

WALL STREET JOURNAL

Police Officials Are Wary of Bigger Role in Immigration Enforcement

President Trump's executive order authorizing detention of illegal immigrants who aren't violent criminals has many police chiefs worried about resources

Zusha Elinson and Shibani Mahtani

January 31, 2017

National police groups are split over President Trump's plan to compel local law-enforcement agencies to help enforce federal immigration law, days after he signed an order to cut off federal funds to cities that shelter illegal immigrants.

Police chiefs from the nation's big cities largely opposed the plan. However, sheriffs—who are typically elected officials responsible for running jail systems—tended to favor the plan.

Many police chiefs worry that enforcing immigration policy will take them away from their primary mission to prevent and investigate violent crime, and make immigrants less likely to report crimes.

“The key concern is if police become involved with day-to-day immigration enforcement that the people who are here illegally will not in fact call the police. They'll be afraid that basically sets them up to be victimized,” said Darrel Stephens, executive director of the Major Cities Chiefs Association, which represents chiefs from 68 of the country's largest cities.

Mr. Trump's order, issued earlier this week, includes cutting off funding to sanctuary cities that don't cooperate with federal immigration enforcement. And it calls on the federal government to authorize local law-enforcement to help enforce immigration law.

The order expands the definition of a criminal alien, allowing local law-enforcement to jail anyone who has crossed the border illegally, rather than just violent criminals, and to end the practice of “catch and release,” where undocumented immigrants arrested for immigration violations are released back into their communities. A separate order calls for hiring more border patrol agents.

The country's sheriffs, as well as some of the country's largest police unions, voiced approval of the plans.

In Louisiana, St. Charles Parish Sheriff Greg Champagne, the president of the National Sheriffs Association, said sheriffs are “enthused and encouraged” by the plan to hire more border patrol agents, because “a lot of the burden of illegal immigration has fallen to the sheriffs,” especially along the border, he said.

“We cannot just ignore illegal immigration,” he said, adding that he supports Mr. Trump’s plans broadly, but was still digesting the details.

It isn’t unusual for big city police chiefs, many who work for Democratic mayors, and sheriffs, many who are elected by conservative rural voters, to be at odds over immigration and a host of other issues.

Such tension has produced a standoff in Travis County, Texas, where the Republican governor is threatening to oust the Democratic sheriff over her refusal to detain undocumented immigrants in local jails on behalf of the federal government.

In Florida, the Miami-Dade County mayor ordered local jails to comply with federal requests to detain immigrants, citing Mr. Trump’s crack down on sanctuary cities.

An executive order signed by Mr. Trump says “many aliens who illegally enter the United States and those who overstay or otherwise violate the terms of their visas present a significant threat to national security and public safety.”

However, several studies have shown that newly arrived immigrants are less likely to commit crimes or to be incarcerated, according to the Cato Institute, a libertarian think tank.

“There is no empirical evidence that illegal immigrants are a disproportionate criminal threat,” said Alex Nowrasteh, immigration policy director at the Cato Institute.

Analyzing the American Community Survey from 2014, Mr. Nowrasteh found that undocumented immigrants are less likely to be incarcerated than people born in the U.S.

William Johnson, executive director of the National Association of Police Organizations, which represents about 240,000 officers, said the incarceration rate isn’t the issue: “You can say that illegal immigrants don’t commit crimes at higher rates—yeah, but they’re not supposed to be here in the first place.”

Mr. Johnson said he does believe Trump’s plans will put undue burden on police officers: “He is not asking local law-enforcement to set up a dragnet to check immigration status,” but rather report them to the federal government if they have reason to after an arrest or during an investigation.

Still, police chiefs around the country are pushing back against the notion that they should be enforcing federal immigration law beyond what is already required. Under the priority enforcement program, they have focused their deportation efforts on undocumented immigrants convicted of serious crimes, including murder, rape and gang activity, or who are considered a national security threat.

Tom Manger, police chief of Montgomery County, Md. and president of the Major Cities Chiefs Association, said the group has asked for a meeting with the Secretary of Homeland Security to discuss the plans and their impact. The exact mandate of the orders remains unclear to many chiefs across the country, he said.

“We want to talk about and ask what does this really look like and the impact it will have on local police,” he said. “We are not trying to turn our backs on our federal partners. Our interest is in keeping our communities safe.”

The order calls for the priority enforcement program to be eliminated and go back to an old policy of reporting undocumented immigrants arrested for any reason to the federal government, law enforcement officials said.

Police chiefs from small towns point out that they don’t have the resources to take on additional immigration tasks in addition to their primary responsibility of upholding city and state laws, responding to 911 calls and targeting crime.

“We are a small police department that is very busy and doesn’t have the resources to take on extra tasks,” said Mike Tupper, chief of police in Marshalltown, Iowa, a town with less than 30,000 people, an estimated 35% of which are minorities.

The department there is “not trying to protect criminals [or] keep violent offenders in our community, but when we start implementing blanket policies, it makes it more difficult for me to do my job here and it’s not going to keep my community any safer,” he said, adding that the order was “a step backward.”

Among the most fervent of Mr. Trump’s supporters is Milwaukee sheriff David Clarke, who frequently appears on television interviews and tweets messages in support of the president and his policies. In response to the executive order, he tweeted a photo of himself shaking hands with Mr. Trump, adding that U.S. citizens won’t be “victimized at will and with impunity by illegal aliens. Catch and release is over.”

A spokeswoman for Sheriff Clarke said he would be writing opinion pieces in various publications supporting the new order.

But Los Angeles County Sheriff Jim McDonnell, who runs the nation’s largest sheriff’s department, said the executive order won’t change how his department does business.

“Our department policy clearly states that our deputies do not ask for one’s immigration status,” he said. “Immigration enforcement remains a federal responsibility.”