

Local Law Enforcement and Immigration:
Lessons and Recommendations from Police Executives 2007-2021

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Dissertation submitted to the faculty of
Virginia Polytechnic Institute and State University,
in partial fulfillment of the requirements
for the degree of

Doctor of Philosophy
In
Public Administration & Public Affairs

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November 14, 2023
Arlington, VA

Keywords: Immigration enforcement, 287(g), procedural justice, community
policing/engagement, trustworthy motives, legitimacy, transparency, fairness, building trust and
legitimacy, crime prevention, immigration-crime nexus

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ABSTRACT

The *Immigration and Reform Control Act (IRCA) of 1986* and the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)* authorized the U.S. Immigration and Customs Enforcement agency (ICE) to enter into memoranda of agreement with local law enforcement under section 287(g). The 287(g) program includes the Task Force Model (TFM), Jail Enforcement Model (JEM), Secure Communities (SC), the Priority Enforcement Program (PEP) model and the Warrant Service Officer (WSO) Model, which authorizes specific responsibilities of immigration enforcement to local law enforcement agencies. This dissertation examines the impact of local law enforcement's participation in the various 287(g) programs from the perspective of law enforcement executives. Local law enforcement was granted the responsibility in part because Congress and local elected officials believed that immigration increased crime. However, as of 2022, little research on the nexus between crime and immigration supports that claim; nor does it support the claim that crime rates fell as a result of local law enforcement's participation in the 287(g) programs. Consistent with prior research, this dissertation finds that immigration enforcement has a "null or non-significant" effect on crime in these jurisdictions in comparison to jurisdictions that did not participate in the 287(g) programs. Moreover, this dissertation shows that law enforcement's participation in immigration enforcement led to unintended consequences, including adverse impacts on police legitimacy (trust and fear), perceived crime reporting by immigrant communities, and their community policing efforts. This research provides guidance on best practices to law enforcement in an effort to re-imagine the profession in accordance with procedural justice principles. It examines whether and

how immigration enforcement has posed challenges for building trust, legitimacy, community engagement and transparency for law enforcement; looks at whether federal mandates and immigration enforcement affected the advancement of community policing and procedural justice; provides insight on lessons learned from law enforcement's perspective; and contributes to research on the immigration-crime nexus.

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GENERAL AUDIENCE ABSTRACT

Section 287(g) under the *Immigration and Reform Control Act (IRCA) of 1986* and the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)* authorized the U.S. Immigration and Customs Enforcement agency (ICE) to enter into memoranda of agreement with local law enforcement agencies to participate in immigration enforcement. Under Section 287(g), ICE implemented 5 programs, including the Task Force Model (TFM), Jail Enforcement Model (JEM), Secure Communities (SC), the Priority Enforcement Program (PEP) model, and the Warrant Service Officer (WSO) model. This dissertation examines the impact of local law enforcement's participation in the 287(g) programs, from the perspective of law enforcement executives. This dissertation shows that law enforcement's participation in immigration enforcement led to unintended consequences, including adverse impacts on police legitimacy (trust and fear), perceived crime reporting by immigrant communities, and their community policing efforts. The dissertation also finds that immigration enforcement has a "null or non-significant" effect on crime. This research provides guidance on best practices to law enforcement in an effort to re-imagine the profession in accordance with fair and impartial policing principles.

Dedication

First, giving honor to GOD, for without him, none of this would have been possible.

I extend my love and sincere gratitude to my mother, Shirley M. Young and my daughter Jazmin D. Woodson for your unwavering love, prayers, support and understanding throughout this journey. Your belief in me and what I can accomplish is immeasurable. You have been here for me through good times and life's challenges. You encouraged and motivated me to keep striving and not to give up, no matter the challenge. My strong foundation and fortitude come from each of you. You two are my rock!

Thank you to my siblings Andre' and Danielle, in-laws Andrew and Tenita, niece Sequoia, aunts Joyce and Diane, and my cousin Lynn for always supporting my endeavors. Thank you to my loved ones, friends, sorors, and co-workers who have supported me throughout this journey.

Thanks to my committee members – Dr. Matthew Dull and Dr. Karen Hult, who served as my co-chairs, Dr. Joe Rees, and Dr. Robyn McDougale (VCU). Thanks for your guidance and support throughout this arduous process. Your invaluable feedback, patience and encouragement was essential to my success. Thanks to all of the Public Administration and Public Affairs faculty at Virginia Tech who guided me throughout this journey. Thanks to my former classmates, Dr. Lorita Daniels, Dr. Melvene Lanier, and Dr. Faith Hubbard for your continuous encouragement and support. We did it!

“Walk by Faith” – “Faith without works is dead.”

Acknowledgements

I would like to give a heartfelt thank you to the participating law enforcement executives for their willingness to assist in this research. I could not have completed this without your assistance. I would like to especially acknowledge my co-chairs, Dr. Matt Dull and Dr. Karen Hult, who took the time to review, edit, and provide feedback on my prospectus and dissertation. I would like to thank Dr. Robyn McDougle for her willingness to serve on my dissertation committee as my law enforcement subject matter expert. Thank you for guiding me in joining the scholarship in criminal justice with that in public policy. I want to thank Dr. Joe Rees for introducing me to the principles of procedural justice and challenging me to see how it could be used in my research. I want to thank Ms. Elynn Lee, Ms. Michelle Benjamin, and Dr. Melvina Sumter for their assistance with my literature review. I want to thank Virginia's Department of Criminal Justice Services Research Center and Virginia Tech's Laboratory for Interdisciplinary Statistical Analysis for their assistance with my quantitative data collection and analysis. I would like to thank Ms. Andrecia Vespa for transcribing the chief executive officer interviews; Ms. Brittany Keegan for her guidance and consulting on coding the qualitative research data; and Mrs. Maryann James-Daley for serving as my copy editor. Finally, I want to thank Ms. Tiffany Alston for giving me an opportunity to start a new chapter in my career.

I am so grateful for the love and support I have received from those both near and far. This journey is finally over!

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Chapter 1 - Introduction

On Thursday, February 16, 2017, between 7,000 and 8,000 immigrants and supporters descended upon the Charlotte – Mecklenburg Government Center for the “Day Without Immigrants” protest (Bell, Peralta, & Bolling, 2017). They were galvanized by the “new normal” approach undertaken by the U.S. Immigration and Customs Enforcement agency (ICE), which, following the cancellation of the 287(g) program¹ by “the state’s two most populous counties – Mecklenburg and Wake,” resulted in the detainment of approximately 200 individuals in North Carolina within a period of a week (Bell, et al., 2017). The march protested the actions of federal law enforcement officials in detaining and deporting immigrants (Arums, 2019). More specifically, the march was an outcry of a community whose daily experiences with immigration enforcement, combined with discrimination and societal exclusion, undermined their overall quality of life and threatened the survival of their families and communities.

As the following commentary by protesters illustrates, the reality of immigration enforcement diminishes the social and economic mobility of immigrants and reinforces images of immigrants as threats to national security and public safety.

Every day we leave our houses to go work for our families, and this is how they repay us: Sending ICE to our houses, to our streets, to the places we go to eat. It doesn’t matter where we go. They’re there. (Elver Barrios, in Armus, 2019).

The whole community is terrified. Everyone’s really in panic. (Margarita Baldovinos in Armus, 2019).

¹ The Immigration and Reform Control Act (IRCA) of 1986 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorized the U.S. Immigration and Customs Enforcement (ICE) to enter into memoranda of agreement with local law enforcement under section 287(g). The 287(g) program includes the Task Force Model (TFM), Jail Enforcement Model (JEM), Secure Communities (SC) and the Priority Enforcement Program (PEP) model, which gave immigration enforcement responsibility to local law enforcement agencies.

Why do they treat us like garbage when we are here to help the community? (Gerardo Ojeda in Bell et al., 2017).

It's unjust, what they're doing. They're harming us. (Leibi Cortez, in Armus, 2019).

To further illuminate this state of fear felt by the immigrant community in Charlotte, protesters held signs that read, "We are not criminals," "Give us a chance for a better life," and "Don't separate my family" (Bell et al., 2017).

Similar forms of resistance and opposition to the increasingly punitive immigration policies took place in other major cities that host immigrants. In all, these movements counter the rhetoric constructing immigrants with negative stereotypes and serve as a call to action for local and state governments that have adopted and implemented immigration enforcement programs, such as 287(g) and Secure Communities, to reconsider, re-evaluate, and reinvest in immigrant lives (Bell et al., 2017). Although the protests illustrated a growing pushback by immigrant communities against immigration enforcement, it is imperative to situate immigration enforcement within a context grounded on the proliferation of nativist fears of the immigrant criminal and the need to regulate and control immigrant populations, both documented and undocumented.

Since its inception in the 1880s, immigration enforcement has been the responsibility of the U.S. federal government (Lewis, Provine, Varsanyi, & Decker, 2012; Theodore & Habans, 2016). Beginning in the 2000s, new approaches to social control localized immigration enforcement efforts to state and local law enforcement agencies, a shift that many criticized. Maricopa County, Arizona, and Prince William County, Virginia, were among the localities that faced criticism for local law enforcement's participation in immigration enforcement.

Furthermore, such “formidable machinery” (Treygar et al., 2014, p.286) is exacerbated by the stigma of the undocumented being “outside the law” (Armenta, 2015, p.112). This compromised legal status relegates undocumented immigrants to a perpetual state of surveillance and criminalization by myriad state agents, particularly law enforcement agencies with the capacity to arrest, detain, and deport undocumented immigrants. As a result, emerging concerns about the efficacy of immigration enforcement have focused on the likelihood of potentially discriminatory policing practices that arise during police-immigrant interactions, including the consequences of such immigration enforcement for the wider immigrant community in terms of crime prevention and police legitimacy.

Numerous advocacy groups have expressed concern over local law enforcement’s participation in immigration enforcement. According to the American Immigration Council (2020), the 287(g) agreements threaten community safety and hinder community policing. A study by the University of North Carolina School of Law and the American Civil Liberties Union of North Carolina (ACLU-NC) found that “287(g) encourages, or at the very least tolerates, racial profiling and baseless stereotyping, resulting in the harassment of local residents and the isolation of an increasingly marginalized community” (American Immigration Council, 2020, p.7).

The Immigrant Defense Project (IDP) is another advocacy group opposed to immigration enforcement. IDP is a nonprofit that fights for fairness and justice for all immigrants caught at the intersection of the criminal legal and immigration systems (Immigrant Defense Council, 2021). The IDP states, “For years, ICE has tried to divide us, determined to cruelly target immigrants and separate families ... When local agencies conspire with ICE, it further criminalizes, targets, and marginalizes immigrant communities, and magnifies the injustices of

the criminal legal system and discriminatory policing.” During the 2021-2022 New York state legislative session, the IDP submitted its legislation priorities, the New York for All Act, which would prohibit all law enforcement and state agencies from participating with ICE. IDP states, “All New Yorkers, regardless of immigration status, want to participate in their communities, provide for family, and access health care and public goods without fear and intimidation. The New York For All Act (S3076/A2328) offers protections that help make this possible, by prohibiting all local law enforcement and state agencies from conspiring with ICE or participating in its cruelty” (Immigration Defense Project, 2023). Legislation S3076, sponsored by Senator Julia Salazar (D, 16th District) and several other co-sponsors, was subsequently amended. S3076 was left in committee in 2022 (The New York State Senate, 2021-2022). The legislation was reintroduced by Senator Andrew Gounardes (D, 26th District) and other co-sponsors as S987 for the 2023-2024 Legislative Session (The New York State Senate, 2023-2024).

A number of Virginia organizations, including Mexicans Without Borders and Virginia Organizing, opposed the participation of Virginia jurisdictions in ICE’s 287(g) program. Mexicans Without Borders questioned the legality of the resolutions set forth by Prince William County. Virginia Organizing started a campaign to remove 287(g) programs from Virginia participating agencies. In particular, its focus was the Rockingham County Sheriff’s Office (RSO). Virginia Organizing indicated that since RSO joined the program in 2007, it had arrested 1,458 foreign nationals, placed 514 on detainers, and deported 260 (Knight, 2011). According to Knight (2011), the Sheriff reported that ten nationalities were included in the total, indicating that RSO was not targeting Hispanics. Virginia Organizing states that although the Sheriff noted that the focus is on individuals who break the law, the immigrant community believes it is

leading to unjustified traffic stops, promotes racial profiling, and leads some immigrants to fear contacting the police or emergency personnel when they need assistance (Knight, P. 2011).

Law enforcement professional associations, including the International Association of Chiefs of Police (IACP), the Police Executive Research Forum (PERF), and the Major Cities Chiefs Association (MCCA) voiced concerns about immigration enforcement by local law enforcement. Similar concerns were also expressed about the potential adverse impact on immigrant communities by these law enforcement professional organizations.

The IACP is a recognized leader in global policing, committed to advancing safer communities through thoughtful, progressive police leadership.² The IACP and other professional law enforcement organizations occasionally organize roundtable discussions, surveys, or interviews with law enforcement executives on important law enforcement topics, such as immigration enforcement, so they can share opinions and develop guidelines for best practices.

After the September 11, 2001 terrorist attacks, interest grew in state and local law enforcement's participation in immigration enforcement in 2002. Approximately two years after an increase in local and state law enforcement agencies entering into MOAs with ICE, the IACP held a roundtable discussion with law enforcement leaders across the U.S. to discuss the topic.

During an IACP roundtable discussion in 2004, several law enforcement executives argued against local police participating in immigration enforcement. These executives stated that local police should not enforce immigration laws. Some of the reasons cited include a need to focus on the primary responsibilities of law enforcement: to fight crime at the local level and

² <https://www.theiacp.org/about-iacp>

build trusting relationships with their communities. Law enforcement executives also reflected on the reality that immigrants both legal and undocumented are vital members of their communities. These officials believed that state and local police should enforce criminal law because it is what police do best and what local communities expect of police officers first and foremost. The taxpayers in their communities expect local police departments to use the community's resources to address local crime, such as burglaries, robberies, assaults, rapes, murders, and traffic violations, rather than to focus on national concerns such as undocumented immigrants. Law enforcement officials stated that local citizens cared more about their immediate safety and quality of life rather than officers enforcing immigration laws (IACP, 2004).³

In 2005, the IACP released a statement in relation to immigration enforcement. The IACP stated, "Local police agencies depend on the cooperation of immigrants, legal and otherwise, in solving all sorts of crimes and in the maintenance of public order. Without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families." (American Immigration Council, 2021, p.8).

In 2010, PERF,⁴ a police research and policy organization, interviewed Maricopa County, Arizona, law enforcement executives, who stated that by enforcing federal immigration law, the sheriff's office damaged the relationship between law enforcement and the Latine community. In 2019, MCCA,⁵ which represents the largest police departments in the United States and Canada, found that "without assurances that contact with the police would not result in purely civil

³ <https://www.policechiefmagazine.org/immigration-enforcement-is-it-a-local-issue/>

⁴ <https://www.policeforum.org/>

⁵ <https://majorcitieschiefs.com>

immigration enforcement action, the hard-won trust, communication and cooperation from the immigrant community would disappear” (American Immigration Council, 2021, p. 7-8). For over a decade, some law enforcement professional organizations have expressed concern that their hard won trust and cooperation gained over the years will potentially be impacted by state and local law enforcement’s participation in immigration enforcement.

Virginia was one of twenty-one states with localities that entered into MOAs with ICE. Specifically, seven jurisdictions in Virginia worked with ICE in immigration enforcement efforts. This study examines the 287(g) program, lessons, and recommendations from local participation from a law enforcement executives’ perspective. The research also will compare the seven Virginia jurisdictions that participated in the 287(g) program with seven jurisdictions that did not participate in immigration enforcement to further expand empirical research on the immigration-crime nexus.

This chapter provides background on the role of law enforcement, followed by the research purpose, research question, research contribution, the rationale for the study, and significance for existing scholarship, public affairs, and practice. It also overviews the history of policing, U.S. Immigration policy, and the principles of procedural justice. Chapter 2 reviews relevant scholarship and explores immigration enforcement as crime prevention, procedural justice and legitimacy in policing, community policing, 21st century policing framework, immigration enforcement and perceptions of public safety and police legitimacy, the immigration-crime nexus, federal mandates, and opportunities for future research. Chapter 3 introduces the research design for addressing the research questions, including a description of the research sample, the rationales for site selection, methods, and data analysis; discussion of the research; and the limitations of the research. Chapter 4 analyzes the findings. It describes the

political landscape of police departments, and their goals and objectives; it also examines the implementation of 287(g) programs; their community impact, outcomes, unintended consequences, successes, challenges and agency responses, and overall effects. The chapter also explores evident effects on crime and the utilization of other federal government partnerships to combat crime. Chapter 5 turns to the lessons by and recommendations of law enforcement executives, derived from interviews and articles, surveys, and round-table discussions drawn from professional law enforcement organizations. Chapter 6 concludes the study.

Background

Between 1970 and the 2000s, the United States experienced significant immigration. The U.S. Census showed that the number of foreign-born individuals had more than doubled since 1980, rising from approximately 6% of the total population to around 13% in 2010 (Lewis, Provine, Varsanyi, & Decker, 2013). In 2016, the Pew Research Center estimated that approximately 43.7 million foreign-born individuals resided in the United States, suggesting that, since the replacement of a national quota system for immigration laws in 1965, the immigrant population had more than quadrupled. Since 1970, when immigrants comprised approximately 4.7% of the population in the United States, by 2016, immigrants accounted for more than 13% of the population (13.5%). Of the nearly 44 million immigrants in the United States, the majority (76.3%) were characterized as lawful immigrants, with approximately 27% being permanent residents and 5% being temporary residents. Undocumented immigrants comprised approximately 24% of the foreign-born population in the United States in 2016 (López, Bialik, & Radford, 2018). Since 2016, the percentage of immigrants in the U.S. population appears to have leveled off, comprising of approximately 13.6%.⁶

⁶ <https://www.migrationpolicy.org/programs/data-hub/charts/immigrant-population-over-time>

Virginia has a large and growing immigrant population. In 2018, 1.1 million foreign-born individuals comprised approximately 13% of the population. One in eight individuals in Virginia are foreign born. The percentage of Virginia's foreign-born population more than doubled since the 1990s. In 1990, Virginia's foreign-born population comprised 5% (311,809) of the population. In 2000, the number of foreign-born individuals increased to 8.1% (570,279) of the population. Based on U.S. Census data, the Migration Policy Institute (2018) estimated 1 million foreign born individuals resided in Virginia (12.5%; compared to over 7 million U.S. born individuals in the state).

Immigration Enforcement

Immigration enforcement has been a focus of American politics sporadically throughout the 20th and 21st centuries. In 1986, Congress passed the Immigration and Reform Control Act (IRCA). IRCA focused on prohibiting hiring of unauthorized workers, strengthening border enforcement, and providing legalization for a large share of the unauthorized immigrant population. The legal status provision was intended to “wipe the slate clean” of the problem of illegal immigration by granting legal status to approximately 3 million individuals who were deemed eligible (Meissner, Kerwin, Chishti, and Bergeron, 2013). Under IRCA (1986), Congress provided amnesty for certain longtime residents and farm workers to gain legal permanent status. As a result, 2.7 million long-term residents received legal permanent status. IRCA (1986) also imposed more restrictions and regulatory provisions to improve enforcement of existing laws, including steady increases to immigration enforcement agencies and greater requirements for employers to check the work authorization of employees.⁷

⁷ <https://immigrationhistory.org/item/1986-immigration-reform-and-control-act/>

The growth in the U.S. economy from the 1990s to the early 2000s drew immigrants across the borders for jobs, with or without documentation (Meissner, et al., 2013). By the mid-2000s, the U.S. Census Bureau estimated that between 11 million and 12 million undocumented immigrants were in the country. As a result, enforcement continued to be the dominant focus of immigration policy, and the issue became mired in a partisan stalemate among policymakers for over a decade. Meanwhile, “enforcement first” had *de facto* become the nation’s primary policy response to undocumented immigrants. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA) expanded U.S. immigration laws, adding penalties for undocumented immigrants who commit crimes while in the United States or who stay in the U.S. for statutorily defined periods of time. The Act was designed to improve border control by imposing criminal penalties for racketeering, alien smuggling and the use or creation of fraudulent immigration-related documents; increase interior enforcement by agencies charged with monitoring visa applications and visa abusers; and allow for the deportation of undocumented immigrants who commit a misdemeanor or a felony (Authenticated U.S. Government Information GPO, 1996).⁸

Meissner, et al. (2013) indicate the nation’s strong, pro-enforcement consensus has resulted in the creation of a well-resourced, operationally robust, and multidimensional enforcement system. Immigration enforcement evolved into a complex, interconnected system. Although the U.S. Department of Homeland Security (DHS) is the lead agency responsible for immigration enforcement and policy, other federal agencies have responsibility for different aspects of immigration enforcement, including the Department of Justice and the Department of State. As the issue of immigration enforcement requires a multi-faceted approach, each federal

⁸ <https://www.govinfo.gov/content/pkg/PLAW-104publ208/pdf/PLAW-104publ208.pdf>

agency has its own role in identification, enforcement, and prosecution. In order to enhance cooperation and communication, the agencies have to work together in order to reduce the number of undocumented immigrants entering the United States. As a result of the collaborative effort among federal agencies, the modern-day immigration enforcement system is designed around six pillars: border enforcement; visa controls and travel screening; information and interoperability of data systems; workplace enforcement; the intersection of the criminal justice system and immigration enforcement; and detention and removal of noncitizens (Meissner, et al., pp. 1-2, 2013).

