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## POLICING IMMIGRANT COMMUNITIES IN THE UNITED STATES

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#### ARST

Purpose — This chapter examines some of the dilemmas involved policing immigrant communities.

Methodology – The chapter is based upon the relatively limited research literature on policing immigrant communities, an ongoing review of the contemporary dynamics of this issue in cities and states using the Internet, and original research in Chicago where a large and rapidly growing immigrant Latino community offers examples of most of the observations made by others.

Findings - The chapter first examines some of the barriers limiting the ability of local police to work effectively in heavily immigrant areas. It then describes how these barriers are exacerbated by the presumed presence of significant concentrations of unauthorized migrants as well as legal residents. Demands that local police in the United States become more involved in enforcing immigration laws have become a point of great contention because this involvement runs at cross-purposes with community policing and other strategies to engage more closely with the community.

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Research implications – The magnitude of this conflict is illustrated by current debate over "sanctuary cities." These are communities where local officials have resisted the enforcement priorities of the federal government, and have continued to emphasize the role of the police in serving all residents.

white population in size, and the latter is shrinking while the number of of immigrants from Mexico. My estimate is that they now equal the city's not. Even in cold and windy Chicago, there has been a huge, recent surge Latinos continues to expand (Skogan, 2006b). immigration, places that once were quite homogeneous now find they are North Carolina, Nevada, and Arkansas (Passel, 2006). As a result of this percentage increases in the immigrant community were in places like Iowa, of New York City was foreign born. However, in the 2000s the largest centrated in big cities, and in 2000 almost 40 percent of the population (Larsen, 2004). Traditionally, immigrants to the United States have con-America, and more than 50 percent arrived in the United States since 1990 Overall, more than half of all immigrants came originally from Latin students and temporary workers, while the remainder are unauthorized 40 percent are permanent resident aliens, officially admitted refugees, and of the United States. Only about 11.5 million of them are citizens; another 21st Century. Currently there are about 37 million foreign-born residents communities. Immigration is certainly one of the biggest stories of the early This chapter examines some of the dilemmas involved in policing immigran

The chapter first describes some of the barriers limiting the ability of local police to work effectively in heavily immigrant areas. Another section notes that these barriers to effective policing are exacerbated when immigrant communities are thought to harbor significant concentrations of unauthorized migrants as well as legal residents. The numbers involved are very large. It is estimated – these figures are perhaps the most unreliable issued by any reliable source – that in 2006 there were 12 million unauthorized migrants living in the United States. They thus totaled almost one-third of the total foreign-born population. During the 2000s, the unauthorized population has been showing a net increase of about 500,000–800,000 persons per year (Passel, 2006).

Demands that local police in the United States become more involved in enforcing immigration laws in order to counter this trend have become a point of great contention because this involvement runs at cross-purposes with community policing and other strategies to engage more closely with

the community. The depth of this conflict is illustrated with a discussion of the "sanctuary city" movement. These are cities and towns where local officials have pushed back against the enforcement priorities of the federal government, and even the demands of their state legislatures, and have continued to emphasize the role of the police in serving all residents.

The chapter is based upon my reading of the relatively limited research literature on policing immigrant communities, plus an ongoing review of the dynamics of this issue in cities and states using the Internet. However, my firmest ground is my research in Chicago, where a large and rapidly growing immigrant Latino community offers examples of most of the observations made by others. As Latinos make up the bulk of America's recent immigrants, and as a group they have now passed African Americans to become our second-largest distinctive racial grouping, their fate is of particular interest.

# BARRIERS TO POLICING IMMIGRANT COMMUNITIES

There are distinctive barriers to police-community collaboration in immigrant areas. Among these barriers is certainly language, and the powerlessness that goes with it among people who cannot communicate with police. But so are the views of the police that many immigrants bring with them, and their lack of knowledge of how to address police and the criminal justice system. For awhile, at least, their earlier experiences can continue to affect their views of the police. Refugees from many countries come in part because of endemic corruption, violence, abuse, and incompetence among the police. In Chicago, Spanish-speaking residents report very troubled relations with the police. Compared even to African Americans, they believe them to be brutal and corrupt. When it comes to fear of police brutality, a Latino community leader put it this way:

