

SANCTUARY: AN ISSUE FOR THE AGES

by

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May, 2009

COMMAND COLLEGE CLASS 44

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).

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Introduction

In Los Angeles, the death of high school football player Jamiel Shaw at the hands of an undocumented gang member sparked community protests and outrage (Los Angeles Sentinel, December 11, 2008). Shaw's murder galvanized the community and prompted efforts to place "Jamiel's Law" on the 2009 City ballot. Jamiel's Law, if passed, gives Los Angeles police officers the right to arrest undocumented gang members before they actually commit crimes. The author of Jamiel's Law, Councilmember Walter Moore, said "We have sent an important message to the mayor, City Council and every politician in America – we the people, are fed up with sanctuary city policies that protect alien gang members instead of law-abiding citizens and we will repeal laws and replace politicians who stand in our way" (Los Angeles Sentinel, December 11, 2008).

In Northern California, the "sanctuary city" of San Francisco experienced a similar jolt when eight undocumented drug dealers from Honduras simply walked away from unguarded facilities they were assigned to in San Bernardino County. The "walk aways" and their potential for more crime caused quite a stir. Congressman Jerry Lewis (R-Redlands) "demanded that San Francisco officials turn over all convicted illegal immigrant drug dealers to federal authorities" instead of shipping them "out to San Bernardino County, where they can escape and victimize the neighborhoods in my district" (The Los Angeles Times, July 3, 2008).

Commenting on the San Francisco walkaways, The Los Angeles Times, (July 3, 2008) further reported, "For years [San Francisco] has been shielding convicted juvenile

offenders who were illegal immigrants from federal authorities, either escorting them to their home countries at city expense or transporting them to group homes, often outside the city”.

Cities and churches providing sanctuary to law breakers is not a new concept. In fact, the roots of the Sanctuary Movement extend back to the days of the Old Testament. The term “sanctuary city” is not defined by federal law, but is often used to describe “a city which as a result of a local act, ordinance or policy limits their assistance to federal immigration authorities seeking to apprehend and remove unauthorized aliens” (from www.openerscrs.cdt.org).

A social movement has emerged in the 21st century which emulates this concept from the distant past. In light of today’s headlines, police managers should thoughtfully consider the potential impact on their organizations of the New Sanctuary Movement.

A Historical Overview of the Concept of Sanctuary

1,450 years before the birth of Christ, sanctuary cities or cities of refuge existed in the land of Canaan. As recorded in the Book of Numbers, Chapter 35, (The Holy Bible KJV) forty-eight cities in the Promised Land were given to the priestly tribe of Levi. Six of the forty-eight cities were designated cities of refuge. Moses, the author of the Book of Numbers, outlined the purpose of the cities of refuge.

He wrote, “These six cities shall be for refuge for the people of Israel, and for the stranger and for the sojourner among them, that any one who kills any person without intent may flee there”.

In the Middle Ages, the concept of sanctuary continued. A fugitive who managed to cross the threshold of a church was considered to be under the protection of God (The Columbia Encyclopedia, Sixth Edition, 2007). Protection was given to murderers, thieves, or people accused of adultery. The practice of sanctuary was first recognized in the Old Testament, then again in 4th Century Roman law. The Roman Catholic Church adopted the concept in the 5th Century at the Council of Orleans. By the Middle Ages, sanctuary was established in English common law. (www.encyclopedia.com). Sanctuary was granted by the church to protect an individual who may have been wrongly accused and unjustly punished by the king. The same rationale exists in the modern world with an organized social movement that believes it is protecting individuals who are wrongly accused from an unjust government.

In the 1980s, civil war ravaged Central America. Many refugees fled north into the United States seeking political asylum. Those who were not granted asylum sought refuge or sanctuary in the Catholic Church. The Catholics were assisted in providing their parishioners with sanctuary by theologically liberal Protestants. This alliance is known as the Sanctuary Movement ((The Columbia Encyclopedia, Sixth Edition, 2007). Since then, the New Sanctuary Movement has emerged and taken up the mantle of those who preceded them.

The New Sanctuary Movement

In 2006, the New Sanctuary Movement was formed in response to the activism of Cardinal Roger Mahoney of the Los Angeles Archdiocese (<http://www.newsanctuarymovement.org>). In March of 2006, Cardinal Mahoney attacked House of Representatives Bill 4437. The bill proposed the implementation of a law that would make a person or institution criminally liable for providing aid to illegal immigrants. Cardinal Mahoney vowed a campaign of civil disobedience if the bill became law. H.R. 4437 passed the House of Representatives but it did not pass the Senate, and never became law (www.loc.gov).