Research Purpose

The United States has a long history of using law enforcement officers as agents of social control, and utilizing local law enforcement for immigration enforcement is no different. Law enforcement has an extensive history of mistrust and abuse of minority communities, starting with officials serving as slave patrols in the 1700s and continuing with the death of George Floyd in 2020 at the hands of Minneapolis police. Virginia's history is consistent; in 1807, the Richmond Police Department was officially one of the first formally organized law enforcement agencies in the United States. Slave patrols from the South provided the template for forming policing in its modern sense (Carter, 2015). As a result of this deep-seated history of police as agents of social control, in order to be successful in their efforts to build trusting relationships with the community, it is imperative for the field of law enforcement to more fully understand and acknowledge its history and reimagine the profession, with a focus on procedural justice.

The research initially sought to evaluate law enforcement's participation in the 287(g) program from 2007-2012. Yet with all that has transpired following 2020 in the area of social equity, the topic of immigration enforcement has become even more relevant. Law

enforcement's participation in immigration enforcement contributes to the social equity literature and the importance of re-imagining the law enforcement profession. How immigrants are treated in their communities is an important aspect of the social equity conversation. Immigration enforcement is no different than the social justice movement sparked in 2020 by the tragic death of George Floyd, which garnered international outrage and was followed by international protests and civil unrest. As a result, the field of law enforcement realized the urgency to re-evaluate both policing tactics and how they engage with Black and Brown communities. Procedural justice principles and the 21st century policing framework should be considered when engaging immigrant communities, as distrust in police begins in their home countries. Law enforcement must find a way to build trust within the immigrant communities and approach them in the same manner in which law enforcement has changed its approaches to African American communities in 2020. This research provides a chance to reinforce the principles of procedural justice and how law enforcement employs them. Although changes in the U.S. presidency over the past decade have helped shape law enforcement's policies and practices in immigration enforcement, its relevance has not changed.

Research Question

Under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, section 287(g), ICE implemented five immigration enforcement programs (IEPs). From the procedural justice perspective (elaborated below), it is important that all communities believe they are treated with dignity, respect and equity. This study utilizes qualitative data to investigate the implications of the IEPs for local law enforcement. The participation of local law enforcement in section 287(g) immigration enforcement programs raises an important research question:

What have police executives learned from their experience with engaging in immigration enforcement programs (IEPs)?

That question, in turn, has several parts:

1. What were the effects of the 287(g) programs on local law enforcement?
2. From the lens of procedural justice, have there been challenges for law enforcement with building trust and legitimacy, community engagement, and transparency as a result of immigration enforcement?
 - a. Have the challenges posed by these interactions impacted building trust and legitimacy, community engagement and/or transparency? And if so, how?
 - b. What have been the departments' responses to those challenges?
 - c. What have been the lessons learned to address the challenges?
3. Did immigration enforcement impact crime in the participating jurisdictions compared to the non-participating jurisdictions? If so, how?

Research Contributions

This research makes contributions to scholarship on state and local law enforcement's participation in immigration enforcement. Unlike prior research in this area, this study examines the viewpoint of law enforcement. From a law enforcement executive's perspective, the current research contributes to and examines the effectiveness of immigration enforcement by local police departments, as authorized under section 287(g) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Through the lens of procedural justice, the research explores the impact of immigration enforcement on immigrants' trust in, perceptions of the legitimacy of, engagement with, and transparency of law enforcement. The study also provides insight into the lessons learned from law enforcement's engagement in immigration enforcement; determines if federal mandates and immigration enforcement impacted the advancement of community policing and procedural justice; and contributes to research on the nexus between immigration and crime.

The study focuses on immigration enforcement in the Commonwealth of Virginia, complemented by perspectives of and lessons learned by law enforcement executives in other states. The research explores whether and how participation of local law enforcement agencies in one or more of the Act's immigration enforcement programs affected agency officials' views

of their relationships with local immigrant communities. The research employs a mixed methods approach utilizing qualitative and quantitative data to assess how police executives think about:

- the extent of and changes in building trust and perceived legitimacy of local police;
- the extent of and changes in engagement of the community with law enforcement;
- the extent of and changes in law enforcement transparency with the community; and
- the extent of and changes in crime in local communities.

The research also seeks to join scholarship in criminal justice with that in public policy. From a criminal justice perspective, it is important to show the impact of the program on actual crime rates as success of police chiefs are often measured by their ability to control crime; otherwise, one leaves a part of the policy discussion incomplete.

Rationale for Study and Significance for Existing Scholarship, Public Affairs and Practice

Increased immigration and the potential threat to national security and public safety have prompted the adoption and implementation of immigration enforcement programs as a viable crime prevention tool. Under the Immigration and Nationality Act, local law enforcement agencies and municipal governments became integral agents of social control. This study employs the principles of procedural justice to suggest the categories for analyzing and the standards for assessing how police executives think and talk about the effects of immigration enforcement on policing and their relationships with citizens and the broader community. The study does not undertake the rigorous empirical research that is needed to validate the practice of procedural justice in the field of criminal justice. Rather, it examines the impact of local law enforcement's participation in the various 287(g) programs from the perspective of law enforcement executives. It explores whether and how immigration enforcement has posed challenges for law enforcement in building trust, legitimacy, community engagement and

transparency. The research also probes whether federal mandates and immigration enforcement impacted the advancement of community policing and procedural justice and provides insight into any lessons learned from law enforcement's perspective.

Furthermore, congressional authorization to delegate immigration enforcement and authority to state and local law enforcement agencies warrants attention to empirical scholarship addressing the immigration-crime nexus. Researchers have debated the relationship between immigration and crime, including the effectiveness of immigration enforcement in preventing criminal offending. The research here will contribute to the discussion on the hypothesized immigration-crime nexus by examining the implications for policing in context.

History of Policing

Given a deep-rooted history of mistrust and abuse of minority communities, members of law enforcement have to re-imagine and rebrand the profession, with a focus on procedural justice. Events such as the deaths of George Floyd and Breonna Taylor have led to widespread protests, civil unrest, and calls to "defund the police." With the renewed emphasis on social justice that occurred after the tragic death of George Floyd in May 2020, law enforcement has been attempting to re-examine how they police and engage with African American communities. This examination should also include how immigrant communities are policed. As previously indicated, immigration enforcement is no different from the social justice movement that sparked after Floyd's death. Immigration enforcement contributes to the social equity literature on re-imagining the police profession. How immigrants are treated in the community is an important aspect of the social equity conversation.

Historically, the law enforcement profession was created to serve as agents of social control. The first law enforcement agencies in what is now the United States were created in

1704 in the colonies of the Carolinas. They were known as the slave patrols. The responsibility of patrols was straightforward—to control the movements and behaviors of enslaved populations. According to historian Gary Potter, slave patrols served three main functions: “to chase down, apprehend, and return runaway slaves to their owners; to provide a form of organized terror to deter slave revolts; and, to maintain a form of discipline for slave-workers who were subject to summary justice, outside the law” (in Potter; Hansen, 2019, p. 1). Historian Sally Hadden writes in *Slave Patrols: Law and Violence in Virginia and the Carolinas*, “The history of police work in the South grows out of this early fascination, by white patrollers, with what African American slaves were doing. Most law enforcement was, by definition, white patrolmen watching, catching, or beating black slaves” (Hadden, 2001, p. 4; Hansen, 2019).

Over time, the responsibilities of law enforcement in the South transitioned from slave patrols to enforcement of Jim Crow laws. Jim Crow laws involved the suppression of civil liberties of African Americans. Alexander (2010, p. 30) stated that the backlash against the gains of African Americans in the Reconstruction Era was swift and severe. As African Americans gained political power and economic equality, whites reacted with panic and outrage. Their campaign to “redeem” the South led to the resurgence of the Ku Klux Klan, which led to bombings, lynching, and mob violence. Vagrancy laws and other laws defining activities such as “mischief” and “insulting gestures” as crimes were enforced vigorously against blacks, resulting in tens of thousands of African Americans arbitrarily being arrested or sanctioned with high fines and court costs (Alexander, 2010, p. 31).

The drive for social control continued through the 1940s, 1950s and into the civil rights movement of the 1960s. A fresh wave of terror confronted those who supported the dismantling of Jim Crow laws. Once again, resistance turned violent. NAACP leaders were beaten, pistol

whipped, and shot (Alexander, 2010, p. 37). Police were also used as agents of social control in areas outside the South, including Irish and southern European immigrants in the Northeast and middle West; Asians, especially Chinese in late 19th and early 20th century California; and African Americans in northern cities during World Wars I and II also faced discrimination and threat – e.g., Boston, Detroit, Chicago, Omaha, St. Louis, and Kansas City.

In the mid-1970s, critical accounts highlighted negative aspects of policing; therefore, departments undertook reforms throughout the late 1900s. In response to these findings, some departments implemented community policing strategies. Community policing placed minority officers in minority neighborhoods, established foot patrols, and incorporated the community in helping police the neighborhood. The police officers were meant to become close and familiar with the residents in the community. This became increasingly popular in the early 1990s (Olito, p. 18, 2021). However, by the mid-1990s, the “war on drugs” once again highlighted law enforcement officers as agents of social control with “no tolerance” enforcement efforts, disproportionately targeting Black and Hispanic communities. By the early 2000s, two-thirds of police forces across the U.S. implemented community policing policies (Olito, p. 18, 2021). In 2001, after 9/11, policing changed yet again as departments shifted their focus to counterterrorism, with a focus on identifying undocumented immigrants. The terrorist attack on 9/11 also affected the future of policing. The National Criminal Justice Reference Service found that departments “have evolved including not only counterterrorism but also the adoption of an all-crimes approach” (Olito, p. 15, 2020). After 9/11, police work was emphasized and revered in some communities, whereas other communities experienced racial profiling. In 2002, U.S. Representative John Conyers (D-MI) stated, “Since September 11, our nation has engaged in a policy of institutionalized racial and ethnic profiling, if Dr. Martin Luther King Jr. were alive

today ... he would tell us we must not allow the horrific acts of terror our nation has endured to slowly and subversively destroy the foundation of our democracy” (Olito, p. 16, 2020). The American Civil Liberties Union (ACLU) agreed with Conyers in a 2009 report: “The practice of racial profiling by members of law enforcement at the federal, state, and local levels remains a pervasive problem throughout the United States, impacting the lives of millions of people in African American, Asian, Latino, South Asian, Arab and Muslim communities” (Olito, 2020, p. 16).

Police departments also adopted tactics like New York City’s “stop-and-frisk,” in which police officers stopped anyone on the street they deemed suspicious and patted the person down. Critics countered that stop and frisk was a form of racial profiling because the majority of people detained were young Black and Latino men. Evidence showed that police were disproportionately targeting minorities in these cases (Olito, p. 16, 2020). In some police departments, similar practices were used to target those suspected of being undocumented immigrants.

Nonetheless, local police have responded to waves of criticism with reforms, while responding to competing values and demands. Through community policing, police try to enhance relationships within the communities they serve and have supported efforts to reduce crime and improve community safety and quality of life. Hence, many police officers view community policing as part of the effort to reorienting the profession. For members of immigrant communities, who often come from countries where law enforcement officials have histories of corruption and abuse, this shift is important to ensuring social control, their welfare and strengthening relations with law enforcement.

Accordingly, Traina (2010) stated that community policing is an effective strategy designed to enhance trust in the community, which may result in more information being shared with law enforcement. In the wake of the terrorist attacks on September 11, 2001, community policing was looked upon as a tool for reducing the likelihood of terrorist activity as well (Traina, 2010). Despite many departments investing in community policing as a tool for crime prevention, a renewed wave of anti-immigration sentiment emerged after the terrorist attacks, creating pressure for immigration enforcement to be used as a means to further safeguard national and domestic security. Such enforcement, however, appears to contradict the premise of community policing. Although research is inconclusive on whether immigration enforcement reduces crime (Davies & Fagan, 2012; Koper, Guterbock, Woods, Taylor, and Carter, 2013), some work seems to contend that immigration enforcement has had an adverse impact on immigrant communities, including rising distrust of the police, decreases in crime reporting, increased fear and immigrants leaving communities (Theodore, 2016; Armenta, 2016). Consequently, some observers claim immigration enforcement appears to counter the advancement of community policing.

Overview of U.S. Immigration Policy - 287(g) Program and Law Enforcement Practice

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g) to the Immigration and Nationality Act. This section of law authorizes the Director of ICE to enter into agreements with state and local law enforcement agencies, which permit designated officers to perform limited immigration law enforcement functions. Agreements under section 287(g) require the local law enforcement officers to receive appropriate training and to function under the supervision of ICE officers (ICE).⁹

⁹ <https://www.ice.gov/identify-and-arrest/287g>

The 287(g) program had a slow start; initially only one¹⁰ department in the U.S. entered into a MOA with ICE. However, interest peaked after the terrorist attacks on 9/11, when lawmakers turned their attention to local-federal policing partnerships tools for homeland security. As a result, in 2002, ICE entered into several 287(g) agreements with state and local jurisdictions (Coleman, 2012). After 9/11, local law enforcement was viewed as another source of information to assist in identifying undocumented individuals and possible terrorists.

According to ICE, the primary objective of the 287(g) program was to enhance the safety of participating communities. Specifically, ICE's July 2009 MOA template indicated that the purpose of the collaborations between ICE and Law Enforcement Agencies (LEA) was to identify and process the removal of criminal undocumented immigrants who pose a threat to public safety (ICE, 2009).

The 287(g) program was promoted by DHS as a force multiplier for ICE agents by utilizing local LEA officers to follow up on leads, perform investigative research, and surveillance. ICE indicated,

*The highest priority of any law enforcement agency is to protect the safety and security of the communities it serves (ICE).*¹¹

ICE further indicated,

ICE prioritizes the removal of public safety and national security threats, those who have violated our nation's immigration laws, including those who have failed to comply with a final order of removal, and those who have engaged in

¹⁰ Coleman (2012) does not identify the department, but states that the initiative failed.

¹¹ <https://www.ice.gov/secure-communities>

*fraud/willful misrepresentation in connection with official government matters (ICE).*¹²

ICE places emphasis on the fact that the federal government, not the state or local law enforcement agency, determines what immigration enforcement action, if any, is appropriate. Only federal DHS officers make immigration enforcement decisions, and they do so only after an individual is arrested for a criminal violation of local, state, or federal law, separate and apart from any violations of immigration law (ICE).¹³ ICE's priority for the 287(g) program has shifted with changing presidential administrations. Initially, local 287(g) officers were authorized to question undocumented immigrants as to their immigration status and removability, serve warrants for immigration violations, and issue immigration detainers for detention facilities to hold undocumented immigrants for a short time after completing their sentence. Under 287(g), officers prepared charging documents for ICE agents' signature, which were used in immigration courts, processing undocumented immigrants for removal, and transporting undocumented immigrants to ICE detention facilities (Office of Inspector General Report, 2010). Coleman argues that despite being a federally supervised program, devolution made immigration enforcement site-specific, and implementation depended on the political, legal, policing, or biographic contexts (Coleman, 2012). As such, the intended goals were not always adhered to on the local level.

A review of the 287(g) program by the Department of Homeland Security Office of Inspector General (OIG) identified several aspects that were accomplishing the program's objectives, as well as challenges that may have reduced its effectiveness. During the review, the

¹² <https://www.ice.gov/secure-communities>

¹³ <https://www.ice.gov/secure-communities>

OIG found that some practices were not in compliance with the MOA, which led to the reform of the program (OIG, 2010). The OIG report found that the 287(g) program lacked overall policy objectives, encouraged non-uniform applications, and had unclear federal supervision (Coleman, 2012). All but three of the participants and all but one of the law enforcement professional organizations in this study advocated for reform of the 287(g) program.

The 287(g) agreements set general parameters for program activities and established a process for ICE to supervise program activity; however, the OIG observed instances in which ICE and participating law enforcement agencies were not operating in compliance with the terms of the agreements (OIG, 2010). Local law enforcement officers were supposed to prioritize illegal immigration arrests and detentions. ICE identified three categories, with the highest being Level 1 undocumented immigrants (OIG, 2010).¹⁴ Although these categories were identified, the OIG stated that ICE did not establish a process to ensure that the highest priority was placed on Level 1 offenders. Four unidentified jurisdictions were visited by the OIG, and based on the arresting offense, 263 (94%), were within one of the three priority levels. However, only 26, (9%), were within Level 1, and 122, (44%), were within Level 2. A little less than half of the detainees fell in the Level 3 category. Based on the analysis, OIG states that these results do not show that 287(g) resources were focused on undocumented immigrants who pose the greatest risk to the public as ICE's intended purpose stated (OIG, 2010).¹⁵ None of the agencies in this study indicated that ICE's objectives were the focus or priority of the program.

¹⁴ Level 1 undocumented immigrants consisted of those who had been convicted of major drug offenses and violent offenses such as murder, manslaughter, rape, robbery, and kidnapping.

Level 2 undocumented immigrants were those who had been convicted of minor drug offenses and property offenses such as burglary, larceny, fraud, and money laundering.

Level 3 undocumented immigrants who had been convicted of other offenses.

¹⁵ The OIG report did not identify specific jurisdictions that were out of compliance.

Actions taken by local law enforcement illustrate some of the unintended consequences identified in the OIG report. For example, 287(g) officers used their authorities during large scale street operations with the aim of detaining individuals for minor offenses and violations of local ordinances, even though the 287(g) program was not designed to allow LEAs to perform random street operations, impact issues of excessive occupancy, and day laborer activities. Two jurisdictions, examined in the current study, indicated that activity at the day laborer site was the impetus for engaging in the program and others indicated that the significant influx of immigrants in their communities were the impetus for joining forces with ICE. The OIG report indicates that in certain situations, participating in the 287(g) program may have led officers to make a custodial arrest of individuals for misdemeanor and traffic offenses who would have normally been released on a summons. The OIG found an example where a state trooper transported an accident victim to a participating county jail in order to determine the victim's immigration status (OIG, 2010). Coleman (2012) and Stuesse and Coleman (2014) suggest that officers increased custodial arrests for minor crimes in order to check the immigration status as the premise and that agencies have engaged policing practices not intended under the MOA, including increased custodial arrests for minor crimes and traffic offenses, which may have resulted in immigration checks. Coleman's (2012) research also examined if the state of Virginia localities participated in similar enforcement practices. Results indicate that four of the Virginia jurisdictions reported an increase in custodial arrests for property crimes and the three other jurisdictions showed that arrest rates and property crimes remained constant or fluctuated. One jurisdiction indicated that all traffic violators were automatically checked against the illegal alien query as a matter of protocol, which is contrary to ICE's intended purpose. Furthermore, Coleman (2012) suggests that non-enrolled agencies with access to Secure Communities (SC)

sites may have engaged in policing practices, which may have resulted in an immigration check at a local detention center.

After further assessment, the federal government ended the 287(g) Task Force Model (TFM) for local jurisdictions at the end of 2012. Subsequently, all TFM MOAs with local and state jurisdictions were canceled with the Jail Enforcement Model (JEM) and SC models still in effect. The Secure Communities program ended in 2017 and ICE implemented the Warrant Services Officer (WSO) model in 2019. As of 2019, only two jurisdictions in Virginia had a MOA to operate the JEM, which were the Prince William – Manassas Regional Adult Detention Center and the Culpepper County Sheriff’s Office. ICE’s 2022 database shows Culpepper County Sheriff’s Office as the only Virginia jurisdiction with a current MOA (ICE).¹⁶

In January 2021, the United States Government Accountability Office (GAO) published a report assessing ICE’s 287(g) program. The GAO report indicates:

Since January 2017, 287(g) program participation has increased by over 300 percent (35 agreements in January 2017 to 150 as of September 30, 2020) and, as a result, ICE is now responsible for managing and overseeing 147 LEAs with 730 state and local law enforcement officers who act as ICE officers. While ICE has processes to review LEAs’ application to join the program and for the implementation and operation of the program at LEAs’ facilities, it could benefit from further efforts to assess the 287(g) program’s needs and performance to help with planning and decision-making. In particular, ICE’s program lacked goals and measures enabling the assessment of progress towards meeting intended results and use performance information to help make decisions for

¹⁶ <https://www.ice.gov/identify-and-arrest/287g>

program oversight or other improvements, as needed. Further, ICE could benefit from assessing how to leverage resources and optimize program benefits so that it can more strategically approach recruitment, and allocate resources to potential LEA participants as the program continues to grow. Moreover, while ICE has a number of mechanisms to conduct oversight of JEM participants, it lacks an oversight mechanism for WSO participants. By developing and implementing such a mechanism, ICE can help ensure that WSO participants comply with their 287(g) agreement and other relevant ICE policies and procedures (GAO, 2021).