Latinos that arrive from their own country are petrified of the police because of the treatment they used to receive in their homeland. Both the Latinos and the Polish are afraid of the police, and this inhibits any relationship-building that could take place. (Skogan & Steiner, 2004, p. 119)

There is also an expectation that police are corrupt. A community outreach worker for a health care institution in a port-of-entry beat observed:

Culturally we [Mexicans] don't ask anything from the police. They [the police] are corrupt in Mexico, as bad as thieves. We bring this assumption over and believe the police are part of the problem, not the solution. (Skogan & Steiner, 2004, p. 119)

A priest serving the area noted, "In Mexico people pay bribes or 'mordidas' to the police. Here [in the United States] personal relationships [with the police] and bribes do not matter." (The Spanish word "mordida" literally translates as "bite," but in Mexico it also means "payoff.") Another priest thought that most people do not trust the police:

Residents think that the police are in the same league with drug dealers and gangs. Residents cannot speak due to fear of retaliation. Whenever there's a police scandal people say, 'See!' (Skogan & Steiner 2004, p. 119)

A third priest noted, "In Mexico the police abuse people, and they are thieves. Mexicans who come here think the police here are the same. The police suffer because of this ignorance" (Skogan & Steiner, 2004, p. 119).

corruption problems among the police. My view is that this largely experiences with local police that are distinctively worse than, for example, views. I have no reason to think that Chicago's recent immigrants have had was a big problem in their neighborhood, and twice as likely to suspect and 1990s, unauthorized Polish migrants came to the city in significant working in the city's large Polish-speaking community. During the 1980s problems. A band of Polish-speaking Chicago police officers was caught by the city's African Americans (Skogan, 2006a). But sometimes there are Hispanics who are Chicago born have very different and more positive represents a cultural remnant of their experience in Mexico, for similar Americans or even English-speaking Latinos to think that excessive force issuing them a traffic summons or making an arrest. made pretextual traffic stops and then collected cash on the spot for not largely invisible. Corrupt officers taking advantage of their vulnerability places where they could find housing, work, and social life while staying visas. They settled in one or the other of two large Polish-speaking enclaves, numbers, entering illegally through Canada after arriving there with tourist the FBI extorting money from unauthorized migrants who were living and In our surveys, Spanish-speaking Latinos were twice as likely as African

The problem is that police need the trust and cooperation of the community in order to do their job effectively. Police rely on the willingness of victims and bystanders to cooperate with their investigations. To gain this cooperation, police need to remain in close and trusted contact with residents. As one California police chief put it, with regard to immigration enforcement, "It's crucial that the police department draws the line very clearly. We need the help of those people that are victims or witnesses so that we can solve crimes. We don't want them to be afraid of us" (Rodriguez, 2008, p. 1). Beginning especially in the 1990s, police in the

United States and the UK began to invest heavily in community policing, and they knew that doing this effectively was particularly important – if particularly difficult – in immigrant areas. There they have the problem of gaining the trust and legitimacy they need to be effective, for the first time.

engagement and via special arrangements for reaching out to immigrant ment executives and commanders of units serving neighborhoods where with our homegrown Nation of Islam. The sessions involved top departengage in a dialogue with key individuals with influence in the community, groups. For example, police could come to know community leaders and also described briefly in Ramirez, O'Connell, & Zafar (2005).] and airport security personnel. [I participated in these forums, which are as did representatives of the (then) Immigration and Naturalization Service their constituents are concentrated. The FBI's field office director attended, in Chicago). Conservative and Hasidic Jews were also represented, along ranged from Hindus and Muslims to Sikhs and Arabs (mainly Palestinians, representing a diverse group of ethnic and religious leaders. The participants "multicultural forums" bringing together representatives of organizations who in turn could mediate between them and ordinary residents. local communities, through the regular channels that they opened for civic promised to make police more responsive to the particular issues facing tactics to engage with immigrant communities. Community policing Immediately following 9/11, Chicago's chief of police began holding Around the United States, police departments have tried a number of

One of the first recommendations of this forum was that Chicago police develop training videos for line officers that describe the distinctive features of groups that could affect their relations with the police. Within a year, 10 high-quality DVDs had been produced, each focusing on a particular religious or ethnic group, and they are now being distributed nationally. Several DVDs featured proud members of the forum. This is but one example of approaches to providing officers with cultural awareness training, ideally using materials incorporating the local community.

