

# **FILLING THE RANKS:**

WHY LAWFUL PERMANENT  
RESIDENTS SHOULD QUALIFY FOR  
LAW ENFORCEMENT POSITIONS



LAW ENFORCEMENT  
**IMMIGRATION**

TASK FORCE

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## LAW ENFORCEMENT **IMMIGRATION** TASK FORCE

**The Law Enforcement Immigration Task Force (LEITF)**  
consists of law enforcement officers from across the  
United States concerned with the need for immigration policy changes  
to fix our broken immigration system.  
The Task Force is concerned with promoting safe communities  
and respect for the rule of law.

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## LAW ENFORCEMENT IMMIGRATION TASK FORCE

CONSIDERING  
LPRS FOR LAW  
ENFORCEMENT  
POSITIONS WOULD  
EXPAND THE POOL  
OF QUALIFIED  
APPLICANTS  
WHILE SATISFYING  
IMPORTANT  
FORCE NEEDS.

June 2017

### I. INTRODUCTION

In recent years, police departments and sheriff's offices across the United States have faced significant challenges in recruiting, retaining, and hiring officers. As they deal with these recruiting shortfalls, law enforcement agencies also struggle to maintain diverse workforces that reflect the changing demographics of their local communities.

For many departments, a promising pool of recruits is available but untapped: lawful permanent residents (LPRs). Most jurisdictions maintain a requirement that law enforcement officers be U.S. citizens, but lifting the citizenship requirement can allow departments to access a diverse, talented, hardworking, legally present, and patriotic pool of LPR recruits. Law enforcement leaders can begin to address recruitment challenges and diversity by encouraging their elected officials and other policymakers to change state and local restrictions on the hiring of LPRs.

This paper discusses recruitment challenges facing the nation's police departments and the potential for LPRs to help meet growing workforce gaps. In addition to helping stem the shortage of qualified recruits and helping increase diversity in the workforce, LPRs enhance community policing efforts thanks to their unique backgrounds and skill sets, and because they may reflect the communities they protect. Increasingly, law enforcement agencies are working to recruit officers who share racial, ethnic, and linguistic ties with their communities. Considering LPRs for law enforcement positions would expand the pool of qualified applicants while satisfying important force needs.

## II. THE RECRUITMENT CHALLENGE

The recruitment challenge law enforcement agencies face is well-documented.<sup>1</sup> Although national data are hard to come by,<sup>2</sup> conversations with law enforcement leaders suggest that many agencies across the nation struggle to meet their hiring needs.<sup>3</sup>

Many of the law enforcement leaders interviewed for this paper indicated that their agencies have witnessed a shrinking pool of qualified candidates for officer positions. Chief Hayes Minor of the Rogers (Arkansas) Police Department stated, “Agencies across Arkansas have faced significant difficulties in recruiting candidates for the last several years.”<sup>4</sup> Sheriff Mark Curran of the Lake County (Illinois) Sheriff’s Office acknowledged a decline in applications for law enforcement positions in his Chicago-area department.<sup>5</sup> Sgt. Robin Heiden and Officer Richelle Bradley of the Salt Lake City Police Department note that the department “has seen a decrease in not only applicants for the position of a police officer, but qualified applicants” in the last few years, including a decrease in qualified female candidates and ethnically diverse candidates.<sup>6</sup> Mark Prosser, Public Safety Director of the Storm Lake (Iowa) Police Department, noted that applications for law enforcement positions there are down about 75 percent in the past 10 to 15 years.<sup>7</sup>

### A. LONGSTANDING AREAS OF CONCERN

A 2010 report by RAND Corp. corroborates these officers’ experiences: Law enforcement agencies have been struggling to find candidates to maintain force levels.<sup>8</sup> Factors including attrition as veteran officers retire, competition from military and private security contractors, and an improving economy have combined to thin the pool of potential recruits.<sup>9</sup> At the same time, increasingly stringent job requirements instituted in recent years may disqualify candidates who might have been considered in previous eras.<sup>10</sup>

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<sup>1</sup> See, e.g., Jeremy M. Wilson, et al., “Police Recruitment and Retention for the New Millennium: The State of Knowledge,” RAND Corporation – RAND Center on Quality Policing (2010), [http://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND\\_MG959.pdf](http://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG959.pdf); Daniel Denvir, “Who Wants to Be a Police Officer?” The Atlantic – Citylab, Apr. 21, 2015, <http://www.citylab.com/crime/2015/04/who-wants-to-be-a-police-officer/391017/>; Jeff Pegues, “Officers wanted: Police departments struggle with recruiting,” CBS News, Sept. 1, 2015, <http://www.cbsnews.com/news/officers-wanted-police-departments-struggle-with-recruiting/>.

<sup>2</sup> See Denvir (noting that Chuck Wexler, executive director of the Police Executive Research Forum, “says he knows of no national data measuring police recruitment since Ferguson, so the available accounts are all anecdotal”).

<sup>3</sup> See *id.*

<sup>4</sup> Email from Hayes Minor, Chief, Rogers (Arkansas) Police Department (Aug. 31, 2016, 09:01 CDT) (on file with author).

<sup>5</sup> Email from Mark Curran, Sheriff, Lake County (Illinois) Sheriff’s Office (Sept. 30, 2016, 16:39 CDT) (on file with author).

<sup>6</sup> Email from Sgt. Robin Heiden and Officer Richelle Bradley, Salt Lake City Police Department (Sept. 20, 2016, 08:16 MDT) (on file with author).

<sup>7</sup> Telephone Interview with Mark Prosser, Public Safety Director, Storm Lake (Iowa) Police Department (Aug. 30, 2016).

<sup>8</sup> Wilson at xiii – xvi (“Maintaining the police workforce level is continually one of the greatest challenges facing law-enforcement agencies”).

<sup>9</sup> See *id.* at 14-15.

<sup>10</sup> See *id.*

WHILE THE MILLENNIAL POPULATION RECENTLY HAS SURPASSED THAT OF THE BABY-BOOM GENERATION, MILLENNIALS APPEAR TO BE LESS INTERESTED IN LAW ENFORCEMENT CAREERS THAN THEIR ELDERS.

## 1. AN AGING WORKFORCE AND ATTRITION

In recent decades, law enforcement agencies have been faced with the challenge of replacing the growing number of retiring officers from the baby-boom generation.<sup>11</sup> Every day, about 10,000 baby boomers turn 65.<sup>12</sup> Although they are retiring later on average than previous generations, more than half expect to do so before age 66,<sup>13</sup> with the average retirement age having risen to 61.<sup>14</sup> In law enforcement, the wave of retirements is expected to become only more pronounced in the coming decade,<sup>15</sup> and it threatens to reduce the number of experienced officers in police departments across the nation.<sup>16</sup>

As Sheriff Curran explains:

[L]aw enforcement is facing the reality that many of its employees are retiring or coming close to retiring. This requires stepped up succession planning providing younger leaders in law enforcement an opportunity to advance at a faster pace than their predecessors. Succession planning is important ... To preserve a healthy organization, the organization must spend money to train new leaders and ensure they possess the discipline and skills to train and maintain a high bar for their younger counterparts.<sup>17</sup>

While the millennial population recently has surpassed that of the baby-boom generation,<sup>18</sup> millennials appear to be less interested in law enforcement careers than their elders.<sup>19</sup> According to the RAND report, “[l]ess than half of American youths” saw police careers as desirable, lower than the corresponding figures for corporations, schools, or other governmental agencies.<sup>20</sup>

Several police leaders also noted similar concerns. Sheriff Curran notes, “Millennials with a college degree in criminology or law enforcement may apply for higher-paying federal positions or positions in the private sector.”<sup>21</sup>

<sup>11</sup> According to Pew, the baby-boom generation is commonly defined as those born between 1946 and 1964, while millennials are defined as having been born between 1981 and 1997. See Richard Fry, “Millennials overtake Baby Boomers as America’s largest generation,” Pew Research Center, Apr. 25, 2016, <http://www.pewresearch.org/fact-tank/2016/04/25/millennials-overtake-baby-boomers/>.