The New Sanctuary Movement was energized by the blow Cardinal Mahoney struck on behalf of the privilege of sanctuary and immigration reform. They committed themselves to “protecting immigrant workers and families from unjust deportation” (from <http://www.newsanctuarymovement.org>). The New Sanctuary Movement refers to itself as “new” because the members believe their organization is “built on a powerful tradition” of providing sanctuary while advocating the reform of immigration laws, and includes members from a diverse background of interests. (<http://www.newsanctuarymovement.org>).

The New Sanctuary Movement is organized across the nation and its membership aggressively seeks out like minded allies. These coalitions in California, for example, address issues surrounding immigration including the provision of sanctuary: Clergy and Laity United for Economic Justice (CLUE), San Diego Interfaith Committee for Worker Justice (San Diego ICWJ), and the Interfaith Council on Race, Religion, Social and Economic Justice – South Bay. These organizations have engaged in and won several high profile social victories. CLUE, for example, was instrumental in keeping the retail giant Wal-Mart out of Inglewood, California. CLUE insisted that a Wal-Mart would signal the death of the “Mom and Pop” store in the predominately African-American city. San Diego ICWJ was successful in winning new contracts for San Diego janitors and airport employees, many of whom were born in other countries. These organizations are now actively engaged in efforts to support and provide sanctuary for illegal immigrants who face deportation (from www.clueca.org). The New Sanctuary Movement contends that the issues of illegal immigration and the provision of sanctuary closely parallel one another in significance (<http://www.newsanctuarymovement.org>).

The immigration of illegal workers into the United States is a complicated global and economic issue with many causal factors and few, if any, simple solutions. The case of a Mexican national named “Liliana Sanctuarian”, for example, is one of many sanctuary related scenarios, related to immigration currently playing out in America.

In the late 1990s, “Liliana” attempted to enter the United States illegally and she was detained at the international border. Some time later, she tried again and successfully crossed the border, illegally. “Liliana” eventually settled near Oxnard, California. She met her future husband and subsequently gave birth to three children. In 2007, “Liliana” applied for citizenship and was denied because of the earlier detention at the border. She was then warned by Immigration and Customs Enforcement (ICE) that she could be arrested and deported. When federal agents came for her, she asked for five extra days to arrange care for her children. They gave her the time, and she joined the New Sanctuary Movement. Inevitably, she sought and found sanctuary in the United Church of Christ in Simi Valley, California (Los Angeles Times, Nov. 5, 2007).

Is this a legal safekeeping? The weekly newsmagazine *The Nation* (February 25, 2008) has an interesting perspective. “Unlike in medieval Europe, sanctuary inside a church carries no legal protections in the United States. But the cloak of religious authority, the aura of sacred space, does seem to provide a moral protection, making government agencies that much more reluctant to go after people facing deportation. Sanctuary providers cannot recall one instance in which immigration officers have forcibly entered church property to seize an undocumented immigrant for deportation”. According to the *Ventura County Star* newspaper, as of October, 2008, “Liliana” still lives in the United Church of Christ, outside of law enforcement’s reach. The moral protection offered by the church is sustained by mounting support from the world of politics.

Political Considerations

In 2007, 73 cities spread across 26 states; identified themselves as sanctuaries. These cities included Los Angeles, San Diego, San Francisco, New York City and Chicago (Los Angeles Times, November 30, 2007). In the future, without an equitable resolution to the nation's immigration issues, other urban cities may adopt sanctuary policies. The City Council in Mount Rainier, Washington is an example of a city considering whether to name itself a sanctuary. According to the Washington Post, (January 20, 2008) Mount Rainier City Council member Pedro Briones said, "Until we have more effective national immigration policies, there's no reason why hardworking immigrants who may be undocumented should live in fear that their local police, code enforcement officer or sanitation worker is going to turn them over for possible deportation" (from www.washingtonpost.com). Sanctuary policies will place Mount Rainier and like-minded American cities on a collision course with state and federal laws.

Law Enforcement Considerations

Law enforcement continually experiences a revolving door of criminals who enter the country illegally, repeatedly commit crimes and avoid deportation. In 2005, the U.S. Government Accountability Office generated a study involving 55,322 illegal immigrants incarcerated in federal, state and local facilities during 2003. The study found that each immigrant had been arrested an average of eight times each, and that 49% had been previously convicted of a felony, while 20% had been arrested for a drug charge (U.S. Government Accountability Office, April 7, 2005).

Police may inevitably develop a lack of confidence in their mayors, city councils and chiefs of police. Los Angeles Police Department regulation, Special Order 40 embodies these concerns. Special Order 40 prohibits L.A.P.D. officers from taking police action solely on the basis of a suspect's immigration status. It was reported in the Los Angeles Times (April 11, 2007) that veteran officers "supported change" in the 30 year old policy. Columnist Jack Dunphy, writing for the National Review (April 21, 2008), was more direct, "Regardless of the specifics of Special Order 40 and other L.A.P.D. regulations, officers on the streets in Los Angeles know that illegal immigration is the third rail of local politics: touch it and you're dead. Los Angeles Mayor Antonio Villaraigosa has made it abundantly clear that his sympathies are with illegal immigrants. He has participated in immigrant rights marches, and he recently wrote to ICE officials and asked them to halt their raids on Los Angeles businesses that employ illegal aliens. And the mayor's sympathies are shared, either through actual conviction or more careerism, by the command structure of the L.A.P.D." Despite political pressure, law enforcement's responses to sanctuary and the questions raised by illegal immigration must be well thought out and deliberate. These polarizing subjects have future implications for police that will certainly test and challenge our resolve.