Using their community policing strategies, police hope to involve residents in programs, and further educate them regarding their rights and obligations. In Chicago's plan, beat meetings are the most important mechanism for building and sustaining close relationships between police and the public. Police beats are the department's smallest administrative unit: there are 280 beats, and on average about 250 meetings are held each month involving about 6,700 residents. An informational campaign and a community organizing staff work in the background to boost attendance. However, program recognition has always been lowest among Latinos,

and it is very low among Spanish-speakers. Given their crime and disorder problems, Latinos do not turn out in expected numbers, and they are particularly under-represented at meetings in racially diverse areas. The Hispanic community lacks loyal participants who keep coming back and get involved in neighborhood projects. In terms of their views of the police, while they stood between whites and African Americans on some attitudinal measures, Latinos are noticeably more critical than the city's white residents (Skogan, 2006b).

Recruitment and language training are also commonly discussed approaches to engaging immigrant communities. For many of Chicago's Latinos, a police career would constitute upward social mobility, and since 1990, almost 20 percent of the police officers hired in Chicago have been of Hispanic heritage. However, for many Asians, joining the police force would generally be seen as a downward status move, and hiring them has proven much more difficult. Their representatives estimate that 30–40 Arab Americans serve on the Chicago Police Department (Ramirez et al., 2005). Language is of course a significant problem, for many poor recent immigrants know little English and most police officers know little else. An exception again may be Spanish because of the large number of second-generation or more Hispanic residents of America's big cities. In Chicago, the city's emergency communication system is staffed to handle foreign-language calls in many languages, and the Chicago Police Department itself has more than 800 certified Spanish-speaking officers.

## POLICING IMMIGRATION

However, such efforts to build trust and cooperation face contrary demands on the police, demands imposed by a responsibility for enforcing immigration laws in the same communities. In our field work in Chicago, many people mentioned the divide that immigration enforcement creates between the police and community residents. Their most elemental concern was fear that contact with the police would somehow threaten their status in the United States. As a local priest put it:

In Pilsen [a predominately Mexican community], people confuse police with "la migra," or Immigration [officials]. Residents of Pilsen are afraid that the police will ask for their papers like they do in Mexico when drivers get pulled over. Hence, another obstacle is the fear of police. The biggest obstacle to participation [in community policing] is not a language barrier, but where the person was born. Long-time residents of Chicago learn the system. They're not too afraid of culture and not afraid of the police. Undocumented

children may know English but are still afraid. It doesn't mean police are bad. People are afraid of the uniform. For effective community and police relationships residents must know that the police are not seeking to deport them. We tell people in church that you don't have to answer questions about immigration [when you get pulled over]. (Skogan & Steiner, 2004, p. 121)

The growth of the Latino community in Chicago, with all of its attendant problems, is driven by conditions in Mexico, and this fact in turn determines the fears and concerns of those who come there. Undocumented immigrants in particular flock to the huge new Spanish-speaking barrios that have emerged because there they can find work and keep a low profile. Their numbers are unknown, but everyone we talked to knew they are there.

Unauthorized migration presents some tricky legal issues that turn out to be politically and organizationally important to the police. The act of entering the United States illegally is a federal crime (a minor crime, a misdemeanor, for the first offense), but one has to be "caught in the act" (broadly speaking) for it to apply. Being in the country without legal status is a civil rather than a criminal violation, and is not a violation of federal criminal law. Visa overstayers, who constitute perhaps 40 percent of unauthorized immigrants, came into the country legally, so this particularly applies to them. However, those illegally present can be ordered to appear before a deportation officer, who can expel them following a civil hearing.

Of course, the realities of life as an undocumented migrant lead to additional legal vulnerabilities. Following a large-scale raid on a food processing facility in May 2008, many unauthorized workers were found to be in possession of counterfeit or fraudulently obtained documentation, including false social security numbers, that they might need to get work. Plant managers had arranged for them to purchase automobiles without any paperwork (Preston, 2008). Across most of the United States it is necessary to have an automobile to get to work, so driving without a proper license – and therefore almost certainly without insurance – is another reality of life. These violations provide local police a legal opportunity to investigate the background of persons they have arrested – if they choose to use it – and only later get involved with federal authorities.