<sup>12</sup> Pew Research Center, “Baby Boomers Retire,” Dec. 29, 2010 (beginning on Jan. 1, 2011, approximately 10,000 baby boomers will turn 65 every day until the end of 2029), <http://www.pewresearch.org/daily-number/baby-boomers-retire/>.

<sup>13</sup> Jim Harter & Sangeeta Agrawal, “Many Baby Boomers Reluctant to Retire,” Gallup, Jan. 20, 2014, <http://www.gallup.com/poll/166952/baby-boomers-reluctant-retire.aspx>.

<sup>14</sup> Alyssa Brown, “In U.S., Average Retirement Age Up to 61,” Gallup, May 15, 2013, (average retirement age increased from 57 in 1991 to 61 in 2013), <http://www.gallup.com/poll/162560/average-retirement-age.aspx>.

<sup>15</sup> See Wilson at 5-6.

<sup>16</sup> *Id.* at xiv (“A pending wave of baby-boom generation retirements threatens to reduce experience levels of police departments across the nation.”)

<sup>17</sup> Email from Sheriff Curran, Lake County Sheriff’s Office.

<sup>18</sup> See Fry.

<sup>19</sup> See William J. Woska, “Police Officer Recruitment: A Public-Sector Crisis,” *The Police Chief*, vol. 73, no. 10 (Oct. 2006), <http://www.policechiefmagazine.org/police-officer-recruitment-a-public-sector-crisis/>; Wilson at 7-8, 15-16 (“The youngest generation of workers has shown marked preferences toward extrinsic work values, such as prestige, changing tasks, social and cognitive aspects of work, and flexibility”) (citations omitted).

<sup>20</sup> Wilson at 16.

<sup>21</sup> Email from Sheriff Curran, Lake County Sheriff’s Office.

Sgt. Heiden and Officer Bradley argue that the nature of law enforcement work does not appeal to many millennials and that a career in law enforcement “can’t offer what they are looking for.”<sup>22</sup>

At the same time, retaining millennials has been a challenge to many departments. Former South Bend (Indiana) Police Chief Ron Teachman says that young people “can’t conceive of doing anything for 30 to 35 years ... When I was a young cop, it was extremely rare to see people leave the police department. But when they did, they went to other police agencies. Today, the millennials change careers.”<sup>23</sup>

Law enforcement agencies likely will face difficulty in recruiting and retaining millennials for years to come. Unless these trends abate, law enforcement agencies will struggle to find new officers to replace retiring baby boomers.

## 2. COMPETITION FROM MILITARY AND PRIVATE SECURITY

After 9/11, federal policies and priorities made it more difficult for state and local law enforcement to recruit the officers they needed.<sup>24</sup> The formation of the U.S. Department of Homeland Security, along with prolonged military campaigns in Iraq and Afghanistan in the post-9/11 era, also led to increased competition for potential recruits. Because private security contractors and federal agencies often are able to pay more than local law enforcement agencies, the recruitment problem has become even more pronounced.<sup>25</sup> Appleton (Wisconsin) Police Chief Todd Thomas explains that the hiring pool for law enforcement positions has shrunk because “the ongoing military actions” have been “pulling many of our better candidates away from us.”<sup>26</sup>

Since 2001, many potential candidates for local law enforcement agencies have opted to serve in the U.S. military, and many officers serving in the reserves have been called up for extended periods. Others opted to work for military contractors and private security firms, which offered enticing pay and benefits for overseas service.<sup>27</sup> Sheriff Curran notes that millennials often find the military more appealing than law enforcement because of “the high-quality, state-of-the-art technical training, free education, lifetime health benefits and the ability to see other parts of the country or world.”<sup>28</sup>

Accordingly, over the past 15 years, military call-ups regularly result in increased law enforcement vacancies and a smaller pool of applicants.

**AFTER 9/11, FEDERAL POLICIES AND PRIORITIES MADE IT MORE DIFFICULT FOR STATE AND LOCAL LAW ENFORCEMENT TO RECRUIT THE OFFICERS THEY NEEDED.**

<sup>22</sup> Email from Sgt. Heiden and Officer Bradley, Salt Lake City Police Department.

<sup>23</sup> Telephone Interview with Ron Teachman, Former Chief of Police, South Bend (Indiana) Police Department (Sept. 20, 2016).

<sup>24</sup> See Wilson at 13.

<sup>25</sup> See *id.* (“The greater compensation and benefits that other public service agencies can offer exacerbate the problem of competition for local police”) (citation omitted). See also United States General Accounting Office, *Federal Uniformed Police: Selected Data on Pay, Recruitment, and Retention at 13 Police Forces in the Washington, D.C., Metropolitan Area*, June 2003 (concluding that turnover significantly increased at 13 local and federal policing agencies in D.C., in large part due to the creation of higher-paying opportunities in the Federal Air Marshal Program, the Transportation Security Administration and other federal security positions after 9/11).

<sup>26</sup> Email from Todd Thomas, Chief, Appleton (Wisconsin) Police Department (Aug. 30, 2016, 11:18 CDT) (on file with author).

<sup>27</sup> Wilson at 16 (“The expansion of a security-industrial complex since the [9/11] attacks has funneled money and personnel into increased private security positions”) (citations omitted).

<sup>28</sup> Email from Sheriff Curran, Lake County Sheriff’s Office.

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According to RAND, between mid-2002 and mid-2003, “21 percent of local police departments and more than 94 percent of agencies serving a population of at least 100,000 had full-time sworn personnel who were called up as full-time military reservists.”<sup>29</sup> While the drawdown of forces in Iraq and Afghanistan is largely complete, with the bulk of reservists who served there available to return to their local law enforcement jobs, agencies may face further shortfalls in the event of a future U.S. military engagement.

### **3. IMPROVING ECONOMY**

The economic crisis of 2008-2009 counterintuitively lessened the recruitment gap for local law enforcement agencies, albeit in a manner that was detrimental to the health of those agencies and to public safety in general. During and following the crisis, many localities facing budget crises were forced to lay off police officers or offer early retirement.<sup>30</sup>

At the same time, the rise in unemployment and the decreasing availability of alternative jobs led to an increase in applications for remaining law enforcement jobs.<sup>31</sup> However, whether many of those applicants were truly dedicated to making policing a long-term career is questionable,<sup>32</sup> and local departments faced decreases in knowledge and experience, even where funding allowed them to avoid reducing force levels.<sup>33</sup> Sheriff Paul Fitzgerald of the Story County (Iowa) Sheriff’s Office notes that many of these additional applicants are not necessarily good fits for law enforcement, given the testing, training, and commitment required to be a successful officer.<sup>34</sup>

Sheriff Curran also noted, “When unemployment is low, fewer applicants seek public service positions.”<sup>35</sup> After years of budgetary austerity, pay freezes and benefits reductions<sup>36</sup> have made many positions less competitive to prospective applicants. Even though many jurisdictions’ budget crises have subsided, the improving economy has made it more difficult for law enforcement agencies to fill open positions.<sup>37</sup>

## **B. HIGH-PROFILE USE-OF-FORCE INCIDENTS HURT RECRUITING**

Compounding these longstanding areas of concern, several highly publicized use-of-force incidents have hurt law enforcement recruitment.<sup>38</sup>

<sup>29</sup> Wilson at 13.

