federal cost of 10 billion dollars. More recently, in September of 2007, U.S. Representative Brian Bilbray estimated that illegal immigration cost the County of

San Diego 101 million dollars annually, with 75 million attributed to criminal justice costs.

“Judicial Watch” regularly seeks out and pursues legal actions against public safety institutions that have policies preventing officers from enforcing Federal Immigration laws and determining whether an arrestee is an illegal immigrant. In 2006, Judicial Watch successfully sued LAPD over “Special Order 40” a widely-known policy developed by Chief Gates in 1979 that prevented officers from inquiring about citizenship status of an arrestee (Suro/Escobar, 2006). Judicial Watch is currently proceeding with legal actions against Washington D.C. Metro Police and has filed suits against Houston and the Chicago Police Departments according to <http://judicialwatch.org> . These law suits may force local police to create new policies and procedures when someone has been arrested and suspected of being a non-citizen. Others engaged in impending legal and policy actions include the Orange and L.A. County Jails, along with the Costa Mesa Police Department, who may include immigration officers to assist in the identification of illegal immigrants in police custody.

HOMELAND SECURITY AND NEIGHBORHOOD WATCH

Regardless of a police organization’s strategic approach, other immigration concerns loom with a nexus to police/community relations. One of these concerns is the ability to ensure that police departments are establishing relationships with all segments of a community. The American model of Neighborhood Watch has helped to improve the relationship between the police and the community since the 1970’s. The time, however to design a new model has arrived.

The future model of policing will require new strategies and policies that will not drain police resources or change the mission of public safety, while managing the issue of illegal immigration. The ability to combine homeland

security and neighborhood watch would assist police departments in establishing a clear mission to the community, while establishing strong relationships with immigrant neighborhoods.

This model must take into account the current social environment in a post 9/11 era with illegal immigration as growing concern for all Americans. In today's world of working families, extracurricular activities of youth and the historical decrease in violent crime (in the late 1990's and early 2000's) Neighborhood Watch programs are always concerned with maintaining high participation levels. The strength of neighborhood watch groups remains with community residents who find a purpose to stay actively involved in these organizations. A best practice model of the future will need to include homeland security elements, crime trends, and natural disaster preparedness with a willingness to include the immigrant community.

In Search of Balance

The tenets of successful policing have never suggested that only portions of a community be engaged. Instead, the entire community should be involved in the prevention and intervention aspects of policing. With these two concepts the enforcement piece easily fits into the "Prevention, Intervention and Enforcement" (PIE) model of policing. While police chiefs search for this balance, there must be an understanding of the current political, social and economic environment that has impacted communities with high ethnic populations. Some of these trends include the following:

1. Increase in the level of service demand with fewer resources available
2. Continued high level of immigration
3. Level of competition between ethnic groups for available resources
4. Increased level of contact with community by law enforcement agencies
5. The need to hire those with bilingual skills and developing bilingual skills of current/future employees

6. Political influences that impact public safety decision making

Communities with lower ethnic populations must also be concerned that their communities can be impacted by these trends as illegal immigrants seek out new communities in which to live. In addition, police institutions will need to establish the fine line between supporters and opponents of immigration reform, and to understand how it will influence political and policy decisions. Police organizations must have a strong understanding of the political influences in their communities, and must seek to establish credibility and trust in order to influence change and political perception. The inability to “bring everyone to the table” and allow for distrust or misinformation to become reality will inflame the debate of illegal immigration in any community.

There has never been a more pivotal role for the police to help shape the future. This issue becomes most vital in Los Angeles County and Southern California, where most undocumented immigrants live and work because of the vast opportunities (Suro/Escobar 2006). However, innovative concepts and possible best practice models are found outside of the State.

BEST PRACTICE APPROACH

Not since the 1980's epidemic of gangs and drugs has the policing profession been challenged by 9/11 to provide a greater level of service to protect their communities (Daily Bulletin, December, 2006). This will greatly alter the role of some local public safety agencies, and exist in a time where some will urge tougher enforcement of Federal immigration laws. Police chief's must find a way to balance the concerns for homeland security and continue to provide quality police services to everyone in a community. Fortunately, there are examples emerging to give guidance as we consider our next steps.

Examples of best practice strategies include the following initiatives implemented by police organizations across the nation.