Until April 2002, a long-standing policy of the federal Department of Justice prohibited local enforcement of civil immigration violations, except in very limited circumstances. State and local police were not empowered to arrest and detain violators; this was seen as the special responsibility of the (then) Immigration and Naturalization Service. Then, the Bush administration's Office of Legal Counsel reconsidered the matter, and issued a memorandum arguing that local law enforcement officials have "inherent"

authority to make arrests for civil immigration violations. In turn, they adopted a series of strategies aimed at expanding the role of local police in immigration law enforcement.

Strategies for getting local police actually involved in doing so have followed two tracks. The first is a series of measures giving local law enforcement officials the authority to identify and begin the process of deporting unauthorized migrants. Currently, the principal vehicle for this is the 287(g) clause of the federal Illegal Immigration Reform and Immigrant Responsibility Act. Under this legislation, state and municipal law enforcement agencies can sign agreements with the US Department of Homeland Security that allow local officers to perform immigration law enforcement functions, including using federal databases to check the immigration status of individuals, and to begin processing them for a deportation hearing. The 287(g) program was created by an immigration reform act in 1996, but was not implemented until a change in administration in 2002.

much less use than anticipated, leading a prominent police leader to speculate that officers and departments have not brought into the program 2008, p. 1). The federal database housing its terrorist watch list has seen opinion is the federal authorities are not going to implement it all" (Horan, of money. In May 2008, the disappointed mayor of a suburb near Chicago Conference of State Legislatures warned that the program was running out were actually being enrolled. An April 2008 report by the National the program was underfunded and cumbersome, and not many new cities city councils had approved the participation of their police departments, but (Johnson, 2008). that had applied to the program lamented, "It's dead. My own personal Arizona, and suburban Los Angeles County (but not the City of mid-sized cities. Only two large departments were involved, Phoenix, Enforcement (ICE) and local police agencies, many of them in smaller and were only 47 active partnerships between US Immigration and Customs Los Angeles) (US Immigration and Customs Enforcement, 2008). Other The program has not been sweeping the nation. In Spring 2008, there

The federal government's second strategic initiative is a list of incentives and inducements offered to local police agencies and even individual police officers, in order to encourage them to become more proactive in enforcing immigration statutes. In a federal system, local compliance with the national agenda is not automatic. In fact, it was reaffirmed in a noted legal case, City of New York vs. The United States of America (179 F. 3rd 29, 2nd Cir. N.Y. 1999), that Congress lacks the power to directly compel the states to require or prohibit acts that are federal crimes, and Congress may not

directly force states to assume enforcement responsibilities that are vested in the federal government.

One incentive to participate is threatening to withhold federal funds from jurisdictions that do not comply. For example, American states receive a very large amount of federal funding to help pay for prisons, and Congress has threatened to withhold this money unless state legislatures take action to force their cities into line.

To influence the decision-making of individual officers, ICE has loaded the names and identifying information of more than a million suspected unauthorized migrants, including visa overstayers and other civil law violators, into the national database routinely searched by local police when they make traffic stops. When police make a traffic stop, regardless of the seriousness of the incident the computer search they make now signals them to place an "immigration hold" on individuals who are included in the database. This bypasses their supervisors directly, placing responsibility on individual officers whether or not to hold on to someone the federal government is looking for. The immigration hold can be difficult to overlook (McDonald, 2004). Within the police, they see immigration statutes as a tool giving them additional leverage over wrongdoers, and an individual officer is unlikely to be punished for going along with a federal law enforcement request.

But this kind of proactive immigration enforcement runs against other policy agendas. For example, in the past decade, American police have paid a very significant political price for the revelation that what is known as "racial profiling" was routine practice in many communities. Concern about racial profiling emerged first out of concern among middle-class African Americans that "driving while black" in their nice new cars had become a de facto reason for suspicion among police, and that they were getting stopped too frequently (Gates, 1995).

The price the American police paid for the revelation that they were routinely engaging in racial profiling included payouts resulting from law suits. Of more concern to them was the imposition of new data collection requirements by many state legislatures, which put their practices under new public scrutiny. Demands that they get involved in more aggressive immigration enforcement threatens to reopen the same wound in a new context, except now there is heightened public and media awareness of racial profiling, redoubling the risks involved in getting behind the federal agenda.