<sup>30</sup> *See id.* at 8.

<sup>31</sup> *See id.* at 8, 24 (“In time of rising unemployment, agencies with the resources to hire officers have been inundated by applications”). *See also* Telephone Interview with Paul Fitzgerald, Sheriff, Story County (Iowa) Sheriff’s Office (Aug. 26, 2016) (“When jobs are harder to find, the applications we receive go up.”)

<sup>32</sup> Wilson at 8.

<sup>33</sup> *Id.*

<sup>34</sup> Telephone Interview with Sheriff Fitzgerald, Story County Sheriff’s Office.

<sup>35</sup> Email from Sheriff Curran, Lake County Sheriff’s Office.

<sup>36</sup> Wilson at 25.

<sup>37</sup> *See id.* at 26.

<sup>38</sup> *See* *Denver*.

The proliferation of smartphones with cameras and social media have turned what used to be local stories into national news, and the names Michael Brown, Eric Garner, and Philando Castile are known across the United States.<sup>39</sup>

This changing landscape has posed challenges to law enforcement agencies large and small, damaging community trust and making it more difficult to attract new officers. These difficulties are not limited to Ferguson, Missouri, or Staten Island, New York, where high-profile officer-involved incidents occurred; they affect departments nationwide.

Law enforcement leaders and experts have noted that these high-profile incidents, and the rhetoric that has followed them, have reduced the pool of potential recruits.<sup>40</sup> In particular, recruitment of minority officers has become increasingly difficult,<sup>41</sup> as potential recruits from minority communities are less likely to pursue careers in law enforcement, at least anecdotally.<sup>42</sup>

As a recent report from the U.S. Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC) noted, “In communities where there are strained relations with law enforcement, those tensions can manifest in a level of distrust, or even resentment, that discourages individuals from considering careers in law enforcement.”<sup>43</sup> It further explained that “many African American communities report high levels of distrust with law enforcement, which can impede law enforcement agencies’ efforts to bolster their ranks of African American officers.”<sup>44</sup>

Anecdotal evidence appears to support this finding. Applications for positions with the Baltimore Police Department fell by almost two-thirds in a four-year span, going from 3,200 applications in 2011 to just above 1,100 in 2015, the year of Freddie Gray’s death.<sup>45</sup> While the trend preceded Gray’s death, and unrest in Baltimore following his death might have led to a short-lived, small uptick in applications, the Baltimore Police Department has struggled to fill its ranks.<sup>46</sup>

Director Prosser expressed concern that increased attention surrounding such incidents makes potential applicants and current officers “less likely” to want to pursue or continue careers in law enforcement.<sup>47</sup> Similarly, Montgomery County (Maryland) Police Chief Thomas Manger,

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— DOJ-EEOC REPORT

<sup>39</sup> See Adam Lidgett, “With Protests Over Police Brutality, Do Americans Still Want To Go Into Law Enforcement?” IBT, Jan. 23, 2016, <http://www.ibtimes.com/protests-over-police-brutality-do-americans-still-want-go-law-enforcement-2276576>.

<sup>40</sup> See *id.* (“Union officials, trade associations and policing experts alike have said fewer people are putting in officer applications because of growing anti-police rhetoric.”); see Pegues (citing now retired Philadelphia Police Commissioner Charles Ramsey); see Denvir (quoting Wexler).

<sup>41</sup> See Denvir (“The quest to diversify police ranks has gained a huge sense of urgency”).

<sup>42</sup> *Id.*

<sup>43</sup> U.S. Department of Justice and Equal Employment Opportunity Commission, *Advancing Diversity in Law Enforcement*, Oct. 2016 (hereinafter, “DOJ and EEOC”), at 18, <https://www.justice.gov/crt/case-document/file/900761/download>.

<sup>44</sup> *Id.*

<sup>45</sup> Brian Kuebler, “BPD struggles to recruit new officers after Freddie Gray,” WMAR Baltimore/ABC-2, Apr. 29, 2016, <http://www.abc2news.com/news/region/baltimore-city/bpd-struggles-to-recruit-new-officers-after-freddie-gray>.

<sup>46</sup> See *id.*

<sup>47</sup> Telephone Interview with Director Prosser, Storm Lake Police Department.

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President of the Major Cities Chiefs Association, said, “I have heard from some of my colleagues that they are having difficulty recruiting ... Agencies that have had some of the high-profile incidents do suffer. There is backlash in terms of people not wanting to join that particular department.”<sup>48</sup>

While these incidents pose significant challenges, some law enforcement leaders have expressed optimism that they may provide an opportunity for stepped-up recruitment in minority communities. Sgt. Heiden and Officer Bradley hope that the ongoing conversation over these incidents spurs minority candidates to become “part of the solution.”<sup>49</sup> Ideally, the fallout from “high-profile cases ... [will be an] increase in the black population wanting to get more involved and become officers.”<sup>50</sup>

### III. LAW ENFORCEMENT AGENCIES ATTEMPT TO ADDRESS THE RECRUITMENT SHORTFALL

Local law enforcement agencies have tried to address the recruitment shortfall in a variety of ways. First, following years of cutbacks and freezes, pay and benefits are finally beginning to rise again as state and municipal budgets have stabilized.<sup>51</sup> Second, some departments are scaling back existing job requirements,<sup>52</sup> including that applicants have obtained a specified number of college credits.<sup>53</sup> Third, departments are ramping up recruitment initiatives and participating in job fairs in other parts of the country — and even Puerto Rico.<sup>54</sup>

Yet law enforcement agencies still struggle to find strong candidates for open positions. Chief Thomas has seen “a reduction in quality” in the pool of applicants for law enforcement positions in recent years.<sup>55</sup> Director Prosser notes that his department has seen candidates “scoring lower than their counterparts 15 to 20 years ago” on both written exams and oral interviews.<sup>56</sup>

Efforts by local law enforcement likely have helped ameliorate the recruiting crunch, but they alone have not solved the problem.<sup>57</sup>

<sup>48</sup> Telephone Interview with Police Chief Thomas Manger, Assistant Chief Luther Reynolds, and Capt. Dave Anderson, Montgomery County Police Department (Sept. 7, 2016).

<sup>49</sup> Email from Sgt. Heiden and Officer Bradley, Salt Lake City Police Department.

<sup>50</sup> *Id.*

<sup>51</sup> See Lidgett (quoting police recruiter about the need to “offset” the difficulties of policing with higher pay).

<sup>52</sup> See Wilson at 88 (efforts to increase the number of applicants can include “relaxing age, education, or residency requirements and becoming more tolerant of experimental drug use, bad credit history, or minor arrest records”).

<sup>53</sup> These educational requirements have been seen as consistent with good policing but narrow the pool of eligible candidates. Since 2014, both Philadelphia and New Orleans have stopped requiring recruits to have earned 60 hours of college credits. See Denvir; Mensah M. Dean, “City nears ending requirement of 60 college credits for new cops,” *philly.com*, May 4, 2016, [http://www.philly.com/philly/news/20160503\\_City\\_nears\\_ending\\_requirement\\_of\\_60\\_college\\_credits\\_for\\_new\\_cops.html](http://www.philly.com/philly/news/20160503_City_nears_ending_requirement_of_60_college_credits_for_new_cops.html). See also New Orleans Press Release, “Mayor Landrieu, Chief Serpas Announce Join NOPD Recruitment Event,” May 7, 2014 (announcing 60-college-credit requirement, which was later scrapped).