A Glimpse of the Future

Increased open hostility toward undocumented workers residing in sanctuary cities is a portent of the future. Communities impacted directly by the sanctuary issue such as Simi Valley, California, San Francisco, California and Chicago, Illinois have residents speaking out who genuinely believe law enforcement's response to this matter is less than adequate.

For example, in San Francisco, after the murders of three innocent family members by an undocumented gang member, citizens protested outside of City Hall against San Francisco's designation as a sanctuary city (Los Angeles Times, July 31, 2008). According to the Associated Press, the defendant in this case had been arrested three times before the murders and avoided deportation because of San Francisco's sanctuary status (from www.msnbc.com). This 20 year old policy prevented the defendant, twice convicted of felonies as a juvenile, from being turned over to federal immigration authorities and deported (Los Angeles Times, July 31, 2008). Police agencies around the nation are being drawn into the sanctuary debate. What should be their response?

The first suggestion is to recognize and acknowledge the connection between illegal immigration and the New Sanctuary Movement. Columnist Pilar Marrero illustrates the point in the Spanish language newspaper, La Opinion. In the May 9, 2007 issue, Ms. Marrero wrote "Sanctuary has its place in the immigration reform movement". Sanctuary and immigration reform are clearly linked and keeping pace with each other.

Next, police executives should appoint a liaison officer to mitigate the myriad of issues that will arise. According to the Simi Valley Police Department, which is actively engaged in this issue, the liaison must maintain a skillful balance between police, the sanctuary provider, residents of the neighborhood and any outside agitators. The primary goal of any department is to remain neutral, while enforcing all laws and keeping the peace. The liaison must ensure that all events are video recorded and that protestors are advised of trespass laws and noise ordinances. In California, groups such as Save Our State and No More Invasion have protested vigorously against sanctuaries and illegal immigrants. They aggressively voice their point of view while using bull horns, signs, flags and demonstrators (www.nomoreinvasion.com).

Next, local law enforcement should develop a working relationship with Immigration, Customs and Enforcement offices in their areas. Potential problems in the community can be avoided by utilizing ICE agents during regular probation and parole compliance checks. In addition, police executives should meet with a contingent representing the sanctuary/pro-immigration network in their cities and towns. Activists and community organizers should be encouraged to explain their mission and the methods they plan to use to accomplish their goals.

Another suggestion is to improve, if necessary, relationships with local, state and federal politicians. An open discourse with district politicians will provide law enforcement officials with opportunities to be a part of the process. Police concerns can be voiced in a broad forum and equitable solutions can be achieved through unified and mutually beneficial efforts.

Conclusion

Police managers should be aware that these issues are not limited to Hispanic immigrants from Mexico and Central America. U.S. churches are currently providing sanctuary to Haitians, Chinese and Eastern Europeans who otherwise face deportation. The New Sanctuary Movement has representation in every major American city (from www.newsanctuarymovement.com). Law enforcement must approach the latest socio-political challenge with the utmost planning and professionalism. Executives may want to revisit their established strategic plans. Quality of life issues, including sanctuary should be included in the strategic plan and reflect input from a wide variety of community, government and employee stakeholders. Also, the quality of police services must remain professional and pro-active. In that context, appropriate training modalities are imperative in departments impacted by these issues. Especially critical is the training of rank and file employees and their front line supervisors. Training should include verbal and non-verbal communication skills, legal updates, the penal code and applicable case laws.

The events outlined in this article are not happening in a vacuum. Major newspapers and national magazines, as well as Internet web-sites are documenting the activities of the sanctuary movement. Both advocates and opponents are promoting and defending their positions in cyberspace. Law enforcement professionals have time to prepare their respective organizations for any and all future developments ranging from street demonstrations to the occupation of local churches.

The New Sanctuary Movement, if left to its own devices, will pursue their ultimate goal: comprehensive immigration reform. Until that is achieved the movement will continue to challenge Federal, State and local laws by providing sanctuary to immigrants facing deportation. Along the way, sanctuary advocates will work diligently to influence public opinion in their favor, while anti-sanctuary and anti-immigration sentiment fulminates among grass roots organizations (from www.saveourstate.org). In the career of a law enforcement professional, encountering the sanctuary movement can be frustrating, as well as rewarding. Either way it is a challenge and an “issue for the ages”.

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