- Community Advisory Groups to help public safety agencies identify current issues and provide insight for the Chief of Police regarding immigrant groups in the community
- Inclusion of pastors and other community leaders into an agency's volunteer programs to assist in developing better relationships with immigrant communities and the police department
- Cultural diversity as part of a police organizations training matrix
- Outreach to immigrant neighborhoods (focused on non-English speaking areas) to improve the quality of life for families and youth
- Development of policies that outline the role of the police department in enforcing immigration laws
- Partnerships with federal agencies and local minority organizations to better learn and understand the legal aspects of immigration reform

These strategies are not necessarily “cutting edge” but are effective if combined with innovative concepts to establish strong relationships and trust. Police agencies such as Phoenix (AZ), Loudon (CO) and Prince William County (VA) have also designed unique and ambitious steps to find the right balance on immigration reform and American Policing. Leaders in these communities have established enforcement strategies that support the federal government's effort on illegal immigration without diminishing current levels of visible policing in communities.

The Phoenix (AZ) Police Department is one of those futuristic police organizations. State legislation and police strategies strongly support enforcing immigration laws through the utilization of patrol officers. Chief of Police Jack Harris has shown strong leadership to the contrary that has influenced the Mayor of Phoenix to understand that the drain on local public safety to enforce immigration could be devastating to the community and may lead to an increase

in crime. The concern that police departments may change priorities from crime fighting to immigration enforcement would not benefit the community (Arizona Daily Star, 2007). This stands in contrast, though, to the policies of one of Phoenix's neighboring communities.

In Maricopa County (AZ) (the Tucson metropolitan area), Sheriff Joseph Arpaio has created a hotline for citizens to report suspected illegal immigrants. The motto "Do Not Enter Illegally" is visible on almost every Sheriff's vehicle. In Phoenix, though, policy does not include strategies that involve local police enforcing immigration laws. Instead, any immigrant who is arrested for a state criminal charge is routinely referred an I.C.E. Immigration Officer for further investigation. In 2006, 2800 suspects were referred by Phoenix officials to ICE for prosecution and deportation proceedings. Chief Harris has, however, had difficulty changing organizational culture. Even with the changes in policy, most Phoenix police officers support being involved in routine immigration enforcement (Arizona Daily Star, 2007).

Another best practice model is occurring in Prince William County (VA). Prince William County's officers participate in the enforcement of Federal Immigration Section 287(g), which allows for local police organizations to enforce immigration laws after receiving federal mandated training. The training is provided by ICE and U.S. Customs and outlines the legal authority for local and state police to check for immigration status. The training emphasizes avoiding racial profiling while focusing on illegal immigrants who have committed crimes. The Prince William County Police Department has also conducted community outreach to help educate the immigrant community on the new police policy and how it works. These innovative approaches to policing are fairly new, so an evaluation of the strengths and weaknesses of this approach have yet to be accomplished.

Both of these models are being evaluated by police leaders, communities, politicians and the courts. However, other concerns such as the budgetary costs of designing new programs and managing community perceptions can hamper innovative concepts and the political will needed for success. Therefore, police leaders will need to identify a process to share experiences to identify successful initiatives that at this point involves only a few police organizations in the country.

Conclusion

The issue of illegal immigration will continue to build fear and anger in American communities if left untended. The need for a balanced approach to immigration reform needs to be pursued by public safety leaders. Police organizations have the political credibility, community support and experience in social issues to influence the outcome of immigration reform. It will require changes in traditional approaches, and the development of policing strategies similar to the models in Phoenix and Prince William County. The need to connect the immigrant community to homeland security and emergency preparedness into neighborhood watch programs should be on the priority list of every police chief in the nation. This approach will continue to improve relations between the community and its police department while providing a communication channel on the issue of illegal immigration and community safety.

In finding the right balance, community perceptions, legal considerations and political concerns need to be carefully evaluated. Establishing strong relationships and creating an image of trust and confidence may be the necessary first step for police departments engaging in social change in immigration reform. Identifying the stakeholders and bringing them together will help to increase the public trust and confidence in law enforcement.

Finally, there must be a culture change in policing organizations to allow for a new model to flourish. This will require institutional courage, compassion and the ability to influence local political leaders. The establishment of a

futuristic policing model that supports the federal government without diminishing public safety needs will serve as a strong message that there are viable options. The process of change is often difficult, and will require resilience and commitment from public safety leaders to play a part in the social transformation on immigration reform and American policing.

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