<sup>54</sup> Wilson at 17 (Washington, D.C.’s, Metropolitan Police Department recruited in Kentucky, North Carolina, New York, Ohio, and Wisconsin. The Arlington County (Virginia) Police Department recruited in Puerto Rico); see also Kevin Rector, “Baltimore police to spend \$20K on recruiting trip to Puerto Rico,” *Baltimore Sun*, June 1, 2016, <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-police-recruit-puerto-rico-20160601-story.html>

<sup>55</sup> Email from Chief Thomas, Appleton Police Department.

<sup>56</sup> Telephone Interview with Director Prosser, Storm Lake Police Department.

<sup>57</sup> See Jeff Asher, “‘Quite the tall task’: Why NOPD’s aggressive hiring, recruitment strategy likely a ‘long shot,’” *The Advocate* (New Orleans), Jan. 14, 2016, [http://www.theadvocate.com/new\\_orleans/news/crime\\_police/article\\_109c1c87-58e7-587b-b6ae-97a04002c3f7.html](http://www.theadvocate.com/new_orleans/news/crime_police/article_109c1c87-58e7-587b-b6ae-97a04002c3f7.html)

## IV. LAWFUL PERMANENT RESIDENTS CAN HELP EASE THIS SHORTFALL

As local law enforcement agencies search for enough qualified candidates, an often untapped pool of labor is available: lawful permanent residents. However, because most states and localities have citizenship requirements for law enforcement candidates, otherwise qualified LPRs are all too often overlooked.

### A. REQUIREMENTS FOR BECOMING AN LPR

About a million individuals each year establish lawful permanent resident status in the United States.<sup>58</sup> Obtaining this status, commonly known as receiving a “green card,” permits an individual to live and work in the United States on a permanent basis. In recent years, about half of new LPRs have been new arrivals to the United States, while the rest — slightly more than half — already were present in the United States and adjusted from a different status.<sup>59</sup>

In order to become an LPR, an individual must:

- > Fall under one of the immigrant categories established in the Immigration and Nationality Act,
- > Have a qualifying immigrant petition filed and approved,
- > Have an immigrant visa available immediately, and
- > Be admissible to the United States.<sup>60</sup>

### I. IMMIGRANT CATEGORIES

The majority of people who obtain green cards qualify because they are immediate family members of U.S. citizens or LPRs.<sup>61</sup> The rest qualify under employment-based preferences, as refugees or asylees, or in other qualifying categories, including Diversity Immigrant visas (commonly referred to as the green-card lottery).<sup>62</sup>

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<sup>58</sup> Nadwa Mossaad, “Annual Flow Report: U.S. Lawful Permanent Residents: 2014,” U.S. Department of Homeland Security, Apr. 2016, at 1, [https://www.dhs.gov/sites/default/files/publications/LPR%20Flow%20Report%202014\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/LPR%20Flow%20Report%202014_508.pdf) (in fiscal year 2014, 1,016,518 individuals became lawful permanent residents).

<sup>59</sup> *Id.* at 2 (in 2012-14, new arrivals made up between 46.4 and 47.4 percent of new LPRs, with status adjusters comprising between 52.6 and 53.6 percent of new LPRs).

<sup>60</sup> United States Citizenship and Immigration Services, “Green Card Eligibility” (Mar. 30, 2011), <https://www.uscis.gov/green-card/green-card-processes-and-procedures/green-card-eligibility>.

<sup>61</sup> Carola Balbuena & Jeanne Batalova, “Green Card Holders and Legal Immigration to the United States,” Migration Policy Institute, Dec. 8, 2011, <http://www.migrationpolicy.org/article/green-card-holders-and-legal-immigration-united-states-1> (family reunification constituted approximately 66 percent of LPRs in fiscal year 2010).

<sup>62</sup> *See id.* (In fiscal year 2010, 14 percent of new LPRs were employment-preference immigrants including spouses and children, 13 percent were status adjusters who entered the U.S. as refugees or asylees, and the remaining 7 percent fell under other categories, including green card lottery winners under the Diversity Immigrant Visa Program); *see also* United States Citizenship and Immigration Services, “Green Card Through the Diversity Immigrant Visa Program” (Feb. 14, 2014), <https://www.uscis.gov/green-card/other-ways-get-green-card/green-card-through-diversity-immigration-visa-program/green-card-through-diversity-immigrant-visa-program>.

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## 2. IMMIGRANT PETITIONS

Most immigrants seeking to become LPRs will need an approved immigrant petition.<sup>63</sup> The petition “establishes the underlying basis for your ability to immigrate and determines your immigrant classification or category.”<sup>64</sup> Family members or employers may file immigrant petitions on behalf of aspiring LPRs, with different LPRs utilizing category-specific forms. Some immigrants can self-petition,<sup>65</sup> while others are exempt from having to file a petition, including those who utilize humanitarian programs to immigrate.<sup>66</sup>

## 3. VISA AVAILABILITY

Visa backlogs regularly delay otherwise qualified would-be immigrants from becoming LPRs. While visas are always made available for immediate relatives of U.S. citizens, others in family- or employment-based preference categories may have to wait years — sometimes a decade or more — for a visa.<sup>67</sup> Visa availability is determined by the immigrant’s priority date (his or her place in the visa queue), the preference category under which the immigrant is immigrating, and the country against whose limit the visa will be counted (usually the individual’s country of citizenship).<sup>68</sup> The annual limits for visas, including country-specific caps, are set by Congress.<sup>69</sup>

## 4. ADMISSIBILITY TO THE UNITED STATES

Finally, all individuals seeking adjustment of status or applying for an immigrant visa must satisfy the relevant immigration or consular officials that they are admissible to the United States.<sup>70</sup> Threats to public health, public safety, and national security are potential grounds of inadmissibility that would bar someone from becoming an LPR.<sup>71</sup> To determine admissibility, United States Citizenship and Immigration Services (USCIS) conducts a background check<sup>72</sup> including an FBI name check,<sup>73</sup> an FBI fingerprint check<sup>74</sup> and an Interagency Border Inspection System (IBIS) name check.<sup>75</sup>

<sup>63</sup> United States Citizenship and Immigration Services, “Green Card Eligibility” (Mar. 30, 2011), <https://www.uscis.gov/green-card/green-card-process-es-and-procedures/green-card-eligibility>.

<sup>64</sup> *Id.*

<sup>65</sup> United States Citizenship and Immigration Services, “Green Card Through Self Petition” (Sept. 30, 2015), <https://www.uscis.gov/green-card/green-card-through-job/green-card-through-self-petition> (Individuals of extraordinary ability and individuals granted a National Interest Waiver “are not required to have a job offer and may self-petition,” meaning that they do not need an employer to sponsor them).

<sup>66</sup> United States Citizenship and Immigration Services, “Green Card Eligibility” (Mar. 30, 2011), <https://www.uscis.gov/green-card/green-card-process-es-and-procedures/green-card-eligibility>.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *See id.*

<sup>70</sup> *Id.*

<sup>71</sup> *See id.*

<sup>72</sup> United States Citizenship and Immigration Services, “Questions and Answers: Background Check Policy Update” (Feb. 28, 2008) (archived), <https://www.uscis.gov/archive/archive-news/questions-and-answers-background-check-policy-update>.