After various iterations of the 287(g) programs over the past three decades, ICE still has not developed solid oversight mechanisms. The GAO provided three recommendations for the ICE Director, including 1) Establish performance goals and performance measures to assess and manage the performance of the 287(g) program; 2) Assess the 287(g) program composition to help leverage program resources, optimize program benefits, and guide expansion efforts; 3) Develop and implement an oversight mechanism to monitor WSO participants' compliance with the MOA (GAO, 2021). As of July 2023, ICE has 62 JEM agreements with law enforcement agencies in 18 states and 75 WSO agreements with 11 states.¹⁷

Although the priorities of the 287(g) program have evolved over the years, the program still exists in 2023. According to ICE (2023), the 287(g) program enhances the safety and security of communities by creating partnerships with state and local law enforcement agencies to identify and remove noncitizens who are amenable to removal from the United States (ICE).¹⁸

¹⁷ <https://www.ice.gov/identify-and-arrest/287g>

¹⁸ <https://www.ice.gov/identify-and-arrest/287g>

In recent years, ICE's priority in the 287(g) program appears to focus on noncitizens who are already incarcerated that fit the criteria for removal.

ICE (2023) indicates the current 287(g) program receives overwhelmingly positive feedback from its partners. ICE still asserts that the mutually beneficial agreements allow state and local officers to act as a force multiplier in the identification, arrest, and service of warrants and detainers of incarcerated foreign-born individuals with criminal charges or convictions. Those meeting the criteria for removal are identified while still secure in state or local custody, potentially reducing the time the noncitizen spends in ICE custody. The state and local partners benefit by reducing the number of criminal offenders that are released back into the community without being screened for immigration violations. Gang members, sex offenders, and murderers are often identified and taken into ICE custody after serving their criminal sentences, thus being removed from the community. According to ICE (2023), the efficiency and safety of the program allows ICE to actively engage criminal noncitizen offenders while incarcerated in a secure and controlled environment as opposed to the alternative of conducting at-large arrests, which can pose safety concerns for the officers and the community and may result in collateral arrests.

According to ICE (2023), federal, state and local officers working together provide a tremendous benefit to public safety through increased law enforcement communication and overall community policing effectiveness (ICE).¹⁹ Initially, oversight of the 287(g) program was lacking, according to the OIG (2010) report. In previous years, ICE and some local law enforcement agencies focused on individuals suspected of being noncitizens pre and/or post arrest. The focus then changed to post arrest with an emphasis on threats to national security or other specific serious crimes. The initial implementation plans and priorities are the reason some

¹⁹ <https://www.ice.gov/identify-and-arrest/287g>

law enforcement executives were reluctant to have state and local law enforcement participate in immigration enforcement activities. However, the shift in focus on noncitizens who have committed serious crimes or deemed a threat to national security, may have made state and local law enforcement more amenable to immigration enforcement. Ensuring that law enforcement can build and maintain community trust by implementing community policing practices and ensuring the principles of procedural justice are adhered to are essential to law enforcement's success.

Principles of Procedural Justice

Nagin and Telep (2017) note that the causal chain in Tyler and colleagues' theory of procedural justice begins with agents of the criminal justice system acting in a trustworthy and neutral manner, treating citizens with dignity, and providing citizens with the opportunity to explain their actions (voice). The theory of procedural justice suggests that if citizens are treated in a procedurally just way, citizens will perceive that they have been treated fairly, and such perceptions increase citizens' perception of legitimacy (Nagin and Telep, 2017, p. 8).

Tyler et al. (2018) state that procedural justice is a powerful tool for police officers and police departments alike. For police officers, employing procedural justice principles will help to improve police-community interactions, increase police situational control and safety, and increase community members' compliance with laws and social norms. These benefits are likely to be realized through training and policies that activate officers' ethical motives for treating people well (Tyler et al., 2018, p.23).

Summary

This chapter introduced the primary purpose of the research, its orienting questions, and its significance and contributions. Focusing on the perspective of law enforcement executives, the research seeks to offer guidance on lessons and recommendations for local law enforcement

in an effort to re-imagine the profession in accordance with procedural justice principles. It explores whether and how immigration enforcement poses challenges for building trust, legitimacy, community engagement and transparency for law enforcement and to probe the possible effects of federal mandates and immigration enforcement on community policing and procedural justice.

Chapter 2 – Literature Review

This chapter provides an overview of relevant scholarly literature that highlights several topics critical to the research here. The chapter is organized around six focal themes, including immigration enforcement as crime prevention, procedural justice and legitimacy in policing, 21st century policing, immigration enforcement and perceptions of public safety and police legitimacy, the immigration-crime nexus, and federal mandates.

Immigration Enforcement as Crime Prevention

Since the inception of ICE's 287(g) program, the concept of local law enforcement officers enforcing immigration law has been an area of much controversy. For instance, in their study, Capps, Rosenblum, Rodríguez, and Chishti (2011) assess the enforcement outcomes, costs, and community impacts following implementation of the program. They compared seven jurisdictions (Cobb County, GA; Frederick County, MD; Gwinnett County, GA; Los Angeles County, CA; Prince William County, VA; Las Vegas, NV; and the Colorado Department of Public Safety) that employed either a targeted approach that prioritized unauthorized immigrants who posed serious threats to security, engaged in felonious crimes, and violated immigration laws for enforcement or a universal approach that prioritized all unauthorized immigrants for enforcement, "where the perception was that "unauthorized immigrants were more likely to commit crimes" (Capps et al., 2011, p. 10). Capps et al. (2011) utilize a mixed methods approach that combined quantitative analysis of data collected by ICE on persons processed through the 287(g) program in all jurisdictions and qualitative interviews with stakeholders, law enforcement agencies, and community members in all jurisdictions.

The findings from Capps et al. (2011) reveal differences in enforcement procedures among the seven jurisdictions. Despite the overall focus of all the jurisdictions on prioritizing Level 1 or Level 2 offenders for enforcement (i.e., detention and removal), a substantial share of

287(g) program activity in the surveyed jurisdictions focused on Level 3 offenders and traffic violators for enforcement (Capps et al., 2011). This translates into increased identification and removal of unauthorized immigrants who do not pose a serious threat to public safety or security and would “otherwise have remained in the community” (Capps et al., 2011).

Using open-ended, in-person interviews of members of national immigration rights groups in Washington, D.C. and police officials in Wake and Durham counties in North Carolina, Coleman (2012) conducted a case study examining the degree to which the implementation of 287(g) and the Secure Communities programs were influenced by the geopolitical context of a locality. Coleman (2012) finds that the counties employed different approaches for immigration enforcement. Wake County implemented the 287(g) and Secure Communities programs under a Jail Enforcement Model, whereby detainees in local jails “are quickly questioned about immigration status as part of the general booking process” (Coleman, 2012, p.169). Between June 2008 and December 2009, of the approximately 4,472 individuals questioned about their immigration status at the Wake County Sheriff’s Office, “3,445 had immigration detainers placed in their files and 3,125 individuals were transferred to ICE custody,” where they were subsequently removed from the country (Coleman, 2012, p.172). Such immigration enforcement was strengthened by the “overwhelming mass of charges” for misdemeanor offenses that were “used roughly four times as much as felony charges to issue detainers,” suggesting that minor infractions “successfully charged or not” contributed to detention and deportation for immigrants in Wake County (Coleman, 2012, p. 174). Almost half were detained as a result of a traffic offense. For example, of the 3,445 detainers in Wake County placed under 287(g), approximately “20% resulted from an initial arrest for driving while

impaired and 27%...for no operator's license, no insurance, no registration, driving while license revoked..." (Coleman, 2012, p. 174).

Comparatively, Durham County emphasized reducing the social and economic marginalization of immigrants and "fears of deportation post-9/11" as well as sustaining community policing outreach in Latine communities (p. 177). The 287(g) program in Durham employed a task force enforcement approach that, while bestowing police the authority to "make warrantless arrests for immigration violations," Durham County law enforcement agencies were not permitted to "investigate immigration status" or engage federal immigration authorities (ICE) in daily police operations (Coleman, 2012). Instead, 287(g) implemented in Durham County concentrated on gang and felony investigations, with little to no attention paid to misdemeanors or minor traffic violations. Available data gathered from the Durham Police Department showed that "only one individual deported under 287(g)" had a traffic violation (Coleman, 2012, p. 177).

Davies and Fagan (2012) estimated the effects of immigration on crime rates and immigration enforcement in New York City from 2004 to 2008. They operationalize immigration as the percentage of foreign-born individuals, with newer immigrants representing those who arrived in the United States between 1995 and 2000 (Davies and Fagan, 2012). Crime rates included both the homicide and assault rates reported between 1990 and 2000 as well as "detailed data on crime incidents from 2004 to 2008" that were included to compile crime complaints and provide geospatial information on the specific offenses, such as crime location and details on the specific offense (Davies and Fagan, 2012, p. 110). To measure enforcement, Davies and Fagan (2012) utilized an index that measured the rate of enforcement per crime.

Davies and Fagan (2012) find that, regardless of the neighborhood characteristics that attract immigrants, immigration was associated with reduced crime rates. For immigration

enforcement by local law enforcement, Davies and Fagan (2012) find that the rate of enforcement per crime was heavily concentrated in areas with the greatest proportion of immigrants, especially “for newer immigrants,” defined as those individuals who have been in the country for less than five years (p.112).

Koper, Guterbock, Woods, Taylor, and Carter (2013) explore the impact of local immigration enforcement on crime and disorder. They investigated the extent to which the prioritization of immigration enforcement by the Prince William County (Virginia) Police Department (PWCPD), such as the arrests of undocumented immigrants by PWCPD was associated with rates of crime and disorder including crime victimization and crime reporting amongst Prince William residents and PWCPD officers’ perception of crime and disorder. Koper et al. (2013) find the implementation of the immigration enforcement policy in Prince William County in 2008 had no statistically significant effect on most forms of crime, aside from a significant reduction in aggravated assaults. Furthermore, while the arrests of undocumented immigrants increased between 2008 and 2009, crime victimization and perceptions of crime by Prince William residents and PWCPD officers “have shown no significant changes in levels of crime and disorder” following the implementation of the immigration enforcement policy (Koper et al., 2013, p. 264).

Treyger, Chaflin, and Loeffler (2014) assess the impact of the Secure Communities program on public safety. More specifically, Treyger et al. (2014) investigate the effects of immigration enforcement in local law enforcement agencies participating in the Secure Communities program on crime rates²⁰ and on the arrest behavior of local law enforcement agencies in violent crimes, property crimes, and other minor crimes. Their findings reveal that

²⁰ Crime rates include murder, rape, robbery, burglary, assault, larceny, and motor vehicle theft.

local law enforcement participation in the Secure Communities program had “no statistically discernible effects on any category of crime under analysis” (Treyger et al., 2014, p. 303). In addition, the study finds participation in the Secure Communities program did not significantly affect the arresting behavior of local law enforcement agencies, with the Secure Communities program having “no discernible effects on arrest rates that are distinguishable from zero” (Treyger et al., 2014, p. 306).

Jackson (2018) assesses the impact of immigration policy enforcement on crime rates using policy variations of section 287(g) of the Immigration and Nationality Act and the Secure Communities program. She emphasizes the extent to which “deportation-focused immigration policies decrease crime rates” (Jackson, 2018, p. 10). Neither the implementation of the 287(g) nor the Secure Communities program was significantly related to changes in violent or property crime rates, even when the two programs were combined. However, Jackson (2018) notes that counties that applied for the 287(g) partnership and the Secure Communities programs experienced a “9.2% reduction in violent crime and a 4.27% reduction in property crime” (Jackson, 2018, p. 19). Additionally, Jackson compares the effectiveness of the 287(g) and Secure Communities programs in reducing crime for counties with higher proportions of unauthorized immigrants and those with lower proportions. Compared to counties with higher proportions of unauthorized immigrants, those with lower proportions experienced increases in crime of more than 7% when both the 287(g) and Secure Communities programs are considered together (Jackson, 2018, p. 20).

Furthermore, in examining implementation of the Secure Communities programs either before or after 2011 (the median implementation year), Jackson (2018) finds that, compared to counties that implemented the immigration enforcement programs after 2011, the effects were

significantly larger than in those counties that implemented these programs before 2011. Prior to 2011, Secure Communities minimally reduced crime while 287(g) programs minimally increased crime in early adopters (Jackson, 2018, p. 21). Jackson (2018) indicates that the effects of both programs on total index crime rate, violent, and property crimes were significant for late adopter counties. She indicates that it is possible that this effect is due to increased efficiency over time or the economies of scale (Jackson, 2018, p. 21).

Research on the impact of immigration enforcement on crime is inconclusive. It is critical to underscore the implications of immigration enforcement on perceptions of public safety and the legitimacy of law enforcement within immigrant communities. The following subsection turns to that emphasis by drawing on procedural justice research.

Procedural Justice and Legitimacy in Policing

This research examines the implication of legitimacy. Scholarship and reform advocates look at legitimacy through the lens of procedural justice. Nagin and Telep (2017) discuss how, for many social science researchers, the term “procedural justice” has become synonymous with the work of Tom Tyler and colleagues; however, Tyler’s (1990) conception of procedural justice builds upon prior foundational work of other scholars, particularly Thibaut and Walker (1975) and Leventhal (1980). Nagin and Telep (2017) indicate that Tyler’s definition of procedural justice has evolved. They use Tyler’s (2011, p. 73) definition of procedural justice: it reflects an individual’s “evaluation of the fairness of decision making (neutrality, transparency, factuality, allowing opportunities for input) and of interpersonal treatment (treatment with respect or dignity, respect for rights).” Mazerolle et al. (2014, p. 11) rely upon a useful variant of Tyler’s (2004, 2011) definition: “Procedural justice in action can be broken down into four key elements or principles. These are: dignity and respect, trustworthy motives, neutrality, and voice” (Nagin

and Telep, 2017, p. 8). Tyler's (2004, 2011) definition differs from Mazerolle et al. (2014). The former uses the term "fairness," which includes transparency and factuality, whereas the latter's definition does not. Mazerolle et al. refer to "trustworthy motives"; Tyler later uses the term "impartiality," which he defines as "beliefs about the degree to which the police are honest and care for members of the community." There is no substantive difference between the terminology. Both definitions capture treating the community with dignity and respect, neutrality, and opportunities for input (voice).

Pryce (2018) also credits Thibaut and Walker (1975) as the first scholars to coin the term "procedural justice." Thibaut and Walker (1975) highlight two aspects of this normative concept: quality of treatment and quality of decision making, which in essence coincides with how Tyler and colleagues have outlined the principles of procedural justice. Quality of decision making, and quality of treatment were statistically significant predictors of opinions about the police in a number of studies (Thibaut and Walker 1975; Reisig, Bratton, and Gertz 2007; Sunshine and Tyler 2003; Tyler and Juo 2002; Tyler and Wakslak 2004; Pryce, 2018, p. 33).

According to Tyler et al., (2018), the theory of procedural justice is grounded in the idea that people's perception of police legitimacy will be influenced more by their experience of interacting with officers than by the end result of those interactions. Individuals evaluate whether they have received procedurally just treatment throughout the criminal justice system by considering four central features of their interactions: whether they were treated with dignity and respect (fairness); whether they were given a voice (voice); whether the decision-maker was neutral and transparent (transparency); and whether the decision-maker conveyed trustworthy motives (impartiality). Quattlebaum, Meares, and Tyler's (2018) research demonstrate that when members of the public perceive police officers to behave in a procedurally just manner, they

have more positive views not only of individual encounters with those officers, but also of the legitimacy of law enforcement more generally (Quattlebaum, Meares, and Tyler, 2018, p. 6).

There is a significant body of research and interest in procedural justice and many police departments have adopted training and practices designed to promote procedurally just policing. Scholarly research on the effectiveness of procedural justice practices for promoting trust and altering behavior is not settled. As of the early 2020s, little clear evidence suggests how to achieve related objectives. Nagin and Telep (2017) observe that available empirical research does not provide information on how training might help officers positively influence citizen perceptions and behavior.

Pryce (2018) indicates that procedural justice theory suggests that citizen satisfaction during their encounters with authorities, including the police, depends more on the process than on the outcome of the encounters (De Angelis and Kupchik 2009; Sunshine and Tyler 2003). If a citizen believes they were treated with dignity and they were listened to, they are more likely to be satisfied with the encounter, even if an arrest was made (De Angelis and Kupchik 2009). Pryce (2018) states that when members of the public believe that the police deal with them in a fair manner, they are more likely to trust the police, hold the police in higher confidence, and support and cooperate with the police (Sunshine and Tyler 2003; Tyler and Huo 2002; Tyler and Wakslak 2004). In fact, research on police-public relations has consistently shown that legitimacy, defined by Sunshine and Tyler (2003, 514) as “a property of an authority or institution that leads people to feel that the authority or institution is entitled to be deferred to and obeyed,” is enhanced when the police act in a procedurally fair manner (Hinds and Murphy 2007; Sunshine and Tyler 2003; Tyler Schulhofer and Huq 2010). Thus, procedural justice, like legitimacy, is important in shaping community members’ satisfaction with the police. “Not only

does procedural justice shape satisfaction, but it can also shape one's perception of the legitimacy of authority" (Pryce, 2018, p. 33; cf. De Angelis and Kupchik 2009 p. 273).

Legitimacy (Duty to Obey)

Tyler (2006a, p. 375) defines legitimacy as "a psychological property of an authority, institution, or social arrangement that leads those connected to it to believe that it is appropriate, proper, and just." In essence, when members of the community view the police as legitimate, they trust the police to do what is right for the community and they consent to this exercise of power (Beetham, 1991). However, when police actions conflict with society's values regarding what constitutes appropriate and fair behavior, then organizational legitimacy is threatened and the citizens feel less moral obligation to obey the law or assist authorities in carrying out their mandate (Jackson et al. 2012a; Tyler 1990) (Rosebaum et al. 2015, p. 336).

Tyler (2017) states that the use of legitimacy as a framework for discussing policing and of procedural justice as a policing tactic to build and maintain legitimacy has seen a rapid increase since the early 2000s. The President's Task Force on 21st Century Policing described legitimacy as the "first pillar" of policing and advocated efforts to build police legitimacy, including through enhancing the perceived procedural justice of police policies and practices. The underlying assumptions of this approach are that the police can act in ways that influence their perceived procedural justice and that doing so will both influence their popular legitimacy and shape several aspects, including deference to authority, compliance with the law, and cooperation in fighting crime in their community (Tyler 2017, p. 30).

Tyler (2017) discusses that the focus on legitimacy, often labeled trust and confidence, has risen in the wake of a series of highly public police shootings, including killing of Michael Brown in 2014, which started a week of protests that pushed the Black Lives Matter movement

into the national spotlight. However, this interest reflects a set of more basic social realities. One is that the rate of crime had dramatically declined since the late 1990s. This made it more politically acceptable to question the actions of the police. Another is the more widespread availability of videos showing police shootings. Videos have enabled the public to form its own conclusions about the actions of the police, rather than relying upon police accounts. Such events have led to a period of reconsideration of the entire criminal justice system (Tyler 2017, p. 30).

Rosembaum et al. (2015) emphasize that given the importance of legitimacy to public safety, local government officials and researchers have pursued many approaches to the problems of trust and confidence, including community-oriented models of policing (Green and Mastrofski 1988; Rosenbaum 1994; Skogan 2004), training in procedural justice (Mazerolle et al. 2012b), leadership styles (Schafer 2013) and external oversight (Walker 2005), among others (Rosembaum et al. 2015, p. 336-337).

Skogan and Frydl (2004) indicate that legitimacy is an important element that an authority possesses that makes others feel obligated to willingly defer to that authority (Skogan and Frydl 2004). Pryce (2017) says legitimacy encompasses the willingness of community members to align their behavior with the expectations of lawful authority (Pryce, 2018 p. 33). Pryce (2017) also states that legitimacy is measured in different ways. Legitimacy comprises institutional trust and obligation to obey (Sunshine and Tyler 2003; Tankebe 2009; Taylor, Schulhofer, and Huq 2010; Pryce, 2018 p. 34).

