

Testimony of
J. Thomas Manger

April 30, 2009

Testimony of Police Chief J. Thomas Manger Montgomery County [Maryland] Department of Police Chairman, Major Cities Chiefs Association's Legislative Committee

Senate Judiciary Subcommittee on Immigration hearing "Comprehensive Immigration Reform in 2009, Can We Do It and How?" Thursday 04/30/2009

Mr. Chairman, members of the Committee ...

Thank you for allowing me to speak on the compelling need for comprehensive immigration reform. I am speaking on behalf of the Major Cities Chiefs Association, which is comprised of the 56 largest police departments in the United States.

Let me begin by stating unequivocally that our failure to secure our borders has resulted in significant consequences for local governments. And while I am here to focus on the impacts to local law enforcement, it is important to keep in mind the overwhelming impact it has had on local school systems as well as health & human services agencies. Education, social services and health care are all impacted as much if not more than public safety.

With regard to the role immigration issues play within the law-enforcement community, I will focus my comments primarily on illegal immigration and the consequences of having millions of undocumented residents living in our cities and towns.

The first thing that any police chief would want you to know is that all individuals--regardless of citizenship--are entitled to basic rights and privileges set forth in common law, state and federal law, and the Constitution of the United States. In addition, all foreign nationals, whether here documented or not, are protected by the Vienna Convention and other international laws.

Indeed, every police chief in this nation would, I hope, tell you that all persons--regardless of citizenship--have a right to expect police service and protection whenever they need it. And herein lies one of the compelling reasons for comprehensive immigration reform: It is tremendously challenging to deliver police service to a community of people who are afraid to have any contact with the police. The results are an increase in unreported crime, reluctant victims and witnesses, and the targeting of immigrants by criminals because the bad guys know that many immigrants will not call the police. It is imperative that we find a way to bring these people out of the shadows so that they get the service they need and deserve.

In addition to the over-representation of our immigrant population as crime victims, the presence of large numbers of undocumented residents adds significantly to local government budgets and increases the workload for public safety. Let me

highlight where my officers' duties have been affected:

1. First, an increase in gang activity. Each one of us, in our youth, wanted to feel as though we were a part of something and we were among people who cared about us. For many of us, sports and recreation, church, school and family fulfilled those needs. But for a 13-year-old boy thrown into a school and a neighborhood where he knows no one, unable to speak English, little or no parental involvement because the parents work three jobs and still can't make ends meet ... criminal street gangs offer that boy everything he wants. Again, allowing that family to come out of the shadows gives that boy access to more opportunities and healthier choices. Police are also struggling with a rise in the crimes of identity theft and other types of fraud. Until just three weeks ago, when the Maryland General Assembly changed the law, Maryland did not require proof of citizenship before issuing a driver's license.

Consequently, undocumented residents came from all over the East Coast, submitted fraudulent information and obtained a Maryland driver's license.

Police departments are also seeing an increase in human-trafficking cases, hate crimes, and cases involving unscrupulous employers not paying day laborers. Many categories of crimes would be favorably impacted by immigration reform.

Perhaps the most significant reason to enact comprehensive immigration reform is to allow police departments all over this nation to get out from being placed squarely in the middle of a huge problem that with which we have little to no control over the solution.

The number of undocumented residents has grown tremendously over the past 15 years. In fact, 15 years ago, outside of a few border cities, I doubt any police chief would have mentioned illegal immigration as even an issue. Today, illegal immigration has affected our budgets, our workload, and most significantly our trust and confidence levels with the community.

Police find themselves trying to respond to pressures from the community and elected officials who have extremely diverse viewpoints on the police department's role in enforcing immigration law. Nowhere is this challenge more acute than in this country's largest urban settings. This issue has polarized our communities.

Municipalities have chosen a range of approaches: some are proud to be a "sanctuary jurisdiction." Not only does local law enforcement not inquire about anyone's immigration status but some jurisdictions also will not honor nor serve warrants from the Immigration and Customs Enforcement agency. On the other end of the spectrum, some jurisdictions have adopted policies that prohibit government services going to undocumented individuals, and also have elected to participate in the federal 287(g) training.

Most jurisdictions have adopted policies somewhere between the two approaches I just described.

The overwhelming majority of major-city police agencies have elected not to participate in 287(g) training. In fact, the last figures I've seen indicate that over 95% of police and sheriffs departments in the U.S. have elected not to participate in the 287(g) training-- primarily because

it undermines the trust and cooperation with immigrant communities that are essential elements of community policing. We need to have strong policies that take into full account the realities of local law enforcement. One of those realities is that public safety increases when people have trust and confidence in their police department. Delivering fair and consistent police service to all crime victims has to be a priority.

1. A second reason that most jurisdictions are not taking the 287(g) training is that local agencies do not possess adequate resources to enforce these laws in addition to the added responsibility of Homeland Security. Enforcing federal law is an unfunded mandate that most agencies just cannot afford to do.

2. Third, immigration laws are very complex and the training required to understand them would significantly detract from the core mission of the local police to create safe communities.

Prior to a few years ago, enforcing immigration law was solely a federal responsibility. It was a specialty like the IRS and tax law. If the federal government comes to the conclusion some day that too many people are tax evaders, will the solution be to authorize local police to enforce tax laws? It is contrary to our mission.

The bottom line remains: local law enforcement needs to work closely with all of our federal partners ... but we cannot do their job for them.