<sup>73</sup> Federal Bureau of Investigation, “National Name Check Program,” <https://www.fbi.gov/services/records-management/name-checks> (“The National Name Check Program (NNCP) disseminates information from FBI files in response to name check requests received from federal agencies ... for the purpose of protecting the United States from foreign and domestic threats to national security”).

<sup>74</sup> United States Citizenship and Immigration Services, “Fingerprints,” <https://www.uscis.gov/forms/fingerprints/fingerprint-check-update-request-agreement-between-uscis-and-ice> (“USCIS requires applicants and petitioners for certain immigration benefits to be fingerprinted for the purpose of conducting FBI criminal background checks”).

<sup>75</sup> U.S. Customs and Border Protection, “Interagency Border Inspection System (IBIS) Fact Sheet” (archived), <http://archive.is/CNUui> (“IBIS provides the law enforcement community with access to computer-based enforcement files of common interest. It also provides access to the FBI’s National Crime Information Center (NCIC) and allows its users to interface with all fifty states via the National Law Enforcement Telecommunications Systems (NLETS”).

According to USCIS, “No application for lawful permanent residence will be approved until a definitive FBI fingerprint check and Interagency Border Inspection Services (IBIS) check are completed and resolved favorably.”<sup>76</sup>

## B. BACKGROUND FOR CITIZENSHIP REQUIREMENTS

Federal law makes finding employment easier for citizens than for lawful permanent residents.<sup>77</sup> While the Immigration Reform and Control Act (IRCA) of 1986 establishes that discrimination on the basis of an individual’s “citizenship status” is generally unlawful,<sup>78</sup> a broad exception to the prohibition permits citizenship requirements for many government positions, and private-sector positions where the employer interfaces with federal, state, or local governments.<sup>79</sup> The exception permits the longstanding practice of passing laws that favor or mandate citizenship in public-sector positions across all levels of government. Accordingly, most law enforcement agencies require hires to be U.S. citizens.<sup>80</sup>

According to the recent DOJ-EEOC report, more than 40 states have statutes or regulations in place that bar the employment of noncitizens as law enforcement officers.<sup>81</sup> Even in the states that permit consideration of LPRs, jurisdictions within those states may maintain their own citizenship requirements.<sup>82</sup> As the report notes, such “requirement[s] may prevent a considerable number of racial and ethnic minorities — many of whom have valuable foreign language skills — from being hired by law enforcement agencies.”<sup>83</sup> In order to be overridden, such laws likely would need to be changed state by state, or even locality by locality.

## C. OPPOSITION TO HIRING LPR OFFICERS

Proposals to make LPRs eligible to serve as law enforcement officers are likely to generate controversy. After all, modifying or relaxing the minimum qualifications for law enforcement applicants in other ways has done so. According to Chief Minor of Rogers, Arkansas, such proposals are likely to “be met with skepticism.”<sup>84</sup>

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<sup>76</sup> United States Citizenship and Immigration Services, “Questions and Answers: Background Check Policy Update” (Feb. 28, 2008) (archived), <https://www.uscis.gov/archive/archive-news/questions-and-answers-background-check-policy-update>.

<sup>77</sup> See Nathaniel Ingraham, “Citizenship Guide: Hiring Non-Citizens,” Bernard Koteen Office of Public Interest Advising, Harvard Law School at 1 (2011) (“In practice, the constraints of U.S. immigration law make it harder for many non-citizens to get jobs in the United States. In fact, that’s the point: the restrictions essentially serve as the federal government’s protection of U.S. workers”), <http://hls.harvard.edu/content/uploads/2011/09/2011guide2013update.pdf>.

<sup>78</sup> 8 U.S.C. § 1324b(a)(1)(B).

<sup>79</sup> 8 U.S.C. § 1324b(a)(2)(C) (Citizenship status discrimination may be permissible if “otherwise required in order to comply with law, regulation, or executive order, or required by Federal, State, or local government contract,” or if it is otherwise deemed to be “essential” for an employer to do business with federal, state, or local government agencies).

<sup>80</sup> See generally Stewart Lawrence, “On the Beat”: New Roles and Challenges for Immigration Police and Firefighters,” *Immigration Policy in Focus*, vol. 5, no. 14, Immigration Policy Center (December 2007), <http://www.immigrationpolicy.org/sites/default/files/docs/On%20the%20Beat%2012-07.pdf>.

<sup>81</sup> DOJ and EEOC at 22, n. 85 (Only five states do not have statewide citizenship requirements: Colorado, Louisiana, Maine, Vermont and West Virginia).

<sup>82</sup> *Id.* But law enforcement agencies can maintain a citizenship requirement only where it is the result of state or local “law, regulation, or executive order, or ... government contract,” not merely an internal agency policy. See U.S. Department of Justice, Press Release, “Justice Department Settles Immigration-Related Discrimination Claim Against the Denver Sheriff Department” (Nov. 21, 2016), <https://www.justice.gov/opa/pr/justice-department-settles-immigration-related-discrimination-claim-against-denver-sheriff> (Denver Sheriff Department entered into settlement with U.S. Department of Justice after maintaining citizenship requirement in the absence of an applicable state or local law or government mandate).

<sup>83</sup> *Id.* at 22.

<sup>84</sup> Email from Chief Minor, Rogers Police Department.

LPRS HAVE A LONG HISTORY OF SERVING WITH DISTINCTION IN THE U.S. MILITARY, AND ANYONE ELIGIBLE TO DEFEND OUR COUNTRY SHOULD BE ELIGIBLE TO SERVE THEIR COMMUNITIES BY FIGHTING CRIME AND KEEPING STREETS SAFE.

Capt. Dave Anderson of the Montgomery County (Maryland) Police Department points to the pushback his department faced when it waived the requirement that candidates have 60 hours of college credits when those candidates could point to relevant military experience as a substitute.<sup>85</sup> If relaxing a requirement to a small category of military veterans led to objections, Anderson says, any proposed change in the minimum requirements likely would do so, especially one that relaxed citizenship requirements.

However, neither of the two primary arguments in favor of citizenship requirements is particularly persuasive in an atmosphere in which law enforcement agencies struggle to fill open positions and wish to seek increasingly diverse candidates. The first is the idea that governments ought to favor U.S. workers to fill government positions,<sup>86</sup> and the second is the notion that citizens are positioned to carry out law enforcement functions in a manner that noncitizens are not.

Given the difficulties many law enforcement agencies have in recruiting citizen officers to fill open positions, the first argument loses much of its force. In many law enforcement agencies and departments, positions long reserved for U.S. citizens go unfilled as recruitment fails to keep up with demands.

The second argument is more complicated. While law enforcement officers have a unique and powerful role in their communities, no clear rationale explains why a legally present, long-term resident of the United States cannot handle such a role. LPR candidates for law enforcement positions would need to satisfy the same requirements as U.S. citizen applicants, including passing criminal background and security checks.<sup>87</sup> Given the expanding need for diversity in law enforcement, the increasing emphasis on community policing,<sup>88</sup> and growing immigrant populations, LPRs can serve as a valuable link to the communities they protect.<sup>89</sup> In addition, LPRs have a long history of serving with distinction in the U.S. military,<sup>90</sup> and anyone eligible to defend our country should be eligible to serve their communities by fighting crime and keeping streets safe. In 2009, nearly 8 percent of military personnel on active duty were foreign-born, and more than 30,000 LPRs were serving as of 2013.<sup>91</sup>

<sup>85</sup> Telephone Interview with Chief Manger, Assistant Chief Reynolds, and Capt. Anderson, Montgomery County Police Department.

<sup>86</sup> See Ingraham at 1.