Nagin and Telep (2017) specify that for more than a quarter of a century, Tyler and colleagues (Tyler 1988, 1990, 2003, 2006; Tyler & Huo 2002) have argued that perceptions of procedurally just treatment of citizens by agents of the criminal justice system are foundational to public perception of the system's legitimacy, which forms the foundation for legal

compliance. Nagin and Telep (2017) indicate that the essence of Tyler's (1990, p. 4) theory is that "if individuals regard legal authorities as more legitimate, they are less likely to break any laws, regardless of potential for punishment" (Nagin and Telep, 2017, p. 6).

According to Nagin and Telep (2017), procedural justice theory has been influential in guiding policing research and has produced a large body of evidence showing that perceptions of fair treatment by the police are closely associated with perceptions of their legitimacy (Nagin and Telep, 2017, p. 6). Nagin and Telep (2017) are careful to point out that perceptions of procedurally just treatment and legitimacy, however, reflect an accumulation of a lifetime of cultural, community, and familial influences, not just one or more interactions with the police or other representatives of the criminal justice system. Nagin and Telep (2017) state, "Particularly in the most disadvantaged communities where crime often concentrates, separating out the impact of procedurally just treatment on legitimacy perceptions and legal compliance from other influences, such as extreme poverty, racial isolation, and various forms of social dysfunction, is a daunting challenge that in our judgment no study has yet even come close to achieving" (Nagin and Telep, 2017, p.7). There is a lot of research and interest in procedural justice – and many police departments have adopted practices designed to promote procedurally just policing. However, scholarly research is not settled about the effectiveness of procedural justice practices for promoting trust and altering behavior in policing. Nagin and Telep (2017) state, "no study provides a direct test of the link between procedurally just treatment, manipulated by either policy or experiment, and legal compliance. Thus, police departments that are presently adopting programs aimed at improving the procedurally just treatment of citizens by police officers should recognize that no training program has yet been demonstrated to be effective in altering citizen perceptions and behavior" in policing (Nagin and Telep, 2017, p.7). There is little clear evidence

on how to achieve the related objectives. This study focuses on how police executives think about procedural justice and how they think the IEPs impacted building trust, legitimacy, and community engagement in their jurisdiction.

Bradford et al. (2014, p. 529) observe that when police treat people with dignity and respect, behave neutrally and allow them to have a voice, they feel included in that they have status and worth within the group (cf. Taylor and Blader 2003; D Cremer and Tyler 2005; Blader and Tyler 2009; 2014). However, Bradford et al. (2014) also discuss labeling theory and social identity as they relate to how one is treated by police. They state that policing is about exclusion as well as inclusion, and to be excluded is to be deemed less than a full citizen (p. 529). Bradford et al. (2014) indicate that social identity seems to be shaped by encounters with police officers and presumably other authority figures in an active sense reinforcing the congruence between procedural justice and labeling theories. Social identity seems to have significant downstream implications for legitimacy and offending behavior (Bradford et al., 2014, p. 544).

For Bradford et al. (2014), legitimacy is strengthened because procedural justice indicates that power holders are wielding their power in fair, justified and measured ways, but also because one's identification with the group the police represent is enhanced by the identity relevant information that procedural justice conveys. By contrast, unfair treatment signals marginalization by, or exclusion from, society. Legitimacy suffers not only because the powerholder seems to be abusing his or her power but also because people become alienated from the group that the police represent (Bradford et al., 2014, p. 528).

In an Australian study, Bradford et al. (2014) find that procedural justice is important because police behavior carries identity-relevant information. They state, "By specifying the group concerned as constituted by a sense of both 'Australianess' and 'citizenship,' suggests that

when people felt the police were fair in a general sense, and/or felt they had been personally fairly treated by officers, the strength of their identification with the group was enhanced, and they granted the police more legitimacy. Conversely, a sense that police were unfair was associated with a weakened affiliation with this group and a diminution of police legitimacy” (Bradford et al., 2014, p. 543). Perceptions of citizenship and particularly compromised citizenship are critical when thinking about the consequences of immigration enforcement by law enforcement officers for trust and legitimacy.

The following sub-sections elaborate on the principles of procedural justice and the principles of 21st century policing. The procedural justice principles the study outlined include fairness (dignity and respect), trustworthy motives (impartiality), community engagement (voice), and transparency (neutrality). Building trust and legitimacy along with community policing and crime reduction are two principles of the “21st Century Policing” framework that are outlined in the study.

Fairness (Dignity and Respect)

Bradford et al. (2014) indicate that fair treatment communicates that ““we respect you and we see you as a worthwhile member of this community,”” promoting identification by generating a positive sense of the individual’s place in society (p. 528). Procedural fairness is more important for those who are uncertain about their status in a group, as they have more at stake in social and institutional processes shaping their identities (De Cremer and Sedekides 2005; Murphy 2013) (Bradford et al., 2014, p. 533). Bradford et al. (2014) says, “Police are not merely ‘thief-takers’ or agents of social order, but also negotiators of a much wider set of social processes (Loader and Mulcahy, 2003, p. 39) with a potentially important role in shaping the subjective identities of those whom they encounter” (Bradford et al., 2014, p. 545). The

participation of law enforcement officers in immigration enforcement can lead to diminishing the identities of immigrants.

Nagin and Telep (2017) state that as a matter of principle, citizens deserve fair treatment by the police and other authority figures in the criminal justice system (Lum & Nagin 2017, NRC 2004), irrespective of whether that treatment fosters compliance with the law. As the NRC (2004, p. 291) states, “police fairness is an end in itself. In a democracy where citizens are policed by consent, the exercise of state power must be seen as an expression of the community and not an action against it...” (Nagin and Telep, 2017, p.6).

Trustworthy Motives (Impartiality)

Trust can be either institutional or motive-based (Tyler, 2005). According to Tyler (2005, p. 324), institutional trust refers to the “beliefs about the degree to which the police are honest and care for the members of the community they police.” Tyler (2005) defines motive-based trust as inferences about the motives and intentions of the police and reflects the concept of “fiduciary” trust, which is central to discussions among legal scholars (Tyler 2005, p. 325; Tyler and Huo 2002). For example, Tyler and Huo (2002) found that motive-based trust had a significant impact on how well both white and minority members of the community willingly accepted police decisions (Pryce, 2018 pp. 33-34). The decision by law enforcement to participate in immigration enforcement can lead to enhanced mistrust of the police by both white and minority community members, as their motives may not be fully disclosed to the public.

Rosebaum et al. (2015) observe that police executives have long recognized that for the police to be effective in performing their duties, they need the trust and confidence of the communities they serve. History reminds us that this has been a rocky road, littered with community complaints about police misbehavior and repeated attempts by reformers to

professionalize the police and hold them accountable (Stone and Travis 2011; Walker 2005). Rosenbaum et al. (2015) state the landscape is changing, but arguably an endemic and chronic challenge for the police is stabilizing what is often precarious organizational legitimacy and public trust. Complaints of police corruption, excessive force, unwarranted intrusions, abusive encounters, and bias enforcement have persisted for decades and are often linked to issues of racial and social inequality. Researchers have documented these problems (Albert and Fridell 1992; Rocque 2011; Skogen 2006; Skolnik and Fyfe 1993; Terrill and Mastrofski 2002; Weitzer and Tuch 2004) but have rarely studied how organizations contribute to these problems or what can be done to facilitate constructive change (Rosembaum et al. 2015, p. 336).

Rosembaum et al. (2015) continue by pointing out that police researchers increasingly focus on evaluating the effectiveness of crime control strategies (Weisburd and Braga 2006), but they have paid less attention to factors related to creation of a professional, democratic, fair police force or to the non-crime functions that consume the vast majority of police time (e.g., patrolling, public contact, peace keeping, traffic enforcement). Ironically, police organizations rarely experience a public crisis because of crime rates, but most often because of interactions with the public that contribute to a loss of public trust. The public's evaluation of law enforcement is critical to agency performance. Since the early 2000s, researchers have underscored the importance of institutional legitimacy as a fundamental element of maintaining order and building stronger police community relations (Mazerolle et al. 2012a; Rosembaum et al. 2015, p. 336).

Community Engagement (Voice)

Tyler (2017) states that the principles of Robert Peel, who founded the London Police Department, emphasize the need to obtain the consent of the population for effective policing.

The closest empirical scholarship is that on community policing. There is a massive literature on community policing, and many of the ideas in that literature seem similar to ideas about procedural justice and legitimacy. But there has been very little theoretical basis for community policing approaches, it is often unclear what the police did in the name of community policing, and the metrics for evaluating the success of community policing efforts have varied across programs (Tyler, 2017).

According to Tyler et al. (2018), officers have to be considered as guardians in the community in order to be set up for success. In order to develop a “guardian” police culture, police agencies must define successful police work according to procedurally just principles, and structure police work to maximize opportunities for community engagement. Programs that create opportunities for patrol officers to interact regularly with neighborhood residents give officers greater opportunity to build relationships and demonstrate their commitment to serving those communities fairly (Tyler et al., 2018).

Research has shown that personal contact influences satisfaction with the police (Furstenberg and Wellford 1973; Scaglione and Condon 1980; Tyler, Jackson and Mentovich 2015; Weitzer and Tuch 2002, 2005). Not surprisingly, unpleasant experiences such as discourteous behavior by police toward community members, tend to lower the latter’s general satisfaction with police (Tyler and Huo 2002; Pryce, 2018 p. 34-35).

Transparency (Neutrality)

Procedural justice principles recommend that departments develop cultures of transparency and accountability. The more that policies are made transparent, the more stakeholders will feel as though they have direct information to evaluate fairness. When there is high uncertainty, people’s judgments about fairness of procedures could be more vulnerable to

indirect experiences. The lack of transparency may indicate to the public that police departments have reason to hide their policies and decision-making procedures, and the public may not presume benevolent intentions. Transparency will help to quell these suspicions (Tyler et al., 2018).

Community Policing

Community Policing is a method of policing introduced in the late 80s to early 90s as a new way to reduce crime as opposed to the traditional crime fighting methods. The philosophy of community policing has been linked to the Broken Windows theory introduced in 1982 by James Q. Wilson and George L. Kelling. This theory argues that problems with crime should be fixed when they are at its earliest stages. The theory emphasizes that law enforcement should focus on the small quality of life issues in order to avoid larger community crimes such as rape, robbery, and aggravated assaults (Traina, 2010). Traina's research is important because it shows how community policing could be a tool used to prevent terrorism at the local level. As community policing stresses the prevention of crime, it also reinforces that terrorist activity can be averted at its infancy. Having law enforcement and the citizens vigilant in reporting suspicious activity could reduce the incidents of terrorist activity (Traina, 2010). Where immigration enforcement was marketed as a tool to reduce crime and identify terrorists, Traina (2010) and Fielding (2005) both indicate that modern day community policing serves the same functions. In fact, community policing can be viewed as a more effective strategy as it is designed to enhance trust in the community, which may result in more information being shared with law enforcement. It is also recognized that not all community policing tactics result in better communication and collaboration with the police, such as "no tolerance" enforcement or "stop and frisk" policies. Law enforcement needs to engage in evidence-based decision making and evaluate the consequences of their initiatives prior to full implementation.

Community policing is a philosophy that focuses on crime and social disorder through the delivery of police services. The philosophy includes aspects of traditional law enforcement as well as prevention, problem-solving tactics, and community partnerships all combined in an effort to reduce crime (Fielding, 2005). Specifically, Fielding states that community policing is a fundamental shift from traditional, reactive policing, and it stresses the prevention of crime (2005). Under traditional policing, police officers' primary responsibility is to respond to reported or observed crimes, conduct criminal investigations, identify suspects and make arrests. Fielding (2005) points out the ever-increasing role of local law enforcement officials in deterring terrorism at the local level and reinforces the importance of community policing (2005). Although research shows that community policing can be used as a tool to deter terrorism, immigration enforcement appears to contradict the premise of community policing. Community policing requires police to build trusting relationships and collaborative partnerships with the community in order to be successful in reducing crime. Engaging in immigration enforcement in certain neighborhoods appears to have had an adverse impact on those community policing efforts. All jurisdictions studied participate in some form of community policing, whether through all officers being engaged or having teams of officers assigned to specific areas. Through elite interviews, several law enforcement executives indicated that immigration enforcement had an adverse impact on their community policing efforts; however, one executive indicated that it enhanced his agency's efforts.

21st Century Policing Framework

In response to several officer-involved shootings, President Barack Obama signed an executive order establishing the Task Force on 21st Century Policing in December 2014. The Task Force was established following the deaths of Michael Brown, Eric Garner and Tamir Rice, who died as a result of law enforcement encounters. These exposed rifts in the relationships

between local police and the communities they protect and serve. The President charged the Task Force with identifying best practices and offering recommendations on how policing practices can promote effective crime reduction while building public trust. The recommendations of the Task Force, each with action items, are organized around six main topic areas or “pillars”: Building Trust and Legitimacy, Policy and Oversight, Technology and Social Media, Community Policing and Crime Reduction, Officer Training and Education, and Officer Safety and Wellness (COPS, 2015). The report of the President’s Taskforce on 21st Century Policing framework stresses “that trust between law enforcement agencies and the people they protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services” (COPS, 2015 p. 5).

In establishing the Task Force, President Obama spoke of the distrust that exists between too many police departments and too many communities—the sense that in a country where the basic principle is equality under the law, too many individuals, particularly young people of color, do not feel as if they are being treated fairly. President Obama stated, “When any part of the American family does not feel like it is being treated fairly, that’s a problem for all of us. It’s not just a problem for some. It’s not just a problem for a particular community or a particular demographic. It means that we are not as strong as a country as we can be. And when applied to the criminal justice system, it means we’re not as effective in fighting crime as we could be” (COPS, 2015, p. 5). This statement became even more profound in 2020, after the world

witnessed on national television Minneapolis Police Officer Derek Chauvin kneel on the neck of George Floyd for over 9 minutes, resulting in Floyd's death.²¹

The Final Report of the President's Task Force on 21st Century Policing contains recommendations and action items that address the need for departments to engage their communities and to have a "voice" from the community in their policymaking. The report calls for departments in communities with high rates of enforcement activities to engage in positive activities with the community. It also calls for departments to work with communities to develop policies that would reduce crime through improved relationships and cooperation (COPS, 2015).

The Task Force report further states that when developing policies, departments should seek community input through one or more structured processes that provide community members with meaningful opportunities to be heard. When decisions regarding new special orders or updated general orders are made, community input should be given genuine, thoughtful consideration and decisions should advance procedural justice. Soliciting and thoughtfully considering community input is a way for police departments to give community members a voice. When people have a voice, they view authorities as fairer (COPS, 2015).

Two of the study's pillars guide this research: Building Trust and Legitimacy and Community Policing and Crime Reduction.

Pillar 1: Building Trust and Legitimacy

In order to build trust and legitimacy, work on the principles of procedural justice and the Task Force on 21st Century Policing indicate that law enforcement should embrace a "guardian mindset." Maintaining the community's trust and confidence is critical for police to effectively

²¹ In April 2021, former Minneapolis Police Officer Derek Chauvin was convicted of murdering George Floyd and was sentenced to 22.5 years in state prison. Three other former officers went to trial for aiding and abetting in March 2022 and were sentenced to roughly 3 years.

keep the community safe. Trust and confidence are a form of legitimacy that promote not only obedience to the law, but also cooperation with police: calling them for help or volunteering as a witness (Tyler et al., 2018).²² The 21st Century Task Force states that police and sheriff's departments should adopt procedural justice as a guiding principle for internal and external policies and practices to guide their interactions with the citizens they serve (COPS, 2015). The Police Executive Research Forum (PERF) indicated that one of the lessons learned by police chiefs is that "Police who listen and respond to what the community wants, and who solicit public opinions about issues tend to enjoy great support from the community than agencies with an autocratic approach" (PERF, 2015, p. 59).

The report indicates that building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve. Decades of research and practice support the premise that people are more likely to obey the law when they believe that those who are enforcing it have authority that is perceived as legitimate by those subject to the authority. The public confers legitimacy only on those whom they believe are acting in procedurally just ways. In addition, law enforcement cannot build community trust if community members see it as an occupying force coming in from outside to impose control. Pillar One seeks to provide focused recommendations on building this relationship. Law enforcement culture should embrace a guardian—rather than a warrior—mindset to build trust and legitimacy both within agencies and with the public. Toward that end, law enforcement agencies should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions

²² Tyler et al. (2018) indicate that it is important for police departments to track trust. Tracking and reporting trust will serve as an indicator of how much police departments can expect that the public will call them in times of need. Tracking trust will also help departments identify times and areas where trust-building is especially important.

with rank and file officers and with the citizens they serve. Law enforcement agencies should also establish a culture of transparency and accountability to build public trust and legitimacy. This is critical to ensuring decision making is understood and in accord with stated policy (COPS, 2015, p. 1).

Pillar 4: Community Policing and Crime Reduction

This pillar focuses on community policing as a guiding philosophy for all stakeholders. The report indicates that community policing emphasizes working with neighborhood residents to co-produce public safety. In this view, law enforcement agencies should work with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community. Specifically, law enforcement agencies should develop and adopt policies and strategies that reinforce the importance of community engagement in managing public safety. Law enforcement agencies should also engage in multidisciplinary, community team approaches for planning, implementing, and responding to crisis situations with complex causal factors. Communities should support a culture and practice of policing that reflects the values of protection and promotion of the dignity of all— especially the most vulnerable, such as children and youth most at risk for crime or violence (COPS, 2015, p. 3). These, of course, are also the tenets of procedural justice.

Immigration Enforcement and Perceptions of Public Safety and Police Legitimacy

Some research indicates the implementation of the 287(g) Task Force Model program and the Secure Communities program, though designed for safeguarding national security and public safety, appears to have undermined mechanisms of social control within immigrant communities and diminishes their quality of life. Despite their central focus on the implementation outcomes of the ICE 287(g) program, Capps et al. (2011) examine the ramifications of the divergent approaches to immigration enforcement on the wider immigrant

community. They investigate the degree to which immigration enforcement affected the activities of local immigrant communities. Their findings reveal that, following the implementation of the 287(g) program in seven jurisdictions, a wave of adverse effects was noted within local immigrant communities. For instance, compared to neighboring municipalities that did not implement the 287(g) program, overall noncitizen immigrant populations declined significantly in three of the study sites - Cobb County, GA, Frederick County, MD, and Prince William County, VA (Capps et al. 2011). In Prince William County, between 2007 and 2009 after the 287(g) program was implemented, the noncitizen Hispanic population dropped by 21% (Capps et al. 2011, p. 39). In addition, as a result of traffic operations such as roadblocks and traffic stops in four study sites, local immigrant respondents were less likely to venture into public spaces, report crimes to the police or interact with public schools and other institutions, including patronizing businesses (Capps et al. 2011, p. 43). Local immigrants also reported changes in their driving behavior in order to prevent the chance of being stopped and removed (Capps et al., 2011, p. 43).

Similar findings about emerging currents of fear and distrust towards law enforcement, including the weakening of social control mechanisms in immigrant communities, appear in subsequent empirical literature. For example, utilizing data collected from a 2002 survey of approximately 1,653 New York City residents, Kirk, Papchristos, Fagan, and Tyler (2011) explore the intersection of immigration, procedural justice, legal cynicism, and public cooperation with the law. Kirk et al. (2011) examine the relationship between perceived injustices of the criminal justice system and residents' willingness to engage with law enforcement in immigrant communities. The study operationalized immigration as the percent of the population who are foreign-born residents in a neighborhood and isolated linguistically (Kirk

et al., 2011). Furthermore, the researchers account for the percent of the population in an area who arrived in the United States within the past five years as well as for the diversity of languages spoken by neighborhood residents (Kirk et al., 2011). Perceptions of the criminal justice system included measures of perceptions of fairness in the criminal justice systems in immigrants' origin countries ("origin rule of law"); procedural justice (the degree to which residents perceive law enforcement in their neighborhood as fair, respectful, and equitable); legal cynicism (cynical perceptions of the legitimacy and equitability of the law); and public cooperation with police (willingness of residents to cooperate with the police to fight crime and solve existing crimes). Findings from Kirk et al. (2011) indicate that immigrants who believe that enforcement is just and fairly applied possessed lower levels of legal cynicism and were more likely to cooperate with the police than those who do not believe they are treated fairly. This suggests that immigration enforcement has the potential to improve public safety within immigrant communities and legitimize law enforcement agencies when enforcement is applied in accordance with procedural justice principles.

