House Local Government Committee
HB 4105, HB 4334
Testimony of Jerry Clayton, Washtenaw County Sheriff
Position: Opposed
June 7, 2017

Thank you for the opportunity to share a few thoughts related to House Bill 4105 and 4334. I share these thoughts from the perspective of a criminal justice professional that has served the people of Washtenaw County and the state of Michigan for 30 years. The last 8.5 as County Sheriff.

Although I have my own personal beliefs and values and it would be disingenuous to assert that those beliefs and values don't influence my policy positions. I have learned over time that my responsibility as a public servant is to avoid giving into my personal ideology when developing or reviewing a policy position. I strive to be thoughtful and deliberate in my evaluation and to seek, find and utilize reliable facts, information and experience when considering issues that have an impact on the organization that I lead and the community that we serve.

That stated, I am troubled by the likely impact on local communities if 4105 and 4334 become law in the state of Michigan.

Most of the police services leaders that I know, recognize the fact that our success addressing crime and creating safe and secure communities occur as a result of having strong and trusting relationships with community members. Police agencies with strong community relationships experience individuals with a greater willingness to report crimes, serve as witnesses and work collaboratively with their police service partners to develop solutions to neighborhood problems that result in the building of strong and sustainable communities. Many of us also realize that the trust and strong relationship that I speak of is often very fragile. Requiring the police agency to continually invest in community engagement and to avoid actions and decisions that create circumstances leading to distrust and separation.

It is my belief that the participation in federal immigration enforcement by local police agencies does tremendous damage to that agencies relationship with the community they are sworn to serve. I am compelled to repeat that I have zero doubt that successfully investigating and solving crimes, as well as successfully preventing crime, occurs as a result of community members sharing information and participating in the "creating public safety" process. This outcome only occurs when the police are seen as "legitimate" by the community members they serve. Even with robust outreach, respectful and professional police officers and community policing/engagement strategies. Real or alleged immigration enforcement activities by local police agencies deplete the "legitimacy" bank.

I am not alone in this belief. In January of 2017, the International Association of Chiefs of Police issued a statement containing the following quote in response to President Trumps Executive Orders on "Protecting the Nation from Foreign Terrorist Entry into the United States" and Enhancing Public Safety in the Interior of the United States".... "However, the IACP has, and will continue to strongly oppose any initiative that would ***mandate*** that state and local law enforcement agencies play a role in the enforcement of federal immigration law. The IACP believes that the issue of state, tribal, or local law enforcement's participation in immigration enforcement is an inherently local decision that must be made by law enforcement executives, working with their elected officials, community leaders, and citizens."

Major City Chiefs issued a statement detailing a 9 -point position document with the following list of concerns "The foundation of the Major Cities Chiefs Association's nine point position statement is based upon five key concerns with local police enforcing federal immigration law. These concerns are:

1. It undermines the trust and cooperation with immigrant communities which are essential elements of community oriented policing.

2. Local agencies do not possess adequate resources to enforce these laws in addition to the added responsibility of homeland security.

3. Immigration laws are very complex and the training required to understand them significantly detracts from the core mission of local police to create safe communities.

4. Local police do not possess clear authority to enforce the civil aspects of these laws. If given the authority, the federal government does not have the capacity to handle the volume of immigration violations that currently exist.

5. The lack of clear authority increases the risk of civil liability for local police and government.

By way of example I refer to points 1 and 9:

1) A FEDERAL RESPONSIBILITY

Immigration is a federal policy issue between the United States government and other countries, not local or state entities and other countries. Any immigration enforcement laws or practices should be nationally based, consistent, and federally funded.

9) LAW ENFORCEMENT PRIORITIES

The decisions related to how local law enforcement agencies allocate their resources, direct their workforce and define the duties of their employees to best serve and protect their communities must be left in the control of local governments. The decision to have local police officers perform the function and duties of immigration agents should be left to the local government. This shall not be mandated or forced upon them by the federal government through the threat of sanctions or the withholding of existing police assistance funding.

What is the impact in a community when their police agency isn't seen as legitimate in the eyes of its members? Well, when the driving factor of that perception is the local agency adding immigration enforcement to its list of duties. Experience reveals some of the following;

Although there has always been fear in the undocumented community, the result of the proposed legislation in conjunction with current federal practices that essentially makes everyone an enforcement priority will heightened the fear and deepen the movement of the undocumented community into the shadows. This impacts communities in profound ways. Undocumented immigrants are essentially underserved people in the community. They fit the profile of a set of people more likely than not to be victims of crime. The crimes are not perpetrated solely by other undocumented persons. It can be anyone with criminal intent, who's searching for crimes and victims of opportunity. That victimization does not stay with just the undocumented. "Criminal activity knows no boundaries". Consequently, the criminal activity does not stay within the boundaries of the undocumented community. It expands to the larger community, further challenging police agencies that are already significantly under-resourced.

Finally, I am concerned that legislation like this is a solution in search of a problem. We in the police services profession are taught to focus on the behavior of individuals and groups, not who we think they are or what we believe they represent. There is no evidence that immigrants, documented or otherwise pose a greater threat to or commit more crimes in a community. Actually, most if not all studies show the opposite. Study after study, using various methodologies to account for the many variables associated with this issue have drawn similar conclusions. Immigrants add value to a community and in many cases crime rates go down as the immigrant population increases. Police officers are far more effective when our focus is on addressing the root-causes that contribute to the de-stabilization of a neighborhood. When we focus on the behaviors that cause and contribute to crime. When we work hand in hand with the

communities that we serve toward a common goal of building and sustaining safe, strong and stable communities.

Respectfully submitted,

Jerry Clayton
Sheriff of Washtenaw County.