<sup>87</sup> See, e.g., Maine State Police, "Trooper Recruitment," [http://www.maine.gov/dps/msp/jobs/trooper\\_recruitment.html](http://www.maine.gov/dps/msp/jobs/trooper_recruitment.html) (Aug. 26, 2016) (all candidates for Maine State Police positions subject to background investigation, polygraph examination, interview, and psychological examination).

<sup>88</sup> Community policing emphasizes the value of trust between local law enforcement and the communities they serve. See Laurence Benenson, "Background on 'Sanctuary' Jurisdictions and Community Policing," National Immigration Forum Blog, Mar. 25, 2016, <https://immigrationforum.org/blog/background-on-sanctuary-jurisdictions-and-community-policing/>.

<sup>89</sup> Moreover, it should be noted that proposing LPR hiring by law enforcement agencies in no way suggests that hiring undocumented individuals should be permitted. Unlike LPRs, the unlawful presence of the undocumented population could raise significant rule of law concerns, creating tension with the law enforcement mission of policing.

<sup>90</sup> Margaret D. Stock, "Essential to the Fight: Immigrants in the Military, Eight Years After 9/11," Immigration Policy Center, at 4 (November 2009), [http://immigrationpolicy.org/sites/default/files/docs/Immigrants\\_in\\_the\\_Military\\_-\\_Stock\\_110909\\_0.pdf](http://immigrationpolicy.org/sites/default/files/docs/Immigrants_in_the_Military_-_Stock_110909_0.pdf).

<sup>91</sup> See Veterans for Immigration Reform, "On the Front Line: The Impact of Immigrants on Military Force Readiness," at 1 (June 12, 2014), <http://www.vets4reform.org/wp-content/uploads/2014/06/OnTheFrontLine.pdf>.

Capt. Anderson notes that allowing the hiring of LPRs would make only incremental improvement in locating new recruits and diversifying police forces.<sup>92</sup> The law enforcement hiring process is incredibly selective, and removing a citizenship requirement provides no guarantee that any LPRs will be hired.<sup>93</sup> In many departments, upward of 90 percent of applicants for law enforcement officer positions are rejected, meaning that 20 new LPR applicants might yield only one or two LPR hires.<sup>94</sup> Removing a citizenship requirement is not a magic solution that will immediately fill all vacancies or diversify a police force, but it may help.

#### D. ADVANTAGES OF LPR HIRING

The most obvious reason to favor the hiring of LPRs is to help counteract the recruitment shortfall that has been plaguing law enforcement agencies for more than a decade. Already, police departments from Hawaii to Vermont are making use of LPR hiring to help solve their recruitment problems.<sup>95</sup> Turning to LPRs is a welcome alternative to proposals such as lowering educational requirements and would help maintain a qualified, competent workforce. LPR hiring both broadens the pool of qualified applicants for policing jobs and helps fill important force needs in support of new and existing community policing initiatives.

As the DOJ-EEOC report explains, “[I]ncreased diversity within law enforcement — defined not only in terms of race and gender, but also other characteristics including religion, sexual orientation, gender identity, language ability, background, and experience — serves as a critically important tool to build trust with communities.”<sup>96</sup> By changing citizenship requirements, “state and local governments [would be able] to recruit a larger number of foreign-born applicants to perform vital community-policing roles.”<sup>97</sup> Such officers contribute to police force diversity and are well-situated to be liaisons with growing immigrant communities.<sup>98</sup>

In particular, hiring LPRs expands the number of multilingual officers, which allows law enforcement agencies to better serve communities with populations who have limited English proficiency.<sup>99</sup> Having more multilingual officers helps law enforcement improve services and strengthens trust and cooperation with these communities.<sup>100</sup> As the

**ALREADY, POLICE DEPARTMENTS FROM HAWAII TO VERMONT ARE MAKING USE OF LPR HIRING TO HELP SOLVE THEIR RECRUITMENT PROBLEMS.**

<sup>92</sup> Telephone Interview with Chief Manger, Assistant Chief Reynolds, Capt. Anderson, Montgomery County Police Department (Sept. 7, 2016).

<sup>93</sup> See *id.* (Anderson notes that “changes of the minimum requirements are not a guarantee of hiring” for LPRs, rather they only “[get them] in the door.”)

<sup>94</sup> See *id.* (according to Manger, “95 percent of people who apply to be a police officer don’t make it. Only 5 percent of applicants have what it takes”); see also Telephone Interview with Chief Teachman, formerly of the South Bend Police Department (up to 90 percent of applicants will not make it through the hiring process).

<sup>95</sup> See Alan Gomez, “Police departments hiring immigrants as officers,” USA Today (Mar. 21, 2015), <http://www.usatoday.com/story/news/nation/2015/03/21/immigrant-police-officers/70236828/>

<sup>96</sup> See DOJ and EEOC at ii.

<sup>97</sup> Lawrence at 1.

<sup>98</sup> See Gomez (“With more immigrants moving to places far from the southern border or away from traditional immigrant magnets like New York City or Miami, agency leaders say it’s important to have a more diverse police force to communicate with those immigrants and understand their culture.”)

<sup>99</sup> See DOJ and EEOC at 8.

<sup>100</sup> See *id.*

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— DOJ-EEOC REPORT

DOJ-EEOC report explained, “Especially as agencies work to serve communities with a large percentage of limited English proficient (LEP) residents, excluding officers who are not U.S. citizens may significantly limit the number of applicants who speak languages other than English.”<sup>101</sup>

Law enforcement leaders echo the DOJ-EEOC report in pushing for more multilingual officers. Sheriff Fitzgerald explains that the Story County Sheriff’s Office in Iowa is “always looking” for officers with diverse backgrounds and language skills: “It’s a big world out there and the more people we have who can speak another language, or have been out in the world, the better.”<sup>102</sup> Similarly, Director Prosser says his department is eager to hire additional multilingual officers and that hiring LPRs “would help fulfill [our need for] a diverse workforce.”<sup>103</sup>

Chief Teachman notes that seeking diversity for diversity’s sake is not enough: “It’s about getting people who can relate to communities.”<sup>104</sup> While hiring an officer with a particular ethnic background might be helpful, Teachman is much more eager to find candidates with language skills to better reach out to immigrant communities.<sup>105</sup>

## **E. RECRUITING AND HIRING LPRS**

Increasing numbers of local law enforcement agencies are seizing upon the benefits of hiring LPRs.<sup>106</sup> The DOJ-EEOC report notes that among other factors, “citizenship requirements may limit certain underrepresented communities’ representation in law enforcement agencies.”<sup>107</sup> The report highlights three efforts by state and local law enforcement to hire LPRs.<sup>108</sup>

Tennessee, which generally maintains a citizenship requirement for law enforcement officers, has created a legislative exception to permit noncitizen military veterans with honorable discharges to apply to be law enforcement officers.<sup>109</sup> The effort, which law enforcement leaders in the state have supported, is intended to increase diversity within law enforcement agencies, help localities maintain better relations with fast-growing immigrant populations, and support veterans.<sup>110</sup>

The Colorado State Patrol, which does not have a citizenship requirement, permits noncitizens with work authorization to serve as troopers.<sup>111</sup> These officers fill a valuable niche for the state police, who

<sup>101</sup> *Id.* at 31.

<sup>102</sup> Telephone Interview with Sheriff Fitzgerald, Story County Sheriff’s Office.

<sup>103</sup> Telephone Interview with Director Prosser, Storm Lake Police Department.

<sup>104</sup> Telephone Interview with Chief Teachman, formerly of the South Bend Police Department.