Unlike the findings from Kirk et al. (2011), which underscore the capacity of immigration enforcement in immigrant communities to be a protective factor, findings from other research (e.g., Vidales, Day, and Powe (2009), Theodore (2013), Armenta (2016), Horton (2016), Nguyen and Gill (2016), Theodore and Habans (2016), Becerra, Wagaman, Androff, and Messing (2017), and Gutierrez and Kirk (2017)) emphasize the unintended consequences of immigration enforcement for immigrant communities. For instance, Vidales et al. (2009) examine the perceptions of Latine residents of police legitimacy before and after a controversy surrounding the involvement of Costa Mesa, California police in immigration enforcement.²³

²³ Costa Mesa, California was one of the first areas to receive national attention for the Mayor's efforts to engage local police in immigration enforcement (Vidales et al., 2009, p. 632).

The *before* survey included measures that tapped residents' attitudes towards law enforcement and the law, police-community relations, identity, neighborhood cohesion, and fear of crime (Vidales et al., 2009). The *after* survey accounted for whether residents had knowledge of the public controversy over the involvement of police in Costa Mesa in immigration enforcement, the source of their information, controversy, and if their behavior or attitudes toward police changed due to the controversy.

After the controversy, Vidales et al. (2009) found that, despite Latine respondents being significantly more likely to contact the police to report a crime or some form of difficulty after the controversy than before, these individuals were also significantly more likely to be stopped by the police "while traveling in a car or motorcycle" (p.641). In addition, following the controversy, perceptions of police legitimacy declined amongst Latine respondents. Respondents indicated that the Costa Mesa police did not do a good job, did not try and help the community, and were not responsive to community concerns or dealing with problems that really concerned the people. Vidales et al. (2009, p. 642) emphasize the lack of informal social control within Latine communities: after the controversy, respondents were significantly less likely to report witnessing a crime to the police.²⁴

Theodore (2013) assesses the effects of immigration enforcement on immigrant communities by focusing on how and to what degree police involvement in immigration enforcement shapes Latine perceptions of law enforcement and public in Cook (Chicago), Harris (Houston), Los Angeles, and Maricopa (Phoenix) counties. As a result of police involvement in immigration enforcement, Theodore (2013, p. ii) finds that Latine residents experienced

²⁴ Although beyond the scope of this dissertation, Vidales et al. (2009) underscore the increasing social distance and isolation among Latine residents and the wider Costa Mesa community following the controversy.

heightened fears that contributed to “social isolation and exacerbating their mistrust of law enforcement authorities.” Consequently, perceptions of public safety declined among Latine residents. More specifically, approximately 56% of Latines disagreed that “they feel safer knowing local law enforcement is involved in immigration enforcement,” with approximately 43% of respondents indicating that they felt less safe in their respective communities due to the involvement of law enforcement in immigration enforcement (p.9). Theodore (2013) indicates that the report reveals a mixed reaction to local law enforcement’s involvement in immigration enforcement. He reports that immigration status partly explains the disparities (Theodore, 2013, p. 9). Theodore’s findings indicate that greater involvement of police in immigration enforcement has heightened the fears many Latines have of police, contributing to social isolation and exacerbating their mistrust of law enforcement (Theodore, 2013, p. 18). For instance, 44% of the surveyed respondents reported being less likely to contact law enforcement if they were victims of crime, with 45% of respondents indicating a refusal to report a crime to the police, “because they are afraid the police will ask them or people they know” questions related to their immigration status (Theodore, 2013, p. i).

Heightened law enforcement use of traffic operations, such as routine traffic enforcement that criminalizes the automobility of undocumented immigrants, likely affects immigrants’ ability to economically provide for themselves and their families. Stuesse and Coleman (2014) set out to understand the myriad ways in which undocumented immigrants navigate the dualities of criminalization and immobilization in the Atlanta metropolitan statistical area (MSA). They found that the criminalization of automobility of undocumented immigrants fostered “a climate of terror, in which immigrants live in fear”; undocumented immigrants are fearful of familial dissolution “every time they step outside their homes” (Steusse

and Coleman, 2014, p. 58). Consequently, many immigrants became immobilized (Stuesse & Coleman, 2014). For instance, consistent with findings from Capps et al. (2011), immigrants responded to immigration enforcement through out-migration (uprooting their families in order to ensure safety and stability), changing driving patterns and schedules, and “limiting activities of social reproduction, such as grocery shopping, educational activities ... community and church participation, and socialization with friends and family” (Stuesse & Coleman, 2014, p. 58). These negative impacts of immigration enforcement, according to Stuesse and Coleman (2014), have diminished the stability and quality of life for immigrant communities in employment, parenting, social relations, and mechanisms of informal social control.

Nevertheless, Stuesse and Coleman’s (2014) ethnographic interviews with members of the Atlanta metro immigrant community illuminated the adaptive strategies undocumented immigrants employed in order to evade arrest and deportation. These strategies of alternative forms of mobility were strengthened by social networks and the use of innovative communication technologies that afforded immigrants the opportunity to avoid surveillance and immobility.

Based on two years of ethnographic fieldwork with the Nashville, Tennessee Metropolitan Police Department, Armenta (2016) examines the ways in which the bureaucratic priorities of the department and methods of policing impacted an emerging Latine immigrant community. Findings reveal that, despite departmental efforts to integrate strategies of community policing such as “listening to residents’ concerns and trying to improve its relations in the community” into the El Protector Program, the primary goal of the program is education as opposed to inclusion of Latine immigrants as “partners to solve problems” (Armenta, 2016, p. 117). The research also found that police departments’ lack of integration of the El Protector

Program's priorities and philosophy diminished officers' capacity to respond to Latine immigrants' concern with the behaviors of patrol officers. For Armenta (2016), this disconnect undermined community policing efforts that stress the importance of building partnerships between police departments and the community to "solve community problems" (p. 122).

Armenta (2016) finds that El Protector officers engaged in discretionary actions, such as taking individuals into custody, and unnecessary punitiveness during interactions with unlicensed Latine immigrants. Due to the lack of official department policy guiding police responses to unlicensed motorists, patrol officers used "discretion to warn, cite, or arrest the misdemeanor" (Armenta, 2016, p. 117). In the case of Latine immigrants who were unlicensed, patrol officers issued more misdemeanor state citations and made more custodial arrests instead of issuing warnings compared to unlicensed non-Latine drivers (Armenta, 2016). Over the course of her fieldwork, Armenta (2016) notes only two cases where officers issued a warning to unlicensed Latine motorists.

In investigating how changes to the operational priorities of local law enforcement through the implementation of the 287(g) program affected immigrant communities, Nguyen and Gill (2016) find that, regardless of differences in jurisdictional implementation styles and contexts, the implementation of the 287(g) program increased currents of fear and mistrust of law enforcement officials in immigrant communities. For 23 of the 25 they interviewed, the adoption of the 287(g) program in Alamance County, North Carolina "decreased their trust in local law enforcers" following its implementation; xenophobic tensions were exacerbated, creating an environment of "discrimination and racial profiling" that undermined public safety and security (Nguyen & Gill, 2016, p. 317).

To systematically investigate the impact of increasing police involvement in immigration enforcement on perceptions of police legitimacy and efficacy held by immigrant and non-immigrant Latines, Theodore and Habans (2016) conducted a telephone survey of a sample of 2,004 Latine residents between November 17 and December 10, 2012. Indicators of residents' perceptions of public safety and police legitimacy tapped "their willingness to contact law enforcement authorities to report crimes ... and their perceptions of personal and public safety" in light of police involvement in immigration enforcement (Theodore & Habans, 2016, p. 977). Findings from Theodore and Habans (2016) coincide with those reported by Vidales and colleagues (2009), Nguyen and Gill (2016), and Theodore (2013), suggesting that increasing the involvement of law enforcement in immigration enforcement fosters negative perceptions among Latine residents about safety and the legitimacy and efficacy of law enforcement. Regardless of immigration or documentation status, few Latine respondents reported feeling safe as a result of the "increased focus on immigration by law enforcement," and fewer were willing to report crimes to the police (Theodore & Habans, 2016, p. 986).

Another study, conducted by Becerra et al. (2017), examines the effects of increased immigration enforcement on the fear of deportation, conceptualized as worrying that "you, a family member, or a close friend could be deported," and confidence in the criminal justice system; confidence that police officers in your community will not use excessive force to apprehend suspects; confidence that police officers in your community will treat Latines fairly; reporting a violent victimization to the police; and confidence that the courts in your community treat Latines fairly (Becerra et al. 2017, p. 722). Findings reveal that as the fear of deportation increased (Theodore, 2013), Latines were significantly more likely to fear the use of excessive force and unfair treatment by law enforcement agents. In addition, Latine respondents were

significantly less likely to report crimes to the police or believe that the “courts would treat Latinos fairly” (Becerra et al., 2017, p. 723).

Immigration–Crime Nexus

As the overall population of foreign-born individuals in the United States continued to rise, underlying conceptions of immigrants as criminals and threats to national security and public safety reemerged. Influential criminological research conducted by Clifford Shaw and Henry McKay empirically associated immigration and crime. Particularly in their theory of social disorganization, Shaw and McKay advanced the argument that social disorganization, characterized by high rates of residential instability, ethnic heterogeneity, and high rates of poverty, weakened the capacity for communities to exert informal social control through collective action (Shaw and McKay, 1942/1969; Vito and Maahs, 2018). Indirectly, however, the flow of immigrants into an area, according to Shaw and McKay, contributed to high rates of population turnover, residential instability, and ethnic heterogeneity, thereby reducing the effectiveness of social control mechanisms and increasing the potential for crime (Shaw and McKay, 1942/1969; Ferraro, 2015; Jackson, 2018).

Although the work of Shaw and McKay became a hallmark of criminological empiricism, subsequent examination of the immigration-crime nexus challenged their argument that immigration is a disorganizing force (Shaw and McKay, 1942/1969; Baker, 2013; Ousey & Kubrin, 2018). For instance, Ousey and Kubrin (2018, p. 11), through a mixed methodological approach of narrative review and systematic meta-analysis, found a statistically significant negative association between immigration and crime, though this association was “weak in both absolute and relative terms.” Based on review of the 51 empirical studies, Ousey and Kubrin (2018) estimate the effects of immigration on crime as well as report the degree to which these

effects are moderated by study design factors. Findings from the narrative review revealed that “the most common outcome reported” in the 51 empirical studies described the relationship between immigration and crime as “null or non-significant,” with approximately 62% of the effect size estimates lacking statistical significance (Ousey & Kubrin, 2018, p.10).

Nevertheless, Ousey and Kubrin (2018) note that, of the statistically significant results, “greater immigration is associated with lower crime rates” (p. 10). In estimating the size of the immigration-crime nexus, Ousey and Kubrin (2018) report a “detectable non-zero negative association” that was weak “in both absolute and relative terms” (Ousey & Kubrin, 2018, p. 11).

In looking at the immigration-crime nexus, Baker (2013) examines the effects of implementation of the 1986 Immigration Reform and Control Act (IRCA), which afforded approximately 2.5 million undocumented immigrants’ legal status and criminalized the practice of hiring undocumented immigrants, on crime rates in the United States. Baker (2013) explores the relationship between the legalization of undocumented immigrants under IRCA and crime rates, looking at the total number of arrests and total crime reports by county for violent, property, and public order crimes from 1980-1999. Control variables included the numbers of police officers and other department employees for each county and economic indicators such as county unemployment and poverty rates. Holding other variables constant, with “county and year fixed effects,” Baker (2013, p. 13) finds a statistically significant negative relationship between IRCA legalization and crime rates. The findings indicate that a one percent increase in the number of legalized IRCA applicants per capita corresponded with a “fall in overall crime of 4.4%” (Baker, 2013, p.13). In distinguishing the association between IRCA legalizations and various types of crime, he reports that legalization is related to lower arrests for both property

and violent crimes. In particular, as IRCA legalizations increased, arrests for property crime fell by “just under 5.3%” and violent crime fell by approximately 3% (2.9%) (Baker, 2013, p. 13).

Akin to the findings of Baker (2013) and Ozden et al. (2016), Ferraro (2016) reported a statistically significant negative association between immigration and crime. Ferraro (2016) applied a social disorganization perspective to examine the effects of immigration concentration on crime rates in new destinations compared to traditional destinations. Based on a sample of 1,252 places, including 194 new destinations, Ferraro (2016) found that new destination areas that saw an influx of immigrants of 150% where at least 1000 foreign-born individuals resided had a significant reduction in property crimes of 228 per 100,000 from 2000 to 2007 compared to areas known historically for a steady influx of immigrants, with the effects on violent crime being “marginally significant” and negligible (Ferraro, 2016, p. 38). Although contested empirically, the perceived immigration-crime nexus has persisted in much of the United States and fostered waves of anti-immigration sentiments that fuel a perceived need to control undocumented immigrants in the name of national security and public safety.

Looking at possible links between growing immigrant populations and crime reports, Gutierrez and Kirk (2017) focused on the relationship between immigration and the willingness of residents to report crimes to the police. They examined the extent to which variations in underreporting crime to the police was associated with the growth in the relative rates of noncitizen and foreign-born populations in metropolitan statistical areas (MSAs). The researchers employ a binary measure to tap whether the police were notified of a property or violent victimization (Gutierrez & Kirk, 2017).²⁵ They found that property crime reporting was

²⁵ Immigration was operationalized using percentages of noncitizen and foreign-born residents in an MSA (Gutierrez & Kirk, 2017). To “control for confounding characteristics at the MSA level,” Gutierrez and Kirk (2017, p. 933) include sociodemographic measures, such as the percentage of Black residents, an index of socioeconomic disadvantage, sociodemographic characteristics of respondents, and incident characteristics.

not significantly affected by changes in the relative sizes of the noncitizen and foreign-born populations (1990 to 2000) within MSAs. Yet, when examining 1990 rates of noncitizen and foreign-born populations, they report that the odds of reporting a property crime to the police decreased with every “1% increase in the rates of the noncitizen and foreign-born populations” (Gutierrez & Kirk, 2017, p. 940). In contrast, MSAs experiencing growth in the relative size of the noncitizen population between 1990 and 2000 were significantly more likely to underreport violent crimes to the police. In particular, for every one percent increase in the relative size of the noncitizen population, the odds of reporting a violent crime to the police decreased by an average of 6% (Gutierrez & Kirk, 2017, p. 941).

Federal Mandates

Whether and how to control immigration of undocumented individuals long has been challenging and highly contentious. Consequently, increases in undocumented immigrants in the United States and nativist fears of the immigrant criminal have transformed the political and legal landscapes of the United States. Since the mid-1980s, for example, the United States spent a considerable amount of money “not only to fortify the country’s borders but also to intensify immigration enforcement in its interior” (Treygar, Chalfin, & Loeffler, 2014, p. 286). From 1993 to 2020, the U.S. Border Patrol budget increased more than ten-fold, from \$363 million to nearly \$4.9 billion. Since the creation of the Department of Homeland Security (DHS) in 2003, ICE’s spending has nearly tripled, increasing from \$3.3 billion to \$8.4 billion in 2020 (American Immigration Council, 2020). This focus on interior immigration enforcement prompted the U.S. federal government to pursue strategies to control the flow of undocumented immigrants into the country.

Of interest here are the *Immigration and Reform Control Act (IRCA) of 1986* and the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, which redefined immigration enforcement as a joint, collaborative effort between federal law enforcement (ICE) and state and local law enforcement agencies under section 287(g) of the Immigration and Nationality Act. Section 287(g) authorizes the Secretary of DHS to enter memoranda of agreement (MOAs) with state and local law enforcement agencies for the purpose of delegating immigration enforcement functions to state and local law enforcement officers.

Paying attention to immigrants entering the United States remains a focus in 2021. In 2016, Republican presidential candidate Donald J. Trump emphasized the crackdown on illegal immigration. One of President Trump's first orders of business upon taking office was to fulfill his campaign promise to increase immigration enforcement. On January 25, 2017, he issued Executive Order #13767: Border Security and Immigration Enforcement Improvements, which focused on securing the southern border of the U.S.; establishing a secure fence (border wall) and detention facilities, returning individuals from which they came; and restructuring 287(g) agreements, among other requirements (The White House, 2017).²⁶

In 2017, the U.S. Department of Justice stated that it would not award grant funding to local governments that withheld information about undocumented immigrants in their jails, which directly affected funding to state and local law enforcement. In response, seven states including Virginia, sued DOJ. Although three federal appeals courts ruled that the government was wrong to withhold the grants from sanctuary cities, in February 2020, the 2nd U.S. Circuit Court of Appeals ruled in favor of the DOJ (NBC News, 2020).²⁷ As a result of the federal

²⁶ <https://www.whitehouse.gov/presidential-actions/executive-order-border-security-immigration-enforcement-improvements/>

²⁷ <https://www.nbcnews.com/politics/immigration/court-rules-trump-administration-can-withhold-grants-sanctuary-cities-n1143511>

mandate, in July 2017, IACP issued a statement that opposed President Donald Trump's mandatory immigration measures. IACP's national president stated that IACP opposed any measure that mandates local law enforcement to participate in immigration enforcement. The Association contends that DHS should continue voluntary participation in the establishment of Memoranda of Agreement (MOA) in its 287(g) program. In his first day in office, President Joe Biden made significant changes to the executive orders issued by President Trump. Of particular relevance here was Executive Order #13993: Revision of Civil Immigration Enforcement Policies and Priorities, which rescinds EO 13768 (January 25, 2017; Enhancing Public Safety in the Interior of the United States), a move that dismantled major parts of the Trump administration's immigration legacy (The White House, 2021; WKMG ClickOrlando, 2021).^{28 29}

Results of Local Implementation of Federal Mandates

Citizen engagement and complaints persuaded many elected officials to look at the immigration issue in the localities, prompting them to hold community forums that sparked heated debate. Despite underlining controversies and the voices of the community, local officials moved forward in requiring law enforcement to enter into MOAs with ICE. The police departments attempted to educate the community about the program prior to its implementation. They cautioned the community that the program may result in more arrests of immigrants, which could lead to deportation of criminals or illegal aliens.

Summary

The perceived threat to national security and the overall welfare of communities in areas with influxes of noncitizens provided an impetus for implementation of immigration enforcement programs (Capps et al., 2011). Yet, scholarship generated conflicting findings

²⁸ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-the-revision-of-civil-immigration-enforcement-policies-and-priorities/>;

²⁹ <https://www.clickorlando.com/news/local/2021/01/23/how-president-bidens-executive-orders-are-working-undo-trumps-immigration-policies/>

about the effect of immigration enforcement on crime. On the one hand, some studies suggest that immigration enforcement significantly reduced crimes (Davies & Fagan, 2012; Jackson, 2018). Yet, findings by Coleman (2012) reinforce the importance of considering the geopolitical context in which immigration enforcement programs are implemented. For instance, in comparing 287(g) and Secure Communities programs in Wake County and Durham County, North Carolina, Coleman (2012) noted that given the emphasis in Durham County on minimizing the degree of marginalization experienced by the Latine community and the need to maintain community policing efforts in immigrant communities, the overall focus of immigrant enforcement prioritized gang suppression and violent crimes as warranting deportation, the original purpose of immigration enforcement as outlined by the Immigration and Nationality Act. In comparison, Wake County endorsed investigation of immigration status during the general booking procedure, particularly during traffic operations, resulting in a substantial number of detainees being physically removed from the country for minor infractions or misdemeanors (Coleman, 2012).

In all, despite the intended outcome of immigration enforcement to safeguard public safety and security, available research unveils a host of negative outcomes that undermined welfare and the quality of life within immigrant communities. The implementation of immigration enforcement fostered social currents of fear and mistrust of local law enforcement and created a climate of illegitimacy surrounding the police and the law (Vidales et al., 2009; Armenta, 2016; Theodore & Habans, 2016; Gutierrez and Kirk, 2017). This heightened sense of distrust and social distance between police and immigrant communities evidently weakens mechanisms of social control and engenders an environment characterized by an increased potential for crime and victimization (Theodore, 2013). Such disorganization and impaired

collective action are further compounded by the lack of mobilization within immigrant communities given the fear of racialized traffic stops (Theodore, 2013; Stuesse & Coleman, 2014). Together, these factors suggest that immigrant communities, particularly noncitizen Hispanic communities, have been disenfranchised socially and economically, given the daily threat of policing and deportation as well as the immobilization that results from racialized traffic operations. Nonetheless, Stuesse and Coleman (2014) accentuate the degree of resiliency or the ability of immigrant communities to adapt and overcome this form of policing and criminalization by relying on social networks as a means of survival.

In contrast, the findings of Kirk et al. (2011) suggest that instead of immigration enforcement being a risk factor for the welfare of immigrant communities, immigration enforcement serves a protective role. When immigrants perceive enforcement as just and fairly applied, immigrant communities hold more positive and legitimizing views of the criminal justice system and the operation of the law enforcement, even under the guise of immigration enforcement (Kirk et al., 2011).