And, of course, if local police visibly join the ranks of immigration enforcement officials, residents of immigrant communities may just stop talking to them. As one police chief under fire for not being more proactively

involved in immigration enforcement put it, "Community policing efforts will end." Noting that it was "...based on the trust between the public and the police," he predicted "...a sharp rise in unsolved crime and the underreporting of crime by minority populations" (Deane, 2007, p. 6). Rumors of new enforcement efforts can terrify residents of concentrated immigrant neighborhoods, especially in linguistically isolated communities cut off from mass media. Shifting responsibility for enforcing immigration laws to cities and the states puts at risk the two-decade investment that they have made in community policing and trust building.

### SANCTUARY CITIES

As a result of these conflicting agendas, there was discord between Bush administration officials and the mayors and police chiefs in many cities over immigration enforcement. The debate over immigration enforcement has surfaced a list of places that have become known as "sanctuary cities," because – it is claimed – local policies and practices run against the demands of the federal government.

communities from hate crime, and other forms of backlash. to interview thousands of immigrant Muslim men in 2001 and 2002, to quiz victims or people they interview during investigations. When the FBI set out arrests based on immigration holds placed in the national wanted persons about citizenship when they apprehend them for minor traffic offenses or when they arrest them. They frequently prohibit officers from inquiring immigrants about their status or even place of birth, perhaps even supposed sanctuary cities have in common is that their police have been only" requirements on city agencies. When it comes to policing, what health care, and social services. They look for attempts to impose "English-Critics (and supporters) point to city policies regarding access to housing, on broad range of policy issues, only some of which involve the police the sanctuary cities refused to cooperate with the program (US General database. They certainly do not make inquiries about the status of crime documentation over to federal immigration authorities. They do not make misdemeanors. They do not immediately turn people with suspect They do not participate in the 287(g) program. They may not ask apparent instructed to make enforcement of immigration laws a very low priority Accounting Office, 2003). They do work hard at protecting immigrant them about possible connections with terrorist groups, police in some of What makes a "sanctuary city"? Cities get the label based on their stances

In order to identify a list of sanctuary cities, I inspected formal written policies, resolutions, ordinances, and administrative actions available on the Internet. Sometimes this is not hard. The city of San Francisco's official Web site posts Mayor Gavin Newsom's "City of Refuge" ordinance prohibiting all city employees from assisting federal authorities with immigration investigations or arrests (San Francisco City Government, 2008). In an April 2008 speech, Mayor Newsom reiterated what the policy means, announcing that "City employees will not report individuals or their immigration status to federal immigration agents" (Newsom, 2008). In 2007, he told a Hispanic church audience, "We are a sanctuary city, make no mistake about it" (Anon, 2007). Other cities are more circumspect, and rely on informal practices rather than officially enunciated policies to achieve the same ends, and I have relied on seemingly reliable quotations of local officials to identify them.

The list of cities that are sanctuaries by some confirmable definition currently includes such well-known cities as San Francisco, Los Angeles, Oakland, San Diego, Detroit, Chicago, Houston, Austin, Minneapolis, St. Paul, Baltimore, Portland (Oregon), Seattle, Newark, New Haven, and Washington, DC. The list is a moving target because of the immense political pressure that is being brought to bear on sanctuaries by state and federal politicians demanding that they get tougher on immigration enforcement. Phoenix's mayor, along with the state's governor, stoutly resisted the aggressive saturation patrols and traffic stops in heavily Hispanic neighborhoods that have been adopted by other cities in the area and by the county's sheriff. However, during 2008 the mayor and governor were forced into steady retreat by the state's conservative legislature and efforts to recall them both from office in the next election (Anon, 2008).