<sup>105</sup> *Id.*

<sup>106</sup> *See* Gomez.

<sup>107</sup> DOJ and EEOC at 22.

<sup>108</sup> *Id.* at 31.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*

previously have struggled to find troopers willing to live and work in remote and mountain regions in the state.<sup>112</sup>

Finally, the DOJ-EEOC report highlights the Burlington (Vermont) Police Department's efforts to recruit LPR applicants who are "service- and community-oriented individuals with excellent communication and problem solving skills."<sup>113</sup> As in Colorado, all applicants must be LPRs or otherwise hold legal work authorization.<sup>114</sup>

These efforts are the exception but may be promising models for other jurisdictions.

## 1. DEPARTMENTS RECRUIT IMMIGRANTS AND OTHERS TO IMPROVE COMMUNITY POLICING

Many law enforcement agencies that cannot hire LPRs recruit citizens who have diverse backgrounds and language skills, including immigrants. These departments recognize the unique experiences and skill sets that immigrant officers possess, particularly in relation to their ability to promote trust within the communities they protect.

Chief Thomas notes that the Appleton Police Department in Wisconsin has had success using branding and targeted recruitment to diversify its pool of applicants.<sup>115</sup> While serving as the police chief in New Bedford, Massachusetts, Chief Teachman worked within existing civil service requirements to target Spanish-speaking and other multilingual candidates — including immigrant citizens — to work with New Bedford's immigrant community.<sup>116</sup>

Current officers may be able to help: Word-of-mouth recruitment benefits departments, though it has limitations. The DOJ-EEOC report noted that "many agencies rely heavily on their existing workforce in their recruitment efforts," with "internal or informal processes" playing a significant role in hiring.<sup>117</sup>

While serving as Police Chief in South Bend, Indiana, Chief Teachman incentivized his officers to bring in new applicants, offering cash rewards for eventual hires.<sup>118</sup> He notes that recruitment works best when each officer serves as "an ambassador for the department, [helping to] to bring in the best and the brightest."<sup>119</sup> Yet, as the DOJ-EEOC report notes, "These types of practices — which are likely to be even more prevalent in smaller agencies that typically have fewer resources to devote to recruitment — may result in perpetuating and exacerbating underrepresentation within the agency."<sup>120</sup>

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<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> Email from Chief Thomas, Appleton Police Department.

<sup>116</sup> Telephone Interview with Chief Teachman, formerly of the South Bend Police Department (discussing his prior service in New Bedford, Massachusetts).

<sup>117</sup> DOJ and EEOC at 19.

<sup>118</sup> Telephone Interview with Chief Teachman, formerly of the South Bend Police Department.

<sup>119</sup> *Id.*

<sup>120</sup> DOJ and EEOC at 19.

“DIVERSITY  
RECRUITS  
DIVERSITY.”  
— CHIEF  
THOMAS  
MANGER

To continue to best utilize existing workforces to recruit while placing an emphasis on diversity, law enforcement agencies increasingly are actively engaging officers of diverse backgrounds in the recruiting process. As Chief Manger notes, “diversity recruits diversity.”<sup>121</sup> The Salt Lake City Police Department created a focus group of police officers of various backgrounds for just this purpose.<sup>122</sup>

In recent years, the City of Minneapolis Police Department has aggressively sought to recruit U.S. citizens from within the region’s East African immigrant communities so the department can better serve burgeoning Somali and Ethiopian populations.<sup>123</sup> The Somali American Police Association (SAPA) has spearheaded this effort.<sup>124</sup> Since 2012, SAPA has provided mentorship, training, and guidance to young people from East African immigrant communities who are considering careers in law enforcement.<sup>125</sup> As a result of these efforts, more than a dozen members of this community have joined police departments in Minneapolis and other cities nearby, strengthening ties between local law enforcement and the growing immigrant community.<sup>126</sup>

According to Sgt. Abdiwahad Ali of the City of Minneapolis Police Department, the outreach has yielded positive results, both for aspiring recruits and the broader community: “There’s a huge benefit for the police and the community — it goes both ways.”<sup>127</sup> SAPA’s efforts are an exemplar of successful community policing, improving trust between law enforcement and the region’s East African population while aiding public safety: “Within a year or two [of the initial outreach] ... crime went down and we noticed the relationship between police and community improved.”<sup>128</sup>

## 2. NONCITIZENS AS FUTURE OFFICER CANDIDATES

Other jurisdictions that cannot hire LPRs focus recruitment on potential new Americans, both young and old. The New York Police Department’s (NYPD) Volunteer Auxiliary Police is a pool of volunteers who assist their local police units by helping patrol their local communities. There is no citizenship requirement for the Volunteer Auxiliary Police — the program is open to citizens, lawful permanent residents, and others authorized to work in the United States.<sup>129</sup> Auxiliaries wear uniforms and are recruited and trained by the NYPD, but they are unarmed and lack arrest authority.<sup>130</sup>

<sup>121</sup> Telephone Interview with Chief Manger, Assistant Chief Reynolds, Capt. Anderson, Montgomery County Police Department (Sept. 7, 2016).

<sup>122</sup> Email from Sgt. Heiden and Officer Bradley, Salt Lake City Police Department (Sept. 20, 2016, 08:16 MDT) (on file with author).

<sup>123</sup> Telephone Interview with Sgt. Abdiwahad Ali, City of Minneapolis Police Department, (Oct. 14, 2016).

<sup>124</sup> See Ibrahim Hirsi, “Somali-American officers bridge gap between police and community,” MinnPost (Sept. 25, 2014), <https://www.minnpost.com/community-sketchbook/2014/09/somali-american-officers-bridge-gap-between-police-and-community>; see also Somali American Police Association website, <http://somaliamericanpa.org/>.

<sup>125</sup> Telephone Interview with Sgt. Ali, City of Minneapolis Police Department (SAPA primarily works with Somali American officers but also has worked with immigrants from other East African nations who aspire to be police officers).

<sup>126</sup> See *id.* The Salt Lake City Police Department also has begun targeted outreach towards its East African community, holding a refugee-focused recruitment event in April 2017. That event included information on non-sworn department positions that non-citizens are eligible to fill. Telephone Interview with Mike Brown, Chief, Salt Lake City Police Department (May 4, 2017).

<sup>127</sup> Telephone Interview with Sgt. Ali, City of Minneapolis Police Department.

<sup>128</sup> *Id.*

<sup>129</sup> NYPD website, “Who are the Volunteer Auxiliary Police?” <http://www1.nyc.gov/site/nypd/careers/human-resources-info/auxiliary-police.page>. See also Lawrence at 2.