As such, Nagin and Telep (2017) note that Tyler and colleagues' theory of procedural justice begins with agents of the criminal justice system acting in a trustworthy and neutral manner, treating citizens with dignity, and providing citizens with the opportunity to explain their actions (voice). The theory of procedural justice suggests that if citizens are treated in a procedurally just way, they will perceive that they have been treated fairly, and such perceptions increase their sense of legitimacy (Nagin and Telep, 2017, p. 8). The principles of procedural justice can be used for assessing how police executives think and talk about the effects of immigration enforcement on policing and their relationships with citizens and the broader community.

Overall, available research underscores a negative and statistically significant relationship between immigration and crime. Findings from numerous studies have converged in their indication that, net of other factors, as the population of immigrants in an area increases, the rate of total crime decreases (Baker, 2013; Ferraro, 2016; Ozden et al., 2016). Studies conducted in the United States (Baker, 2013; Ferraro, 2016) supplement these findings and bolster the conclusion of a statistically significant, negative relationship between immigration and crime. Despite the negative association between immigration and crime, existing scholarship illuminated other consequences of a growing noncitizen population, particularly in terms of increasing social currents of fear and perceived threats to public safety and security (Nunziata, 2015).

Opportunities for Future Research

Nagin & Telep (2017) highlighted a lack of evidence that procedural justice models have been effective at linking procedurally just treatment, manipulated by either policy or experiment, and legal compliance in the area of policing. Tyler (2017) concurs with the core premise of Nagin & Telep's review that there is a lack of attention to legitimacy in policing. Nagin & Telep (2017, p. 13) suggest that they "are not concluding that the predictions of the theory are wrong or have been disproven but only that they have not been credibly established" (Tyler p. 31).

Current research in this area is underdeveloped at this time.

Tyler (2017) says that scientists usually feel very comfortable with the admonition that further and better research is needed. If that is the implication of Nagin & Telep's (2017) critique, Tyler (2017) would strongly endorse it. In this case, social science researchers have not pushed the rapid (and, to Nagin & Telep, premature) application of these ideas to policing. Rather, pressure comes from senior executives in municipal government, such as city managers

and police chiefs, and elected officials seeking insights for dealing with a pressing national problem: public distrust in the police. For Tyler, limitations aside, the procedural justice model is one of the most promising approaches available for addressing these issues. That is why it continues to dominate discussions about the popular legitimacy of the police (Tyler, 2017, p. 31).

Tyler (2017) further states that groups such as President Obama's Task Force might best be characterized as having chosen the most promising and strongly supported model that is available to them for understanding legitimacy and applied that model to the current concern about public distrust of the police. As with many legal and political problems, the authorities have identified a set of pressing issues that they are trying to address, making use of the best evidence available for thinking about how to deal with those issues (Tyler, 2017, p. 31).

Tyler (2017) makes two points in his review of Nagin and Telep (2017). First, the causal model underlying this approach has not been rigorously tested using well-designed experiments. As a consequence, it lacks support in the policing arena. Although not the focus of my research, it is important to note the dearth of studies involving RCTs that test key elements of this model, and the results of the few experimental studies that do exist are mixed. RCT studies are difficult in numerous policy areas; the key point is the general lack of systematic examination of hypothesized relationships in procedural justice and policing. The case for the effectiveness of this model in policing has not been made.

Although this model has not been fully tested in the arena of policing, considerable evidence available in other arenas supports its potential value in addressing issues of police legitimacy and makes widespread reliance upon this work by authorities seem reasonable. Procedural justice has been developed in the field of social psychology in theory-driven studies examining why people

trust authorities, view them as legitimate and entitled to be obeyed, and defer to their authority (Tyler, 2006) (Tyler, 2017, p. 32).

As Rosenbaum et al. (2015) indicate, researchers have documented the problems of racial and social inequity, bias, excessive force, and abusive encounters for decades, but researchers and practitioners have rarely studied how organizations contribute to these problems or what can be done to facilitate constructive change. In an effort to address the general lack of findings, this study examines evidence of procedural justice and legitimacy in policing. It responds to the gap in the literature by being the first study to develop a constructive guide to lessons learned from the perspective of law enforcement executives. This research focuses on whether and how departments utilized procedural justice principles when implementing policies and engaging in immigration enforcement. Did police departments convey trustworthy motives, give “voice” to the community, and act transparently in their efforts to build trust and legitimacy while engaging the community? In examining whether procedural justice principles were evident in the implementation of immigration enforcement programs and whether there is evidence of relationships with perceptions of trust and legitimacy in the community, this research will contribute to available research on procedural justice and legitimacy in policing. Unlike prior research, the study takes the viewpoint of law enforcement executives. The limited research on procedural justice in policing that does exist does not adopt this perspective.

Available scholarship examining the hypothesized link between immigration and crime, reveals myriad data suggesting a negative relationship between immigration and crime, and it illuminated the unintended consequences of immigration enforcement. I am contributing to the research by observing the following: first, when examining the immigration-crime nexus, my research found that few agencies collected baseline crime or arrest data on undocumented

immigrants; there also is a lack of longitudinal analyses and mixed methods. Examinations of the effectiveness of immigration enforcement as crime prevention and its consequences for immigrant communities did not utilize longitudinal approaches that might have uncovered nuances associated with implementing immigration enforcement programs and their effects on crime and immigrant communities. Second, existing scholarship shows an ongoing debate over the efficacy of immigration enforcement as a crime prevention tool. Authors conclude that immigration enforcement on crime is inconclusive. For instance, Davies and Fagan (2012) found that, regardless of the neighborhood characteristics that attract immigrants, immigration was associated with reduced crime rates (Davies and Fagan, 2012, p. 112). Whereas, Jackson (2018) assesses the impact of immigration policy enforcement on crime rates using policy variations of section 287(g) of the Immigration and Nationality Act and the Secure Communities program. She emphasizes the extent to which “deportation-focused immigration policies decrease crime rates” (Jackson, 2018, p. 10).

The study here builds on and in many ways reinforces the scholarship this chapter has examined. Chapter 3 turns to the study, outlining the research design, sample, and methods of data collection and analysis.

Chapter 3 - Research Design

My research uses an exploratory, cross-sectional research design that examines the possible influence of the 287(g) program on local law enforcement departments' experiences and challenges with building trust and legitimacy with the community and the program's evident impact on crime. It is a mixed-methods study, employing both qualitative and quantitative data to examine the research questions.

This project evolved using different data methods of analysis. It included several phases - literature review, comparative case design, survey or semi-structured interviews with 18 informants, a review of roundtable discussions of other law enforcement executives, case studies, surveys, and articles from professional law enforcement organizations.

The study relies on multiple sources of data. Law enforcement executives' perceptions of community trust, legitimacy, engagement, and transparency are tapped mostly by semi-structured interviews with law enforcement executives. Information from national professional law enforcement sources is also used for additional context and (possibly) related evidence. The interviews and examination of professional law enforcement material supply evidence of community challenges, agency responses, other actions and practices, and prescriptions. The study also includes a meta-synthesis of information in articles, surveys and case studies conducted by law enforcement professional organizations and other interested parties to strengthen the analysis and help identify patterns. The law enforcement-related articles, surveys, and roundtables were conducted by the International Association of Chiefs of Police (IACP),³⁰

³⁰ <https://www.theiacp.org/about-iacp> The IACP is a professional association for police leaders. The IACP helps prepares police leaders to address pressing issues, threats, and challenges of law enforcement.

the Police Executive Research Forum (PERF),³¹ the Major Cities Chiefs Association (MCCA),³² and the National Sheriff’s Association (NSA),³³ from 2004 to 2019 (see Chapter 5).

This study explores the experiences of police executives in 14 law enforcement agencies located in the north/northcentral parts of a single state, Virginia; however, due to limited responses from the identified law enforcement agencies, additional agencies were selected in and outside of Virginia. Crime data is used in examining the final area of possible impact: the relationship between crime rates and local law enforcements’ immigration enforcement. The 14 law enforcement agencies were utilized for the quantitative comparison. An embedded longitudinal and comparative case design compared seven agencies that adopted one or more of the four immigration enforcement programs (IEPs) between 2007-2019 with seven agencies that did not participate in the Task Force Model (TFM) under the Act; it compares pairs of participating/non-participating agencies based on similar increases in and proportions of immigrants in jurisdictions and located in similar parts of the state (see Table 1).

Table 1 – 287(g) Comparison Jurisdictions

<u>287(g) Participating Jurisdiction</u>	<u>Non-Participating Jurisdictions</u>
Herndon	Leesburg
Loudoun County	Arlington County
Manassas City	Harrisonburg
Manassas Park City	Winchester City
Prince William County	Fairfax County
Rockingham County	Albemarle County
Shenandoah County	Frederick County

³¹ <https://www.policeforum.org> PERF is a police research and policy organization. PERF helps to improve the delivery of police services through public debate of criminal justice issues, research and policy development.

³² <https://www.majorcitieschiefs.com/> MCCA is a law enforcement association comprised of chief executive officers of the major city police departments with more than 1,000 officers and a population of more than 1.5 million residents.

³³ <https://www.sheriffs.org/about-nsa> NSA is a professional association for Sheriff Offices through education and training.

Seven law enforcement agencies in Virginia were selected for examination of crime rates over time, based on their participation in ICE’s 287(g) TFM program (see Appendix B, Table 1). According to the U.S. Census Bureau, the overall population of foreign-born persons, specifically Hispanics, increased notably in each of the selected jurisdictions prior to implementation of the 287(g) program. The municipalities in which these departments operate also experienced increases in overall population (see Figure 1) and a large influx of Hispanic immigrants between 2000 and 2020 (see Figure 2). Prior to the implementation of the 287(g) program in 2007 and 2008, the overall population of foreign-born persons within these jurisdictions increased substantially between 2000 and 2010, more than doubling in localities, including Loudoun County, Manassas City, Manassas Park, Prince William County, and Shenandoah County; the Hispanic population in Rockingham County nearly doubled.

Figure 1 – Total Population Growth: Virginia and Selected Localities, 2000-2020

<u>Jurisdiction</u>	<u>2000</u>	<u>2010</u>	<u>% increase</u>	<u>2020</u>
Virginia	7,078,515	8,001,024	13.0%	8,631,393
Herndon	21,665	23,292	7.6%	24,665
Loudoun County	169,599	312,311	84.1%	420,959
Manassas City	35,135	37,821	7.6%	42,772
Manassas Park	10,290	14,273	38.7%	17,219
Prince William County	280,813	402,002	43.2%	482,204
Rockingham County	67,725	76,314	12.7%	83,757
Shenandoah County	35,075	41,993	19.7%	44,186

Source: U.S. Census Bureau

Figure 2 –Hispanic Population Growth: Virginia and Selected Localities, 2000-2020

<u>Jurisdiction</u>	<u>2000 (%)</u>	<u>2010 (%)</u>	<u>2020 (%)</u>
Virginia	329,540 (4.7%)	631,825(7.9%)	10.5%
Herndon	5,633 (26%)	7,826 (33.6%)	34.4%
Loudoun County	10,176 (6.0%)	38,576 (12.4%)	14.19%
Manassas City	5,316 (15.1%)	11,876 (31.4%)	42.9%
Manassas Park	1,544 (15.0)	4,645 (32.5%)	45.29%

Prince William County	27,338 (9.7%)	81,460 (20.3%)	25.2%
Rockingham County	2,221 (3.28%)	4,076 (5.34%)	8.47%
Shenandoah County	1,193 (3.4%)	2,577 (6.1%)	8.43%

Source: U.S. Census Bureau

Each of the departments in these localities entered into a Memorandum of Agreement (MOA) to participate in ICE’s 287(g) Task Force Model (TFM) and/or Jail Enforcement Model (JEM) programs. The departments took on the role of immigration enforcement, incurring additional responsibilities, with no funding provided by the federal government.

Seven non-participating law enforcement agencies were chosen for comparison to the participating agencies (see Appendix B, Table 3). Three factors guided the selection of these law enforcement agencies. Like the localities participating in the 287(g) program, these jurisdictions experienced significant increases in immigrants in the 2000s. Each non-participating jurisdiction was paired with a participating community in the same part of the state that had a similar proportion of immigrants (Appendix E).

A comparative case analysis examines monthly crime data in the 14 jurisdictions focused on here. Based on time series data of monthly crime statistics, the study examines pairs of matched agencies, comparing patterns in violent crimes, property crimes, driving under the influence, drunkenness, and other offenses between 2007 and 2019. In an effort to probe the possible influence of agency participation in one or more IEPs, process tracing is used to compare the pairs of cases to evaluate any evident association with crime. To trace levels and changes in crimes in the 14 jurisdictions, the research uses monthly data collected from the Department of Criminal Justice Services (DCJS) Criminal Justice Research Center³⁴ on violent

³⁴ <https://www.dcjs.virginia.gov/criminal-justice-research-center>

crimes, property crimes, and driving under the influence.³⁵ In order to measure crime trends and arrests, the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program³⁶ is utilized. Specifically, Part I and Part II offenses are analyzed from 2007 to 2019. Due to the lack of data collection by the jurisdictions, historical data on crimes committed by undocumented immigrants prior to implementation of the 287(g) program are unavailable.

This study examines what law enforcement executives learned from their experience with local law enforcement agencies' participation in ICE's 287(g) immigration enforcement programs (IEPs). Data were gathered through in-depth interviews with chief executive officers who scholars and practitioners consider to be subject matter experts in the field of law enforcement and observations from law enforcement executives whose agencies engaged in ICE's 287(g) IEPs and those that did not participate. A total of 18 law enforcement executives representing 20 agencies were interviewed for this study. Data were compiled from nine law enforcement executives, representing agencies that formally participated in the 287(g) immigration enforcement program through ICE; seven law enforcement executives, representing agencies that did not participate in immigration enforcement; and two executives, representing agencies that indicated their department indirectly participated with immigration enforcement through affiliations with other federal task forces, such as the Joint Terrorism Task Force (JTTF), Drug Enforcement Administration (DEA), or the Human Trafficking Task Force. The law enforcement agencies included jurisdictions in Virginia, North Carolina, Georgia, Connecticut,

The DCJS Criminal Justice Research Center conducts studies, produces reports, and provides research and statistical assistance on a wide range of criminal justice issues. The Research Center strives to continually improve understanding of criminal justice concerns and underlying factors, with the goal of delivering the best possible information to service providers and policy makers to aid in their decision-making.

³⁵ Virginia Tech's Laboratory for Interdisciplinary Statistical Analysis assisted in analysis of the data.

³⁶ <https://www.fbi.gov/services/cjis/ucr>

The UCR Program's primary objective is to generate reliable information for use in law enforcement administration, operation, and management; over the years, however, the data has become one of the country's leading social indicators. The program has been the starting place for law enforcement executives, students of criminal justice, researchers, members of the media, and the public at large seeking information on crime in the nation.

Wisconsin, Florida and Colorado. Some of the chiefs in this study have served in multiple departments and some departments were represented by multiple chief executive officers (see Appendix B, Tables 1, 2, 3).

Sample of Top Police Executives

This research utilizes interview data gathered from one of the three top executives within the sampled law enforcement agencies, including the Chief, Deputy/Assistant Chief and/or another executive officer. The representatives I interviewed hold key positions in their agencies. The executives are subject matter experts, decision makers in their agencies, and have tenure in local law enforcement. I initially focused on chief executive officers; however, some of the chiefs delegated the request to other subject matter experts in the agency. Interviewees and their agencies are diverse in nature, including larger and smaller agencies, allowing for representation across Virginia and outside of the state.

I used strategic and snowball sampling to identify and recruit 18 respondents, including the top three levels of leadership to be interviewed (Miles, Huberman, 1994, Berg, 2001). Convenience sampling was used to assist in accessing available participants, and snowball sampling was then used to access additional participants who were difficult to reach (Berg, 2001). Both convenience and snowball sampling are nonrandom, and the convenience sample included those identified through their previous participation in immigration enforcement surveys or round table discussions (Miles, Huberman, 1994). This approach gave me the opportunity to expand the pool of law enforcement executives and to look across jurisdictions, which allowed this exploratory analysis to use their stories and experiences to help inform further scholarly research. With convenience sampling, I utilized social networks when building sample size. Having served as a chief of police and in law enforcement and public safety for over

30 years, I had the opportunity to develop a professional network, making convenience sampling possible and appropriate. In addition, snowball sampling included participants who others had recommended; such individuals would have otherwise been outside of my social networks (Berg, 2001; Lanier, 2018).

I contacted a total of 29 chief executives twice by telephone and/or email; however, interviews were not completed in all 29 jurisdictions. I first identified the seven law enforcement executives in Virginia to interview. Once it was determined that additional interviews were needed, I developed a list of other law enforcement executives in the state and those identified in professional law enforcement organizations' publications. I then contacted the first 20 chief executive officers on the list. After two unsuccessful attempts were made, I selected a new set of executives and began the process again. Ultimately, 18 individuals agreed to participate in the research. I believe that these 18 interviews along with information and observations obtained from professional law enforcement agency reports and surveys are sufficient for compiling a comprehensive list of lessons learned and recommendations to assist law enforcement professionals in determining the impact of local law enforcement agencies' participation in immigration enforcement on building trust, legitimacy, community engagement and transparency; and the degree to which immigration enforcement may have affected crime.

Methods of Data Analysis

Employing a mixed methods approach, a sequential explanatory strategy was used by first collecting and analyzing quantitative data, followed by the collection and analysis of qualitative data in order to enhance the initial quantitative results (Creswell, 2013).

Qualitative Analysis

I first requested interviews from current or former law enforcement executives with the seven law enforcement agencies that participated in ICE's 287(g) programs. Semi-structured interviews were conducted with top law enforcement executives who agreed to participate in the study unless they opted to provide written responses. During the initial round of interviews in 2015, I was able to interview two law enforcement executives and two others opted to provide written responses to the questionnaire, totaling four responses from three participating agencies. Due to the limited number of participants, the changing landscape of law enforcement and possible changes in citizen perceptions of and police officers' views, in 2021, I revised some of the interview questions (see Appendix A) and used convenience sampling to contact additional chief executive officers who participated in ICE's 287(g) programs, while also including chief executive officers who did not participate in the IEPs.

The second set of interviews was conducted in 2021 and 2022, and included 14 additional chief executive officers. The interviews had six additional informants whose agencies had participated in 287(g) programs (including one was interviewed in 2015), two informants that indicated their departments informally participated, and seven whose agencies did not participate in IEPs. The interviews included individuals from Virginia law enforcement agencies as well as officials from other states; the interviews focused on immigration enforcement emphasizing elements of procedural justice. Due to the changing landscape of law enforcement, the interviews explore how the executives had come to view their role in immigration enforcement and community engagement.

I conducted four 30- to 60-minute interviews with police chiefs from four localities in Virginia, including former and/or current police chiefs. The interviews sought to glean their

views of the reasons for establishing the 287(g) program, whether crime was reduced, and the impact of the 287(g) program in their community. Based on the literature examining the relationship between immigration and crime, questions were developed to address the relationship (if any) between the 287(g) initiative and crime and the broader community. The 23 questions were organized into five broad themes: agency goals, 287(g) implementation, crime reduction, community impact, unintended consequences, and miscellaneous (see Appendix A, Table 1).

In light of changing circumstances in the social and political climates in early 2021 following the George Floyd killing, I decided to perform additional interviews. During the second phase, additional 30- to 60-minute interviews were conducted with current or former executive officers whose agencies had participated in one or more of the IEPs, as well as with law enforcement executives from departments that did not participate in immigration enforcement. The original survey questions were revised, and 21 main questions were developed to help better inform the research study. The 21 revised questions are organized into six broad themes: agency goals, building trust and legitimacy, community engagement, transparency, unintended consequences, crime reduction and miscellaneous (see Appendix A, Table 2). An additional instrument was developed for law enforcement executives who did not participate in IEPs. This survey consists of 17 questions organized into the six broad themes (see Appendix A, Table 3). For the agencies that indicated that their agency informally participated in IEPs, the 287(g) participating agency survey was utilized (see Appendix A, Table 2).

I set up the times to interview the respondents. I also audio-recorded and simultaneously took notes during the chief executive interviews. This data was transcribed, organized into chunks or segments of text, and analyzed using open coding in order to bring meaning to the

information, an integral feature of qualitative analysis (Babbie, 2010; Creswell, 2013). Once transcribed, I reviewed each transcription and used open coding to group the responses into themes, analyze the responses and use deductive coding to answer each research question. I used an Excel spreadsheet to identify the codes and indicators, as well as to identify the transcript, page number and quotes. The quotes were then inserted into the final qualitative analysis and results section. An “edited transcription” process was used to occasionally make slight edits to the quotations due to redundant words (see Chapters 4 and 5).

Coding was conducted by selecting the major themes presented in the survey questions. The survey themes for 287(g) participating agencies included building trust, legitimacy, goals/purpose, transparency, community engagement (voice), trustworthy motives (impartiality), crime reduction, challenges, responses to challenges, unintended consequences, outcomes, lessons learned, recommendations, and miscellaneous. Coding for non-participating agencies were very similar to the aforementioned coding categories with the exception of including the reasons for not participating in ICE’s immigration enforcement program.

