



September 19, 2024

The Honorable Tom McClintock
Chairman, Subcommittee on Immigration Integrity, Security, and Enforcement
2138 Rayburn House Building
Washington, DC 20515

The Honorable Pramila Jayapal
Ranking Member, Subcommittee on Immigration Integrity, Security, and Enforcement
2138 Rayburn House Building
Washington, DC 20515

Dear Chairman McClintock and Ranking Member Jayapal:

Since 2015, the Law Enforcement Immigration Task Force (LEITF), comprising of more than 150 police chiefs, sheriffs, and other law enforcement leaders, has sought to strengthen community trust and support public safety with immigrant communities and others.

As law enforcement leaders dedicated to preserving the safety and security of our communities, we are writing to express our concern with the No Bailout for Sanctuary Cities Act (H.R. 5717). We believe that immigration enforcement is primarily a federal responsibility, and efforts to compel state and local law enforcement leaders to carry out significant immigration enforcement functions divert limited resources from public safety and threaten to undermine trust within immigrant communities.

Concerns with One-Size-Fits-All Approaches

Going back nearly a decade, LEITF leaders have been vocal in opposing federal legislative proposals that would impose “one-size-fits-all” enforcement policies and threaten crucial federal funding.

The No Bailout for Sanctuary Cities Act would define “sanctuary jurisdiction” — a term currently not defined by federal statute — in a very broad manner. Under the proposed definition, even jurisdictions that cooperate extensively with federal immigration authorities still may be deemed “sanctuary jurisdictions” and lose access to significant federal funding if there is any “statute, ordinance, policy, or practice” 1) that places any limits on sharing or receiving citizenship or immigration status with federal authorities or 2) that places limits on compliance with voluntary federal immigration detainer requests. Far from being limited to self-proclaimed “sanctuary cities,” H.R. 5717 threatens to penalize cities and localities that continue to cooperate with federal immigration authorities in many areas and/or that have

adopted detainer policies responsive to federal court decisions finding jurisdictions liable for tens of thousands of dollars in damages for honoring warrantless detainers.¹

H.R. 5717's across-the-board, congressionally-mandated standards for information-sharing threaten to upend balanced community trust policies maintained by cities and localities across the country. These policies seek to ensure effective federal-state-local law enforcement cooperation while making clear the difference between the roles that different law enforcement agencies have in setting and enforcing immigration policies. It similarly would punish jurisdictions that place limits on honoring detainers — by potentially penalizing jurisdictions that continue to honor detainers for individuals convicted of felonies — for example while placing limits on detainers related to a minor traffic or other misdemeanor offense.

H.R. 5717 would undermine this process, compelling local law enforcement officers to act as immigration agents while imposing a federal “one-size-fits-all” approach. These approaches would reduce trust between immigrant communities and law enforcement, while imposing costly federal mandates.

Concerns about Undermining Community Policing

State and local law enforcement agencies work every day to build trusting relationships with residents, and we need that trust to do our job: apprehending criminals and maintaining public safety. Everyone should feel safe in our communities and comfortable in reporting crimes, serving as witnesses, and calling for help in emergencies. This improves community policing and safety for everyone.

While this bill does include a much-needed carve-out for policies limiting information sharing about victims and witnesses who cooperate with law enforcement, the No Bailout for Sanctuary Cities Act nevertheless poses a real danger to existing relationships between immigrant communities and state and local law enforcement. When state and local law enforcement agencies are required to enforce federal immigration laws, undocumented residents may fear that they, or people they know or depend upon, risk deportation by working with law enforcement. This fear undermines trust between law enforcement and the communities we serve, which actually can facilitate an increase in violent crime.

Rather than requiring state and local agencies to engage in additional immigration enforcement or expose their jurisdictions to civil liability, Congress should focus on making overdue reforms to our dysfunctional and out-of-date immigration system. Such an approach can help resolve ongoing border and workforce challenges related to immigration while having the added benefit of allowing state and local law enforcement to focus resources on clear threats to public safety such as dangerous criminals, violent crime, and criminal organizations.

Concern about Reductions in Crucial Federal Funding

¹ Law Enforcement Immigration Taskforce, “A Path to Public Safety: The Legal Questions around Immigration Detainers,” January 2018, <https://leitf.org/wp-content/uploads/2018/01/The-Legal-Questions-Around-Immigration-Detainers.pdf>.

LEITF has consistently urged the federal government to ensure that state and local law enforcement have adequate resources. However, rather than provide additional resources to encourage better cooperation between federal, state and local law enforcement, H.R. 5717 threatens existing funding resources. The bill specifies that states and localities deemed to be sanctuary jurisdictions are “ineligible to receive any Federal funds that the sanctuary jurisdiction intends to use for the benefit (including the provision of food, shelter, healthcare services, legal services, and transportation) of aliens who are present in the United States without lawful status under the immigration laws.”

While the bill does not outline specific funding at risk for removal, this wide-ranging definition appears to cover a large swath of federal funding for transportation, education, nutrition, emergency management, or law enforcement itself – funding categories that benefit U.S. citizens and lawful residents while also benefiting unauthorized immigrants. The bill’s broad approach in defining “sanctuary jurisdictions” and penalizing them by potentially cutting off major areas of funding undoubtedly will have negative impacts on a large cross-section of cities and localities, most of whom do not consider themselves to be sanctuary jurisdictions. Rather than penalizing a handful of recalcitrant jurisdictions by withholding targeted funding, the bill threatens to bar scores of cities and localities from receiving federal funding largely unrelated to immigration, including hundreds of jurisdictions that currently cooperate with federal immigration authorities in many ways.

Conclusion

We are deeply concerned about H.R. 5717, the No Bailout for Sanctuary Cities Act, which seeks to condition large categories of federal funding to a one-size-fits-all mandate for states and localities to carry out immigration enforcement functions. We believe this proposal will foster confusion and create challenges for scores of jurisdictions that have worked to both nurture a climate of community trust and cooperate extensively with federal immigration authorities in a manner that promotes public safety. We believe that a better approach would be for Congress to tackle longstanding shortcomings in our immigration system, working in a bipartisan manner to reach solutions addressing our border, our workforce needs, and providing the opportunity for qualifying longtime resident populations like Dreamers to attain lawful status.

Sincerely,

Chief Chad Kasmar (Co-Chair)
Tucson, AZ

Chief Ramon Batista (Co-Chair)
Santa Monica, CA

Chief Michael Tupper (Co-Chair)
Marshalltown, IA

Undersheriff Sylvia Moir
Marin County, CA

Chief Sean McDonagh
Monte Vista, CO

Chief Mark Prosser, Retired
Storm Lake, IA

Chief Steve England
Hailey, ID

Chief Ron Teachman, Retired
South Bend, IN

Sheriff Kevin Joyce
Cumberland County, ME

Chief Celisa Lehew
Chapel Hill, NC

Chief Christopher Blue, Retired
Chapel Hill, NC

Sheriff Eli Rivera
Cheshire County, NH

Chief Richard Biehl, Retired
Dayton, OH

Chief Thomas Thompson
Sinclair Community College, Dayton, OH

Chief Fred Fletcher, Retired
Chattanooga, TN

Chief Chris Burbank, Retired
Salt Lake City, UT

Sheriff Sean Casey
Alexandria, VA

Members of the Law Enforcement Immigration Task Force