

# VIRGINIA ALLIANCE FOR SENSIBLE COMMUNITY POLICING EFFORTS

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September 18, 2007

The Honorable Ken Stolle  
Chair, Illegal Immigration Task Force  
State Crime Commission  
General Assembly Building  
910 Capitol Street, Suite 915  
Richmond, VA 23219

Dear Senator Stolle:

We are writing to you as representatives of organizations that participate in VA-SCOPE (The Virginia Alliance for Sensible Community Policing Efforts). Since it was formed in 2004, VA-SCOPE has functioned as an alliance of organizations and individuals concerned about preserving trust between local law enforcement and the immigrant communities of Virginia. VA-SCOPE members believe that expanding the scope of state and local enforcement to include the enforcement of civil violations of federal immigration law is bad public policy and would undermine that vital trust.

We understand that the Crime Commission Task Force, which you chair, is considering a number of proposals related to expanding state and local enforcement of federal immigration laws. In that regard, we want to underscore in the strongest possible terms our opposition to amending state laws or negotiating "voluntary" agreements to accept responsibility for what is clearly a federal duty, and one that will result in tremendous local costs and consequences.

We agree that the current immigration system is broken and demands reform that addresses border security and helps us identify and remove criminal aliens from our midst. Turning local police into federal functionaries with immigration enforcement duties under Section 287g of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) of 1996, however, is not the answer to this problem and does not properly prioritize the allocation of limited local law enforcement resources.

State and local police chiefs and law enforcement officers have long sought to keep their activities separate from those of federal immigration officials. They have done so out of a belief that a clear line of separation is essential to public safety. It is axiomatic that when members of immigrant communities, many of whom come from "blended" status families, begin to see state and local police as deportation agents, they stop reporting crimes and assisting in investigations. This will impact negatively the quality of life and safety and security of all Virginians.

While we remain resolutely opposed to efforts to devolve federal law enforcement responsibilities to the states and localities, and caution the Task Force to take full account of all the costs and consequences that would follow from accepting such an unfunded mandate, we understand that the Task Force will be evaluating a number of proposals to move Virginia in that direction. Accordingly, we offer the following as principles that should guide the Task Force's consideration of any such proposals:

\*The Virginia Alliance for Sensible Community Policing Efforts (VA-SCOPE) was formed in 2004 as an alliance of organizations and individuals concerned about preserving trust between local law enforcement and the immigrant communities of Virginia. VA-SCOPE members believe that expanding the scope of state and local law enforcement to include the enforcement of civil violations of federal immigration law is bad public policy and would undermine that vital trust. To join VA-SCOPE, please contact Anne Sidwell at [anne@tahirih.org](mailto:anne@tahirih.org).

- 1) Any proposal to expand state or local enforcement of federal immigration laws must, as a first priority, expressly respect and protect the confidentiality of the immigration status of all crime victims and witnesses by prohibiting inquiry into that status. This confidentiality provision should be codified in legislation applicable uniformly statewide that also requires the state and each local government to train its law enforcement and other government agents to understand and comply with the provision, as well as to conduct outreach to educate the immigrant community about the provision.
- 2) Any proposal to expand state or local enforcement of federal immigration laws must, as an equal priority, also provide for the collection and reporting of racial and ethnic data regarding persons stopped, detained, arrested and/or convicted so that the program can be monitored and an informed assessment made regarding any possible racial or ethnic bias. In addition, a proposal to expand state or local enforcement of federal immigration laws must include specific requirements for complaint procedures and monitoring.
- 3) Any proposal to expand state or local enforcement of federal immigration laws must establish uniform statewide standards that limit 287g agreements to correctional facilities and to post-conviction inquiries only. If state or local task force-type agreements are authorized, they, too, should be subject to uniform statewide standards that strictly limit such agreements to enforcement of immigration laws only in the context of an ongoing criminal investigation involving a specified list of crimes. Under no circumstances should state law permit any state or local law enforcement officer to be engaged in unlimited enforcement of civil immigration laws against persons who have not committed a criminal act under state or local law.
- 4) Any 287g agreement that is authorized by the legislature or signed by a state or local official should be required to include all of the following:
  - a. A finite duration with a sunset date.
  - b. A required process of review before renewal that affords an opportunity for community input regarding the implementation and effectiveness of the agreement.
  - c. Limited applicability to specifically designated officers who are well trained and clearly differentiated from officers who engage in community policing activities.
  - d. Limited authority for the designated officers clearly delineated.
  - e. Clear guidelines defining circumstances in which those designated officers can detain someone on an immigration violation.

We urge the Task Force to be especially careful and deliberate as it considers this issue. Please ensure that your decisions are guided by fact and common sense rather than fear and uninformed rhetoric. Already we are witnessing an alarming surge in hate-motivated harassment and violence, including the brutal murder of a Prince William County father of three by teens who boasted that they set out that day to “get a Mexican.”

With its forthcoming report, the Task Force is uniquely positioned with the power – and the responsibility – to promote public safety for all Virginians. It remains our fundamental and firmly held belief that state and local law enforcement of civil violations of federal immigration law is bad public policy under any circumstances. Without statewide uniformity and clear limits on authority, it will become a nightmare that seriously jeopardizes the safety and security of all Virginians and our communities.

Thank you very much for your thoughtful consideration of our concerns and recommendations.

Very truly yours,

Asian Pacific Islander Domestic Violence Resource Project (DVRP)  
AYUDA  
Boat People SOS  
Central American Resource Center (CARECEN)  
Center for Multicultural Human Services  
Church of the Incarnation  
Barrios Unidos, Virginia Chapter  
El Pueblo Unido  
Foundation for Appropriate and Immediate Temporary Help (FAITH)  
Hispanics Against Child Abuse and Neglect, Inc. (H.A.C.A.N.)  
Hispanic Bar Association of Virginia  
Hispanic Community Dialogue Organization  
Hispanic Leadership Forum  
Hispanic Outreach Leadership Action  
Just Neighbors  
Korean Community Service Center  
Making A Difference Foundation Hispanic Outreach Programs  
Mexican American Legal Defense and Education Fund (MALDEF) Southeast Regional Office  
Multicultural Alliance of Virginia  
Muslim American Society (MAS) Freedom  
National Capital Immigration Coalition  
National Latino Peace Officers Association, Virginia State Chapter to the letter  
Politica Empowerment of Hampton Roads  
Project Hope & Harmony  
Refugee and Immigration Services  
Reston Interfaith, Inc.  
Roman Catholic Church of the Incarnation – Hispanic Ministry  
Shirlington Employment and Education and Center  
Tahirih Justice Center  
Unity in the Community  
Virginia Coalition of Latino Organizations  
Virginia Justice Center  
Virginia Muslim Coalition for Public Affairs  
Virginia Muslim Political Action Committee  
Virginia Organizing Project

cc: Members of the Crime Commission Task Force on Illegal Immigration