I supplemented interviews with secondary data from round-table discussions, publications and surveys conducted by professional member organizations. Conclusions derived in this research and related recommendations and lessons learned are filtered through my perspective and the viewpoints of the chief executives participating in the study, professional publications, and survey respondents. Conclusions are those of participating chief executives and are not necessarily representative of all law enforcement executives. Additional resources were used for data collection for evaluating trustworthy motives (impartiality), legitimacy, community engagement (voice), and transparency (neutrality), as it relates to law enforcement and immigration enforcement (Appendix D).

Rationale for Qualitative Analysis

As Creswell (2013) argued, the aim of qualitative methods is to collect rich data that provide substantive detail about an event(s), setting(s), actor(s), and artifact(s). More specifically, qualitative methods are designed to illuminate variations in experiences amongst an unfixed pool of participants and contextualize these experiences in broader sociocultural and political frameworks (Hennick, Hutter, & Bailey, 2011). For the current study, qualitative strategies of content analysis and open coding were essential for identifying and describing the material gathered from semi-structured interviews and allowing for critical examination and comparison of similarities and differences among the various discrete parts (Berg, 2004; Babbie, 2010). For the purposes of this study, qualitative analysis afforded the opportunity to collect and analyze data directly from law enforcement executives. Unlike quantitative analysis, it afforded an opportunity for law enforcement executives to expound upon their agency's experiences as it related to immigration enforcement.

In doing so, these methodological approaches provide a guiding framework for me in a manner that captures the myriad reasons for each agency's participation in the 287(g) program, what law enforcement executives learned from their experience with engaging in immigration enforcement programs, the impact on building trust, legitimacy, community engagement and transparency, and the degree to which their implementation of the 287(g) program impacted crime. They provide a similar framework that captures the myriad reasons for each agency's non-participation in the 287(g) program. Additionally, these approaches allow for crime rate comparisons with and among agencies that did not participate in the 287(g) program.

Quantitative Analysis

To trace levels and changes in crimes in the 14 jurisdictions, the research uses monthly data collected from the Department of Criminal Justice Services (DCJS) Criminal Justice

Research Center³⁷ on violent crimes, property crimes, and driving under the influence (see Chapter 4).³⁸ In order to tap crime trends and arrests, the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program³⁹ was utilized. Specifically, Part I and Part II offenses were analyzed. Under the UCR program, data on Part I and Part II offenses were collected in order to measure the level and scope of crime occurring throughout the country. Part I offenses include homicide, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson. These offenses are believed to be serious crimes occurring with regularity in all areas of the country and are more likely to be reported to police (FBI).⁴⁰ Every agency in Virginia is required to submit UCR data through the National Incident-Based Reporting System⁴¹ (IBR and NIBRS) to the Virginia State Police (VSP).⁴²

Rationale for Quantitative Analysis of Crime Data

Although the primary focus of the research is examining the impact of local law enforcement agencies participating in immigration enforcement on building trust, legitimacy, community engagement and transparency, the degree to which immigration enforcement may have affected crime is also an important part of the research. Relatedly, it is important as well to better understand the effects on local law enforcement of federal immigration laws.

³⁷<https://www.dcjs.virginia.gov/criminal-justice-research-center>

³⁸ Virginia Tech's Laboratory for Interdisciplinary Statistical Analysis assisted in analysis of the data

³⁹ <https://www.fbi.gov/services/cjis/ucr>

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⁴⁰ http://www2.fbi.gov/ucr/cius_04/appendices/appendix_02.html

⁴¹ <https://www.fbi.gov/services/cjis/ucr/nibrs>

Implemented to improve the overall quality of crime data collected by law enforcement, NIBRS captures details on each single crime incident—as well as on separate offenses within the same incident—including information on victims, known offenders, relationships between victims and offenders, arrestees, and property involved in crimes. Unlike data reported through the UCR Program's traditional Summary Reporting System (SRS)—an aggregate monthly tally of crimes. NIBRS goes much deeper because of its ability to provide circumstances and context for crimes like location, time of day, and whether the incident was cleared.

⁴² Although some literature questions the validity of the Uniform Crime Reports (UCR) due to inconsistencies in reporting requirements, this does not appear to be the case in the represented Virginia localities. All of the agencies in the research submitted IBR data to VSP during the time period specified.

Commonly accepted indicators for measuring a police executive's performance include reduction of serious crimes, crime clearance rates and response times (Sparrow, 2015). Although communities have recently placed more emphasis on procedural justice and community engagement, reducing crime is still considered by city leaders and residents as one of the most important factors to being considered a successful law enforcement executive. As such, crime reduction still dominates many departments' internal and external claims of success (Sparrow, 2015).

Since the impetus for having state and local police departments engage in immigration enforcement was the view that immigration increases crime, it is important for this study to determine if there was a relationship between immigration enforcement and crime in the participating Virginia jurisdictions. Using interrupted time series logic, the study examines crime rates before and during local law enforcement agencies' participation in immigration enforcement; it also compares crime rates over the same period between these localities and those where departments that did not participate.

The entire study looks at different possible impacts – on trust, legitimacy, transparency, and crime; indicators based on different kinds of data help measure these effects. To the extent reducing or containing crime is an objective, then the quantitative data are relevant; the qualitative data are more important for measuring achievement of other objectives (e.g., increasing trust), but they also may provide some insight if crime in paired communities is higher in those that participated in a 287(g) program and if trust is relatively lower in such participating communities. Based on the impacts discovered from the qualitative analysis, the quantitative measures will help determine whether the rationale for departments engaging in immigration

enforcement was beneficial to the agency and to the community and whether engaging in immigration enforcement accomplished its intended outcomes.

Limitations of the Research

A number of limitations of the research merit consideration. The original focus of the research was to examine the impact of immigration enforcement on the seven participating jurisdictions and their communities within Virginia. Only four chiefs, representing three of the seven agencies, responded to my request for an interview, leaving an inadequate number of informants for the study. The nonresponse and lack of informants may be a problem because it may lead to bias in the descriptions provided by the study informants. However, this is a distinctive study – combining data elements in new ways – and participation bias is only one design factor I am weighing. The lack of response from participating agencies forced me to expand the pool of informants outside of the state, resulting in widening the focus beyond Virginia. Another limitation may be that the interviews capture only the views of law enforcement executives from the convenience and snowballing samples. It should be noted that several biases are connected to convenience samples. As bias cannot be measured, inferences made in this research are made from the experience of the law enforcement executives who participated in this research and recommendations derived from law enforcement professional organizations' publications. The study is not representative of all law enforcement executives nationwide (Miles, Huberman, 1994).

An additional limitation to be considered is that I did not interview community members. The study is not meant to set aside the opinions of the community, especially the immigrant population; however, the research was designed to derive recommendations and lessons learned

from the viewpoint of senior law enforcement executives. I included concerns and viewpoints originating from community members through advocacy groups that held community forums.

Finally, the impetus for local law enforcement participation in immigration enforcement was the belief that immigration causes crime. I found that none of the participating agencies' crime or arrest data by ethnicity or immigration status was captured in the statewide data base. Therefore, another limitation is the absence of baseline crime and arrest data for immigrants in the identified jurisdictions prior to the implementation of 287(g) programs. Due to the lack of data collection reported by the jurisdictions, historical data on crimes committed by undocumented immigrants prior to implementation of the 287(g) program is unavailable. Without such baseline data, localities were unable to determine the percentages of crimes committed by immigrants prior to and during implementation; therefore, they are unable to determine through such evidence if immigration enforcement had an impact on crime in their communities. The research could have been improved if the baseline data were available; then departments would have been able to determine if undocumented immigrants were responsible for the crime in the jurisdictions prior to the implementation of 287(g) instead of assuming immigration leads to crime. Law enforcement jurisdictions subsequently started collecting immigrant and ethnicity data upon arrest, so the data will be available for future studies. Chapter 4 outlines the qualitative and quantitative findings, results, and analysis collected from the 287(g) participating and non-participating law enforcement executives.

Chapter 4 – Results and Analysis

Chapter 4 examines the findings. This chapter highlights responses from the chief executive officers as they address the effects of the 287(g) program on local law enforcement; the challenges law enforcement faced with building trust, legitimacy, community engagement, and transparency; and the challenges faced as senior police executives. The chapter provides an overview of the rationale for site selection, the qualitative results from 287(g) participating and non-participating agencies, and quantitative results on crime. The qualitative section examines agencies' goals and objectives, implementation, impact, outcomes, unintended consequences, successes, initiatives, responses to challenges, and crime reduction. The quantitative section reveals whether and the extent to which immigration enforcement was associated with crime rates in the jurisdictions that participated and did not participate in the 287(g) program. The chapter provides an overview of the departments selected for the study, introduces each research question, and reports the findings for each research question.

Rationale for Site Selection

Virginia had seven law enforcement agencies participate in ICE's 287(g) immigration enforcement program (see Appendix B, Table 1). Each agency experienced a significant influx of Hispanic immigrants in 2000-2010 (see Figure 2). Each of these agencies entered into MOAs with ICE to participate in the Task Force Model (TFM) between 2007 and 2013 (see Appendix E). An overview of the state and each jurisdiction follows.

Virginia

Virginia is located in the southeastern region of the United States. It is one of the original 13 colonies. According to the 2020 Census, Virginia has over 8.5 million residents. Virginia is a very diverse state, with 1/5 (20.1%) of the population being African American, 10.5% Hispanic or Latino, and 8.6% Asian (see Figure 1 and Figure 2). Northern Virginia (NoVA), where most

of the site selections are located, has the highest population with over 3.1 million residents. The NoVA population includes 17.4% Hispanic, 16.3% Asian, and 14.1% African Americans.

Virginia is a reasonable choice for this analysis. In addition to being a lifelong resident of Virginia and a law enforcement officer in the Commonwealth for over 25 years, I selected the state as the focus for this research as it is a convenient and available source for data collection and data access (Merriam, 2009). Virginia is known as one of the earliest European settlements, one of the capitals of the Confederacy, and home to massive resistance following *Brown*. It has a long history that remains relevant even as the culture evolves. It also is the 11th most populous state in the U.S., with a racially and ethnically diverse population, and has many legal and undocumented residents.

Prince William County, Virginia

Prince William County is located in Northern Virginia and is a part of the Washington metropolitan area. Prince William County experienced a significant increase in the Hispanic population between 2000 and 2010. In 2000, according to the U.S. Census, Prince William's total population was 9.7% Hispanic. The percentage of Hispanic population more than doubled by 2010, to 20.3%. As of 2020, the Hispanic population in Prince William was 25.2% (see Figure 2). The population increase led to strains on public works and services in the county, including overcrowded schools and roadways, which led to an increase in citizen complaints about deteriorating conditions of the neighborhoods, overcrowded and unkempt homes, loitering, and loud noise, to name a few (Koper et al., p. 246, 2013).

Prince William County was one of the few jurisdictions in the country to implement a policy that mandated police officers to check the immigration status of any individual suspected of being undocumented. Koper et al. (2013) stated that the policy was far reaching and rare

(Koper et al., p. 248, 2013). In July 2007, the Prince William County Board of Supervisors passed a resolution that required Prince William County Police Department (PWCPD) to enter into a 287(g) agreement with ICE and to check the immigration status of anyone they detained for a violation of state and county law, including traffic stops. The initial policy required police to conduct immigration checks on any detained person if suspicion existed that the person was in violation of immigration laws. Needless to say, this drew major controversy, locally and nationally, including a 12-hour board meeting in October 2007, in which the issues were debated (Siegal, 2017). Nevertheless, the board moved forth with approving the plan and the PWCPD implemented the plan in March 2008. The department formed a seven-member team to establish the 287(g) unit that worked with ICE to target serious immigrant offenders. Other members of the police department were instructed to also conduct immigration checks as mandated by policy (Koper et al., p. 247, 2013). Prior and during implementation of the policy, Police Chief Charlie Deane raised concerns about diverting resources from daily patrol operations to immigration enforcement and harming public trust. Chief Deane also expressed concerns of the potential for litigation against the department for increased racial profiling complaints and the potential loss of public trust among the immigrant communities, in addition to numerous other concerns. In order to alleviate racial profiling complaints, Chief Deane requested that patrol cars be equipped with in-car cameras. The cost of the in-car cameras was estimated to be \$3 million and cost prohibitive. The Board of County Supervisors (BOCS) took the concerns seriously and in order to protect the officers from allegations of racial profiling, Chief Deane and the County Attorney recommended significant change in the policy to BOCS (PERF, p. 17-18, 2010). As a result, the BOCS suspended the policy in April 2008. The policy was significantly changed from pre-arrest inquiry to post-arrest inquiry and was re-implemented in July 2008. Officers could only inquire

about one's immigration status after an arrest and taking individuals to the detention facility (Siegal, 2017). Non-287(g) officers could not make an arrest solely for an immigration violation but could report the information to the 287(g) unit (Koper et al., p. 247, 2013).

City of Manassas, Virginia

The city of Manassas is a city within Prince William County. Manassas is located in Northern Virginia and is a part of the Washington metropolitan area. The city of Manassas experienced a significant increase in the Hispanic population between 2000 and 2010. According to the 2000 U.S. Census, Manassas' total population was 15.1% Hispanic. The Hispanic percentage of the population nearly doubled by 2010, to 31.4%. As of 2020, the Hispanic population in Manassas was 42.9% (see Figure 2).

It appears that citizens in Manassas may have been the impetus for the policy changes in Prince William County. Growth in the Hispanic population occurred unevenly across Prince William County and was particularly strong in Manassas and Woodbridge. After complaints of overcrowding in homes, the Manassas City Council originally attempted to address the overcrowding issue by passing a resolution in 2005 that restricted extended families from living in one home. After questions of legality and opposition from advocate groups, such as Mexicans Without Borders, the resolution was rescinded in 2006 (Guzman, p. 415, 2010). As a result of perceived overcrowding and the other problems associated with the increasingly visible Latine population, a group called Help Save Manassas was formed to limit undocumented immigration into the city. Members from the Help Save Manassas were key players in drafting and presenting the immigration policy to the Prince William County Board of Supervisors (Singer, et al., p. 15, 2009; The World, 2010).

The Manassas City Police Department chief executive officer indicated that their goal for entering into a MOA with ICE was to reduce the number of undocumented immigrants that commit crimes within their community. Manassas entered into an agreement to participate in the Task Force Model (TFM), with ICE providing training and certification to three officers within their jurisdiction that held federal authority to investigate and charge subjects who were undocumented in the United States. These officers had the authority to retrieve information via the ICE database. Although Manassas City entered into a MOA with ICE, the implementation of the TFM was limited, according to interviews. Particularly, the department decided to partner with the Prince William – Manassas Regional Adult Detention Center to use the JEM instead.

Town of Herndon, Virginia

The town of Herndon is within Fairfax County and is located in Northern Virginia. Herndon is a part of the Washington metropolitan area. The town of Herndon experienced a significant increase in the Hispanic population between 2000 and 2010. According to the 2000 U.S. Census, Herndon's total population was 26% Hispanic. The percentage of Hispanic members of the population in 2010 was 33.6%. As of 2020, the Hispanic population in Herndon was 34.4% (see Figure 2).

One of the chief executive officers interviewed for the town of Herndon was proud to state that they were the first locality in Virginia to enter into a 287(g) agreement with ICE. Herndon Police Department's (HPD) program was designed to use federal immigration authority delegated to local officers as a tool to detain and remove serious, violent and repeat offenders who were in violation of the immigration law. Herndon officials also stated that the secondary goal was to provide an investigative tool to aid in criminal investigations. Immigration authority

was also used when dealing with those who had frequent encounters with the police or outstanding administrative warrants on file with ICE.

Herndon was a part of the nationally reported controversy involving undocumented immigrants in 2005. Many of the immigrants that the county had mobilized against were those frequenting a day laborer site at a convenience store. In response to the problem, Herndon officials developed a day laborer center, as part of a grant obtained through Fairfax County. However, instead of the day laborer site being viewed as a solution to the problem, some citizens and politicians wanted the immigrants removed from the community (Hobbins, 2006). These opponents, including a group called Help Save Herndon, opposed the town using public funds to construct a facility to help day laborers find employment. This issue was the center of the 2006 election for mayor and town council and resulted in the unseating of the pro-center mayor and two council members. As a result of the election and the opponents becoming the majority on town council, the center closed in 2007. The results created concern among constituents over the political disconnect and division between citizens over the immigration issue (Marx, 2006).

City of Manassas Park, Virginia

The city of Manassas Park borders Prince William County and the city of Manassas. Growth in the Hispanic population occurred unevenly across Prince William County. Manassas Park experienced a significant increase in the Hispanic population between 2000 and 2010. According to the 2000 U.S. Census, Manassas Park's total population was 15% Hispanic. The Hispanic percentage of the population more than doubled by 2010, to 32.5%. As of 2020, the Hispanic population in Manassas Park was 45.3% of the total (see Figure 2).

As a result of the continued overcrowding and the perceived problems associated with the increasingly visible Hispanic population, Manassas Park Police Department entered into a MOA

with ICE on March 8, 2008, to participate in their immigration enforcement program. The agreement continued until 2012.

Loudoun County, Virginia

Loudoun County is located in the northern part of the state, adjacent to Fairfax County. Between 2000 and 2010, the percentage of Loudoun County's total population identifying as Hispanic grew more than 200%, from approximately 6% in 2000 to 12.4% in 2010. Both the population and share of population identifying as Hispanic has continued to grow. As of 2020, the Hispanic population in Loudoun County was 14.2% (see Figure 2) of the total. Loudoun County's total population has also significantly increased over the past decade. The total population increased 84.1% from 2000 to 2010 and an additional 34.8% between 2010 and 2020. The Loudoun County Sheriff's Office entered in to the 287(g) agreement in 2009 and ended upon termination of the program in 2012. A former law enforcement executive from Loudoun County Sheriff's Office indicated that the impetus for engaging in the 287(g) Task Force Model (TFM) was for the IEP to be used as an investigative tool to aid in criminal investigations and reduce gang activity.

Shenandoah County, Virginia

Shenandoah County is located in the northwest part of the state, adjacent to Page County. According to the 2000 U.S. Census, Shenandoah County's total population was approximately 3.4% Hispanic. The Hispanic population increased 115.8% between 2000 and 2010, to 6.1%. As of 2020, the estimated Hispanic population in Shenandoah County was 8.4% (see Figure 2) of the total. The Shenandoah County Sheriff's Office entered in to the 287(g) agreement in May 2007 and ended the program in 2012.

Rockingham County, Virginia

Rockingham County is located in the northwest part of the state, adjacent to the city of Harrisonburg. According to the 2000 U.S. Census, Rockingham County's total population was 3.3% Hispanic. The Hispanic population increased 83.5% between 2000 and 2010, to 5.4%. As of 2020, the Hispanic population in Rockingham County was 8.5% (see Figure 2) of the total. The Rockingham County Sheriff's Office entered in to the 287(g) agreement in April 2007 and ended the program in 2012 when the Board took no action to renew the agreement.

Qualitative Results

Results and Analysis of 287(g) Participating Agencies

Political Position of the Department's 287(g) Participation

The participation of the law enforcement agencies in the 287(g) program was motivated by partisan politics, according to five of the chiefs interviewed. In particular, despite the disagreement of many law enforcement agencies about participating in the 287(g) program, the push from local elected officials ensured the participation of law enforcement agencies in the 287(g) program. For one police chief,

The county executive at the time was not in favor of it, obviously the police department was not in favor of it. It was completely coming from the elected members of the Board of Supervisors (Appendix F, PW1A).

At the same time, one chief emphasized that chiefs have to be connected to the community and share their concerns with elected officials when they do not agree with policy.

Silence is complicit. So, I think we all have to challenge them when we have an opportunity (Appendix F, D5).

The significance of the geopolitical context to immigration enforcement efforts of law enforcement agencies parallels the study conducted by Coleman (2012). Coleman found that given the emphasis in Durham County on minimizing the degree of marginalization experienced by the Latine community and the need to maintain community policing efforts within immigrant communities, the overall focus of immigrant enforcement prioritized gang suppression and violent crimes as warranting deportation, the original purpose of immigration enforcement as outlined by the *Immigration and Nationality Act*. In comparison, the geopolitical context of Wake County endorsed the investigation of immigration status during the general booking procedure, particularly during traffic operations, resulting in a substantial number of detainees being physically removed from the country for minor infractions or misdemeanors (Coleman, 2012). The initial policy in Prince William County, Virginia, set by the board of supervisors, mandated that officers inquire about the immigration status of all individuals they suspected of being undocumented, which led to the police chief expressing opposition and outrage from the community. The chief believed that the policy as written left too much room for interpretation and would lead to increased complaints of racial profiling.