<sup>130</sup> *Id.*

Other departments operate community service officer programs that can serve to recruit aspiring officers — citizens and LPRs alike.<sup>131</sup> Community service officers are not sworn law enforcement officers, but they assist sworn officers in non-enforcement activities, identify and report criminal activities, help with traffic control during special events and emergencies, and otherwise assist sworn officers.<sup>132</sup> Community service officers can support community policing, assist non-English speakers,<sup>133</sup> deliver correspondence for the department and community organizations, and respond to requests for service from the public.<sup>134</sup>

Young aspiring law enforcement officers may serve as community service officers before becoming sworn officers.<sup>135</sup> Unlike the New York City Volunteer Auxiliary Police, community service officers are formally employed and are paid.<sup>136</sup>

Focusing on even younger recruits, Salt Lake City has adopted a vocational program called Youth Explorers, which targets people ages 14 to 20 who are interested in law enforcement careers.<sup>137</sup> Youth Explorers does not have a citizenship requirement, and some of the volunteers are LPRs. Sgt. Heiden and Officer Bradley explain that the program has been a success in expanding the pool of future police recruits: “We are finding that building this group brings in an excellent pool of police candidates, especially a more diverse group, as we have many Hispanic and female Explorers at this time.”<sup>138</sup> Because LPR hiring is not permitted under Utah law, Sgt. Heiden and Officer Bradley note that LPR Youth Explorers may work to obtain citizenship to join the department in the future.<sup>139</sup>

Salt Lake City has also attempted to expand its recruitment of immigrants in other ways, holding a career recruitment event targeting Salt Lake’s refugee community in April 2017.<sup>140</sup> That event focused not only on former refugees who have become citizens and thereby are eligible for sworn officer positions within the department, but also on current refugees. Under state law, these refugees are eligible for certain non-sworn positions within the Salt Lake City Police Department, and the department is eager to recruit promising candidates from this community.<sup>141</sup>

**THE SALT LAKE  
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EAGER TO RECRUIT  
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FROM THE  
REFUGEE  
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<sup>131</sup> See, e.g., Minneapolis.gov, “Community Service Officer” (Apr. 26, 2016), [http://www.ci.minneapolis.mn.us/police/recruiting/police\\_recruiting\\_cso](http://www.ci.minneapolis.mn.us/police/recruiting/police_recruiting_cso) (no citizenship requirement listed); City of Tucson (Arizona) website, “Online Employment System: Community Service Officer,” <http://www.tucsonaz.gov/sigma/JobDetails.aspx?Postings=5909> (no citizenship requirement listed).

<sup>132</sup> See Minneapolis.gov, “Community Service Officer.”

<sup>133</sup> See Storm Lake, Iowa, website, “Police Department,” <http://www.stormlake.org/faq.aspx?TID=21> (“The Police Department is fortunate to have two full-time, bilingual civilian community service officers who are fluent in Spanish and Lao”).

<sup>134</sup> See Minneapolis.gov, “Community Service Officer.”

<sup>135</sup> Telephone Interview with Sgt. Ali, City of Minneapolis Police Department (Sgt. Ali worked as a community service officer for more than three years before becoming a sworn officer).

<sup>136</sup> See City of Tucson (Arizona) website, “Online Employment System: Community Service Officer.”

<sup>137</sup> Salt Lake City Police Department Public Relations Unit, Explorer Program (2013), <http://www.slcpd.com/community-engagement/explorers/>

<sup>138</sup> Email from Sgt. Heiden and Officer Bradley, Salt Lake City Police Department.

<sup>139</sup> *Id.* (“We do have some of our explorers that do not have citizenship, but are working towards getting their citizenship so they may become police officers”).

<sup>140</sup> Telephone Interview with Chief Brown, Salt Lake City Police Department.

<sup>141</sup> *Id.*

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In Massachusetts and elsewhere, community-oriented training and informational programs called citizens police academies allow community members to learn more about their local law enforcement departments and potentially pursue law enforcement careers.<sup>142</sup> Chief Teachman notes that participation in such academies is not restricted to citizens and that LPRs may take part. He would favor renaming the programs to clarify this point, referring to them as “community/police academies.”<sup>143</sup>

Other law enforcement agencies have recruited or even hired LPRs with the understanding that they are in the process of naturalizing. The Los Angeles County Sheriff’s Department, for example, requires that LPR officers have filed an application for citizenship with federal immigration authorities.<sup>144</sup> And it is not uncommon for law enforcement recruiters to urge potential candidates to become citizens so they can later join the police force.<sup>145</sup>

Along these lines, the Montgomery County Police Department has partnered with Montgomery College to operate the Cadet Program, which does not have a citizenship requirement.<sup>146</sup> While cadets who want to become law enforcement officers in Maryland still must be citizens, they can seek to naturalize or, in very limited circumstances, state authorities can waive the citizenship requirement.<sup>147</sup>

### 3. CONCLUSION: PROSPECTS OF INCREASING LPR HIRING

Law enforcement agencies often cannot unilaterally move to change existing hiring requirements, including those regarding citizenship, even when they have good reason such as difficulty filling vacancies or diversifying the force. The solution lies with changing state and local laws that prevent LPRs from serving, and for that, law enforcement leaders and other community members will need to encourage their elected officials to modify citizenship requirements.<sup>148</sup> To this point, a handful of law enforcement agencies have lobbied for such changes.<sup>149</sup> Law enforcement leaders’ role in these advocacy efforts is crucial.

<sup>142</sup> Telephone Interview with Chief Teachman, formerly of the South Bend Police Department.

<sup>143</sup> *Id.*

<sup>144</sup> See Gomez. See also CA.gov: California Highway Patrol, “Minimum Requirements – Officer” (2016), <https://www.chp.ca.gov/chp-careers/officer/why-become-a-chp-officer/minimum-requirements-officer> (“United States Citizen or permanent resident immigrant who is eligible and has applied for citizenship; must be a United States citizen at time of appointment”); Los Angeles County Sheriff’s Department website, “Requirements,” <http://lasdcareers.org/requirements/> (“A U.S. citizen or eligible resident alien awaiting citizenship application decision”).

<sup>145</sup> Telephone Interview with Sgt. Ali, City of Minneapolis Police Department.

<sup>146</sup> Montgomery County (Maryland) website, “The Montgomery County Police Department, in partnership with Montgomery College, is proud to announce the new Montgomery County Police Cadet Program,” <https://www.montgomerycountymd.gov/POL/career/cadet.html> (“Applicants must meet the following minimum requirements: [1] Be 18 years old, [2] Possess a high school diploma or general education development (GED) equivalent, [3] Possess a valid Driver’s License, [4] Pass a background check”).

<sup>147</sup> Telephone Interview with Chief Manger, Assistant Chief Reynolds, and Capt. Anderson, Montgomery County Police Department.

<sup>148</sup> *Id.*

<sup>149</sup> See Gomez (“[T]he Nashville Police Department is joining other departments to push the state legislature to change a law that bars non-citizens from becoming law enforcement officers”).

Allowing LPRs to serve in law enforcement positions would provide an additional source of potentially qualified candidates who could help alleviate recruiting shortfalls while diversifying police forces. Considering these applicants improves rather than diminishes the quality of law enforcement candidates. In the words of Montgomery County (Maryland) Assistant Police Chief Luther Reynolds, “We [would not be] lowering standards. We’d be increasing the quality of our officers.”<sup>150</sup> Chief Teachman agrees: “You want to be able to get the best applicants you can,” and considering LPRs can help advance this goal.<sup>151</sup>

When LPR candidates for law enforcement positions are well-qualified and contribute to force diversity in support of community policing, they stand to benefit the law enforcement agencies that hire them. As Chief Manger has stated, “U.S. citizenship has no bearing on someone’s ability to be a good police officer or not.”<sup>152</sup> It’s time for state legislatures and regulators to change their requirements and permit this talented pool of recruits to protect and serve the public.

**“U.S. CITIZENSHIP  
HAS NO BEARING  
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— CHIEF THOMAS  
MANGER

<sup>150</sup> Telephone Interview with Chief Manger, Assistant Chief Reynolds, and Capt. Anderson, Montgomery County Police Department.

<sup>151</sup> Telephone Interview with Chief Teachman, formerly of the South Bend Police Department.

<sup>152</sup> Telephone Interview with Chief Manger, Assistant Chief Reynolds, and Capt. Anderson, Montgomery County Police Department.





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