Chicago qualifies as a sanctuary city on many dimensions, ranging from its extensive use of Spanish-language signs and printed materials to its "don't ask, don't tell" approach to qualifying people for health, educational and social services. When it comes to policing, a mayoral executive order protects persons who have not committed a felony from much investigation. The current set of rules is described in the Chicago Police Department's "Procedures for Responding to Incidents Involving Illegal Aliens." It points out that "... enforcement of immigration law rests with the Immigration and Naturalization Service and not with state and local police" (Chicago Police Department, 2002, p. 1). Under the City of Chicago's general rules, all employees, including police, are instructed not to routinely inquire about the citizenship status of persons they deal with. The order for the police observes that "Department member will provide police service to all

persons in the City of Chicago, regardless of their citizenship status." It declares that:

Department members will not [emphasis in the original] stop-and-question, detain, arrest, or place an immigration hold on any person that is not suspected of committing a crime or based solely on the grounds that the person may be an alien subject to deportation. (Chicago Police Department, 2002, p. 3)

Officers are further instructed to not request information about, or otherwise investigate or assist in the investigation of the citizenship or residency status of any person, without explicit statutory or court authorization. Further, their supervisors are not to contact the immigration agency unless an arrestee exhibits some positive signs of being an illegal alien, such as holding a foreign passport but no entry visa (Chicago Police Department, 2002).

These restrictions on police investigations and contact with immigration authorities are widely known among activists and service providers in the Latino community, but they are perhaps not so widely recognized in less sophisticated circles. As a sergeant we interviewed about this issue noted:

The CAPS [community policing] program and Police Department have to do a better job of addressing the fears that many Latino residents have around the issue of immigration. They need to be reminded that they shouldn't fear immigration when dealing with the police. (Skogan and Steiner, 2004, p. 124)

However, in an environment with FBI, Drug Enforcement Administration, federal firearms, and immigration enforcement agents on the streets all the time, the line between them and often plain-clothed city police can be difficult for the public to discern.

Why do cities choose to stick to their own path with regard to immigration enforcement? Mayors and police chiefs mostly talk in public about defending their investment in community policing, and their commitment to engaging with the immigrant community. They voice concern about hidden victimization and crime reporting. As the mayor of Minneapolis put it, "Vulnerable people have always needed to see the police as being there to protect and serve, and that can't happen when the first words out of a cop's mouth are, 'I need to see your papers'" (Keen, 2006). Minneapolis is in a metropolitan area with almost 30,000 Muslim Somali residents, who are concentrated in this unexpected place as a consequence of national refugee resettlement programs. St. Paul, located across the river, received a large contingent of Hmong from Cambodia.

Another reason is politics. Many visible sanctuary cities are home to large legal immigrant populations with significant power on election day.

This is clearly the case in Chicago, where the city's white mayor must maintain the overwhelming support of Latino voters in order to stay in office. If that support should falter, his more numerous African American opponents could – and would – drive him from office. The city's growing Latino population holds the key to political control of the city (Skogan & Hartnett, 1997).

Police leaders also plead that they lack the resources to take on new enforcement priorities. They continue to see their primary responsibility as dealing with local crime and safety issues. Their taxpayers worry mostly about local crime and traffic accidents, incidents that affect their personal safety and quality of life. Their officers are best at enforcing state criminal law. They have no training or experience in dealing with complex immigration matters, and if they make a mistake and mishandle US citizens or legal immigrants, police chiefs fear facing very expensive law suits and political backlash from the media.

enable them to make documentation checks. arrests of "suspected" persons under the most minor circumstances, to on police officers to check driver's identity in all traffic stops, and to make to intense political debate over the issue. Everywhere there is pressure migrants to hold drivers' licenses has dropped, and the remainder are home target of these efforts. The number of states that allow unauthorized the vulnerability of unauthorized migrants to arrest has been a particular when the governor and legislature disagree with city's policies. Enhancing use their control over city finances, by threatening to cut off state funds laws to limit the use of multilingual signs and documents. They also try to plays out. Some state legislatures have intervened in order to forestall for immigrants to find housing. Several states have adopted "English-only" prohibited local governments from issuing identity cards, and strengthened local efforts to mute the impact of immigration enforcement. They have and states also have a role to play in how the politics of sanctuary cities the ability of cities to use zoning and land use regulations to make it difficul However, in the American system, cities are a legal creation of the states,

### CONCLUSION

What will happen, out of all of this? The politics of the situation is very fluid. State legislatures hold a great deal of power over their cities, and they can choose to make life difficult for sanctuaries. The federal government has commingled anti-immigrant with terror-centric politics, raising the political

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