Goals and Agency Implementation

Goals/Objectives of 287(g) Program Participation

As previously indicated, ICE's primary objective in the 287(g) program was to enhance the safety of participating communities. The July 2009 ICE MOA template indicated that the purpose of the collaborations between ICE and Law Enforcement Agencies (LEAs) was to identify and process the removal of criminal undocumented immigrants who pose a threat to public safety.

Yet, actions taken by local law enforcement illustrate some of the unintended consequences identified in the OIG (2010) report. This report found that 287(g) officers have

used their authorities during large scale street operations to detain individuals for minor offenses and violations of local ordinances even though the 287(g) program was not designed to allow LEAs to perform random street operations, affect concerns with excessive occupancy, or day laborer activities. Two law enforcement executives in this study indicated that activity at a day laborer site was the impetus for engaging in the program and others indicated the justifications for joining forces with ICE included reducing crime, responding to a significant influx of immigrants in their communities, heightening perceptions of public safety, reducing neighborhood problems, increasing crime reporting, improving efficiency, and gaining access to ICE’s database (see Table 2). These findings lend credence to the OIG’s findings that the program did not always serve its intended purpose. Table 2 lists the intended goals and/or objectives for each law enforcement agency’s participation in ICE’s 287(g) program as described by the respondents. Each table shows the number of chief executives that provided the corresponding response and the number of agencies represented by each response.

Table 2 – Goals and Objectives

<u>Goals/Objectives</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Reduce crime	5	5
Address crimes committed by undocumented immigrants	5	5
Intercept illegal/gang activity	3	5
Investigative tool to aid in criminal investigations	3	3
Remove serious violent offenders from the community	2	2
Increase efficiency/enforce civil ICE detainees	2	2
Increase perception of public safety	1	1
Reduce neighborhood problems	1	1
Increase crime reporting	1	1

Collect immigration data/status	1	1
Access to ICE database	1	1
Decrease immigrant population in community	1	1
Address frequently encountered persons with ICE detainers	1	1
Monitor - build trust and reduce crime	1	2
Prevention of human trafficking and smuggling	1	1

In determining the goals for participating in ICE’s immigration enforcement program, the chief executive officers or their designee gave 15 different reasons for their agency’s participation in ICE’s 287(g) program. Nine of the 15 responses focus on *enhancing safety in the community* in accordance with ICE’s stated objective. Five of 11 law enforcement executives indicated their goal in participating in the 287(g) program was to *address crimes committed by undocumented immigrants*. Two of these noted that *removing serious violent offenders from the community* was the stated objective. Three additional chief executives stated that their goal was to use 287(g) as *an investigative tool to aid in criminal investigations*.

The 287(g) program authorized each police chief and their department to investigate, detain, and remove immigrants who posed the greatest threat to the overall welfare and security of the community, including those residing in jurisdictions illegally. For two of the police chiefs, the 287(g) program was an efficient form of immigration enforcement. For instance, one chief stated,

Again, we don’t have to wait around in those cases that we needed immigration to help us because we had such a large immigrant community which often we’d make arrests and

we couldn't figure out who the person was or anything. So having this ability to check files, immigrant files has really made us more efficient (Appendix F, H3A).

Echoing such sentiments, another chief remarked,

Many times, these subjects came to the attention of [...], could not be held on local charges, and ICE personnel could not respond fast enough to take custody of them. Once granted the 287(g) authority [...] officers would be authorized to begin removal action after approval from ICE supervisory personnel (Appendix F, H3B).

This police chief further noted:

Another goal was to also provide officers an investigative tool to aid in criminal investigations [...]. In addition to aiding in criminal investigations, the authority was also used for dealing with individuals that were frequently encountered and for whom N.C.I.C.⁴³ indicated there was an outstanding administrative warrant on file with ICE (Appendix F, H3B).

The two chief executives were in support of 287(g) due to the significant increase in perceived gang related criminal activity in their jurisdiction, which may have involved undocumented immigrants. Elected officials were receiving pressure to address the influx of individuals frequenting the day laborer site and other community concerns. As elected officials pursued other means to address community concerns, the police department utilized ICE and other federal law enforcement agencies as a force multiplier to address crime, gangs, and undocumented immigrants in their community. One chief stated,

⁴³ National Crime Information Center is a national database that law enforcement uses to determine if an individual has an outstanding arrest warrant.

We saw through our aggressive enforcement and investigations, being able to prosecute them effectively on the state level, as well as the federal level, using 287(g) as one of our tools, of course, along with our partnership with the Northern Virginia Task Force, we saw a substantial decrease in gang activity here in [...] (Appendix F, L4).

The chiefs in favor of 287(g) believed that participating in 287(g) was beneficial for their community. One of the police chiefs noted that crime continued to be measured in the same manner and the agency saw *no marked decrease in crime as a whole*, even with the arrest of undocumented immigrants involved in crime, and another chief noted that *the gangs didn't go away*.

Implementing the 287(g) Program

Differences in the implementation of the 287(g) program in each law enforcement agency were apparent. For instance, one police chief explained that prior to the implementation of the 287(g) program,

We consulted with attorneys from across the country, police departments and others that dealt with racial profiling concerns. We paid physical visits to New Jersey State Police, Maryland State Police, and a few others where they were under consent decrees because of prior findings of racial profiling, looking at all the different reporting criteria they had developed (Appendix F, PW1A).

The purpose, as this executive expressed, was to preemptively develop a policy that would circumvent community concerns of racial profiling by law enforcement under the 287(g) program. In addition, the chief executive officer noted:

Even as early as Fall of 2006, the chief and others were recommending to the board that if they did anything with 287(g), they do it in the jail, since they are already being incarcerated for offenses and they have already had hearings of probable cause in front of a magistrate to protect all of us from racial profiling complaints (Appendix F, PW1A).

Another chief stated:

I think what worked best again was deciding how we were going to use this before we got all this authority, deciding what we were going to do with this authority before we even got into it. Selecting officers who you know won't abuse the authority [...] then again touching base with our immigrant community to let them know 'hey this is what we are going to do and how we're going to use it.' We're not going to use it as a round-up [...] We're using it in the course of our normal duties (Appendix F, H3A).

Including the immigrant community parallels another goal of law enforcement agencies. As one chief describes,

Prior to implementing the program in patrol, meetings were conducted in the community to answer questions from concerned citizens and to address the plan and use of the authority (Appendix F, H3B).

Following these meetings, the chief notes that a system of checks and balances was created along with specific criteria to minimize the risk for abuses in authority. These criteria, according to this chief, included:

All felony arrests were run through the system, as well as DWI arrests. Subjects could be checked in the system if they were repeat offenders, had been detained for serious offenses, or had received a notice to appear (NTA) from ICE. All traffic violators were

automatically run through the illegal alien query in the DMV check as part of protocol (Appendix F, H3B).

Although this chief reported that the goal was to minimize the risk for abuses of authority, the checking of individuals' immigration status was outside the scope of ICE's intended purpose. For this law enforcement agency, collaborative discussions and meetings were essential components of measuring effectiveness and addressing problematic issues.

The implementation of the 287(g) program within this law enforcement agency did not begin until after lengthy discussions by Town Council and public comment (Appendix F, H3B).

According to two other chiefs,

The implementation of the immigration policy resulted in a 15-hour Board meeting that lasted until 3 a.m., which consisted of a passionate debate from both sides (Appendix F, PW1A).

The other chief indicated,

It was a split, passionate response on both sides of the debate. There were those who wanted all people who were not here legally gone, regardless if they were a criminal or not. And they were very passionate and vocal about that. And of course, the Hispanic community who saw the policy was being directed at them, the largest minority community in [...], a predominantly majority community (Appendix F, PW1C).

The chiefs expressed the importance of gathering as much information as possible prior to implementing new programs, especially programs that may be controversial. They also

expressed the importance of selecting the right officers and obtaining citizen input in the planning phase. These strategies can help alleviate some of the challenges departments may face when implementing new programs.

It should be noted that officials from two departments indicated that they did very little community outreach surrounding implementing the 287(g) initiative. One chief indicated that the IEP program never was fully implemented, and the other noted that as an elected official,

There are just some steps at times with Sheriff's Office, you just don't have to take
(Appendix F, L4).

Allowing citizen involvement is an essential element of procedural justice. It appears that agencies that included citizen participation in the implementation process appeared to experience better outcomes than agencies that did not. With the exception of one jurisdiction, the chiefs believed that their community outreach initiatives and allowing the community to have a voice during the implementation process worked well for their agencies and minimized any adverse effects of the 287(g) program. However, it should be noted that none of the departments indicated any community participation in the development of the immigration policy.

Question 1: What were the effects of the 287(g) programs on local law enforcement?

Effects and Findings of the 287(g) Program:

Finding 1: Community Impact

According to the chiefs interviewed, most communities experienced an impact as a result of immigration enforcement regardless of whether or not their departments participated in immigration enforcement. If the community was not directly involved, it experienced residual

impact from other jurisdictions' enforcement efforts, such as increases in the overall immigrant populations in their cities and services rendered.

The chiefs reported that attitudes towards law enforcement's participation in the 287(g) program was mixed. Some of the population encouraged immigration enforcement efforts whereas other members of the community opposed the police department's participation. On the one hand, one police chief noted,

Most of the perception seemed to be centered around the fact that the feds weren't doing anything so local government had to step in and do something (Appendix F, PW1A).

According to another chief:

Obviously, about 49% of them supported those who were elected and thought the immigrant population was a pain and some of the unsanitary conditions that they caused. Then you had 51% that felt that hey we should make them a part of our community (Appendix F, H3A).

A major concern was the increased fear that immigration enforcement caused in the immigrant community. One chief indicated,

[...] among the Hispanic community, I would say mostly, there was a lot of fear. And that came, it seemed to be whether folks were illegal or, or were actually legally present; just if they were immigrants at all. Even if they did not have to be concerned about their legal presence, because they were here illegally, there was a lot of - it appeared to be there was a lot of concern that we were being directed by the Board to, you know, start inquiring about their immigration status (Appendix F, PW1B).

Another chief commented,

The Latino community had fear of the police officers. Victim/witnesses were concerned they were going to be deported (Appendix F, M2).

In another instance, a chief observed,

And there was this fear when I first got here, especially under the new administration of Trump. The messaging that was sent by the administration about the wall, about increasing the numbers of officers working for ICE, the threats that were sent out to local law enforcement, especially Democratic cities, that if we were labeled as sanctuary cities that we wouldn't be eligible for grant funding (Appendix F, D5).

As a result of this heightened fear, law enforcement agencies actively engaged in community outreach initiatives designed to educate immigrant communities about the 287(g) program and foster rapport and support; this most commonly involved the use of mass media and engaging leaders within the immigrant community. Law enforcement agencies undertook numerous community outreach initiatives in an effort to curtail the fears and educate the public. For instance, one police chief described,

We did a whole bunch of media stuff [...] We did outreaches through some of the local embassy and counsels both Mexican and Salvadoran and involved them in some of the messaging to their constituency in the area (Appendix F, PW1A).

He also stated,

...the biggest thing that we did was just hundreds of community meetings. We did meetings in every single school in the county; we met all that were available to us. We met with all the different advocacy groups (Appendix F, PW1A).

Sharing a similar perspective, another chief indicated,

Chief [...] went everywhere and anywhere in the Hispanic Community to attempt to quell their fears about what this policy would be. In fact, the Chairman of the Board of County Supervisors was trying to get traction from the other Board members to remove Chief [...] because of his outreach, and the places he would go, to talk about his policy (Appendix F, PW1C).

Yet another chief stated,

And we wanted to reassure the community that this was a tool of investigative measure to combat criminal gang activity. And that is it. And we were very strong on that message (Appendix F, L4).

One chief emphasized,

I think definitely the engagement and the education of the community was vital to us not having some of those consequences we were worried might materialize (Appendix F, PW1B).

Another chief reported:

I have spent a considerable amount of time trying to build that relationship with my Hispanic community by personally being involved in some of the community discussions, you know. We were moving [...], we were moving discussions from one church, one

Hispanic congregation to the other, so that after church, on Sundays, the congregation was allowed to stick around if they wanted to be part of the community conversation between the police department and that particular congregation, to respond to questions, help dispel myths and rumors about ICE. And it took us really getting out there and having all of my bilingual officers to go with me. I brought by investigators that are bilingual. I brought, you know, other officers that are bilingual. I brought Hispanic officers and it was a surprise to them to see black officers are bilingual. White officers are bilingual. And so, when I hosted these events, we would do it at the church. And it really shocked the community members in the congregations that they have several people who are actually bilingual in the police department, who can speak our language, and I use them to communicate (Appendix F, D5).

As indicated from these comments, due to the potential for community impact, the chief executives and their officers spent a lot of time in their localities seeking to educate the community and lessen fear. This highlights that engaging in the 287(g) program is time and resource intensive, as indicated by the chiefs, and as at least a few noted this was an unfunded federal government mandate.

Finding 2: Impact on Community Policing

Participation in community policing is an essential component to law enforcement activities, as it is designed to enhance trust in the community, which may result in more information being shared with law enforcement. According to Fielding (2005), community policing includes aspects of traditional law enforcement, prevention, problem solving tactics and community partnerships, all combined in an effort to reduce crime. Many of the law enforcement executives interviewed indicated that they participate in and/or have developed programs for the

community. One chief noted that it is important to provide the same services to the Hispanic community that are provided to the general population.

If I have a Citizens Police Academy, now I have a Hispanic Citizens Police Academy. So, you know, they get the exact same instruction as my regular Citizens Police Academy does, except for I made sure that there are individuals that are instructing that are translating, and providing that information in their language (Appendix F, D5).

As a practitioner, I have always believed that there should be a holistic approach to community policing, which makes policing everyone's responsibility and not just the responsibility of a unit or division. At least eight of the participating chiefs agree with that assertion and observed that community policing should be a philosophy for the entire department. Their views were similar to this chief who stated,

...community policing is not a unit; it's not a person; it's a philosophy. And in order for community policing to be effective, that philosophy has to be organizational (Appendix F, L4).

For one chief, community policing is

...an engrained aspect of our patrol philosophy so our community policing is not separated into a unit or staff position (Appendix F, PW1A).

Sharing a similar perspective, another chief noted,

That's my specialty, community policing. I believe in having the entire department involved, including investigators, everybody and what we did was we broke our city up or our town in community policing districts [...]. I'm talking about major geographical

areas. A team of officers to be experts for that particular geographical area so he should know all the criminals in that area, sex offenders in that area, you should know all that (Appendix F, H3A).

Police departments that exercise a department-wide philosophy to community policing typically ensure that every division, unit, and individual in the agency understands that everyone has a shared responsibility in the betterment of the community. Whereas some departments use the team approach to community policing. Departments that use the team approach generally have a group of officers dedicated to specific communities. Often the focus is on communities that have significant crime problems and typically confront other socio-economic problems such as poverty. The dedicated group of officers are in the community to identify and address crime and other quality of life issues. The team of officers are expected to get to know members of the community and all the issues plaguing it. Officers are expected to work with community members for the betterment of the community. For one police department, structuring its community policing efforts in teams afforded the chief the confidence to say,

I know all of them and know what is going on, so if the Board or someone calls me, I can pretty much be assured that we were already aware of it and we're already working on it. It really works well because they took the challenge that we need to know and have a plan going before the chief has to tell us (Appendix F, H3A).

In further describing the benefits of community policing and how it affords officers various avenues to interact with the community, this chief stated,

...it entails a lot of foot patrol, an awful lot of bike patrol because [...] it is very conducive to riding a bike, and a lot of community meetings, a lot of neighborhood

watch, anything we can do to reach out to the community. And then we involved the community in the police department because community policing is really that, community doing the policing. [...] That worked really well and the community loved it, the citizens loved participating in it (Appendix F, H3A).

Although police chiefs debate whether and how community policing can be utilized as a crime reduction tool, the police chiefs in this study concur that community policing is an effective crime reduction tool.

It has been effective without a doubt. Again, it's hard to measure with the national average going down but I would dare to say that a lot of that, in [...], was attributed to it. Since I've been here, at this agency, it is amazing how crime has really dropped here and the only thing I'm doing different is community policing. I can't say all of that is the national trend, I think just getting citizens involved, and making them responsible [...]
(Appendix F, H3A).

Although some chiefs considered it to be an effective crime reduction tool, another chief noted the difficulty in measuring the effectiveness of community policing.

Yeah, I certainly think it's been effective. It's not something that we can feasibly measure as far as our overall impact because it's just our philosophy and patrol structure.
(Appendix F, PW1A).

This chief is emphasizing that community policing is a department wide philosophy, and it is engrained in the daily operations and expectations of every officer; therefore, measuring the effectiveness of community policing is difficult. If community policing responsibilities were

assigned to a dedicated group of officers in a specific neighborhood, the impact could be easily measured.

Yet another chief stated,

[...] obviously, it's measured in Part One crimes, right. So, in [...], [...] and [...], [...] being the kind of pinnacle of that reduction, Part One crimes, I think at the end of the day, before I left [...], we dropped part ones like 34%, or something crazy, and we dropped homicides by half (Appendix F, R22A).

The chief continues by saying,

Yeah, so the community policing has real positive ramifications. In [...], we had a pretty significant violent crime rate for a city of 100,000. I think we had - I know, we would end up with 30 to 40 homicides a year, which was per capita was pretty crazy. So, we were able to cut that in half by the time I left [...]. It was all relationships stuff. It wasn't Forensics, I can tell you that. Those cases were all solved by somebody saying, 'this is who - you know, Johnny did it' (Appendix F, NH9, BP10).

Those interviewed had mixed perceptions as to whether the 287(g) program impacted the community policing initiatives for the law enforcement agencies that participated in the program.

For one police chief,

No, I don't think so, I think if anything it ramped it up because it caused every one of our patrol officers to be very mindful of dealing with community groups and neighborhoods and trying to make sure we have deeper conversations with people on an everyday basis to try to continue to rebuild the trust that had been lost by the public perception (Appendix F, PW1A).

Similarly, another police chief underscored the significance of the 287(g) program in improving police-community relations:

I think we got a whole lot more of our immigrant community to be a part. I think it may have even forced us to get more involved with our immigrant community, we got more involved in it (Appendix F, H3A).

The comments from both chief executives are indicating that due to their forced involvement with immigration enforcement, an effort was made to minimize the adverse impact on the department and the community. As a result, the departments intensified their community engagement initiatives.

One police chief indicated that immigration enforcement had a significant impact on their community for a short period of time, and another reported that 287(g) impacted their community policing efforts.

Yes, the Latino community was hesitant to interact with police based upon their own countries policing and concern over the 287(g) program (Appendix F, M2).

Finally, the police chiefs disagreed about the effects of the 287(g) program in reducing the immigrant population and affecting the community. One police chief noted no change in the immigrant population following implementation. The chief believed that the lack of decrease in the Hispanic population was due to the intensive community policing efforts the police department engaged in order to build trust with the community prior to implementation (Appendix F, H3A). Contrastingly, another chief noted,

In the end, very little. In the short term, over the couple of years that the resolution was passed, it caused a lot of division, a lot of conflict, as we have already discussed some

breakdown in trust in the police department, criminal justice services as a whole and the county government as a whole [...], I really have no idea whether those have bounced back as significantly as the police departments have but clearly because we have been able to kind of restore the trust in communication levels to where they were prior to the resolution. That's why I say in the end I don't think it had a significant impact, but in the short term that, let's say, 2-5 years it was a very significant impact (Appendix F, PW1A).

Overall, the chiefs agree that immigration enforcement had an impact on the community, both immigrants and other residents. The respondents indicated that immigration enforcement caused fear and distrust in the community, and the department had to enhance its community engagement initiatives in order to regain the hard earned trust it had lost.

Finding 3: Outcomes

Several reported outcomes emerged from the interviews with law enforcement executives. Most of the responses from chief executives indicated mixed community perceptions of the 287(g) program and reported no notable increases in custodial arrests. Some of the respondents indicated that some of the positive outcomes included no increase in racial profiling complaints received; reports that citizens felt safer; increases in investigations completed; substantial decreases in gang activity/displacement; increases in the removal of serious, violent offenders; increases in crime reporting; no change in community policing efforts; and deportation of only the worst offenders (see Table 3).

Table 3– Outcomes of 287(g)

<u>Outcomes</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Community Impact- Mixed perceptions	5	4
No/slight increase in custodial arrests	5	3

Decrease in citizen satisfaction survey	3	1
Change in department policy	3	1
Lingering misconceptions/continued education needed	2	2
Decrease in immigrant population	2	2
No increase in racial profiling complaints	2	2
Agreement terminated but still participated through jail program	2	1
Increase in serious, violent offenders removed	1	1
Increase in investigations completed and detainees issued/served	1	1
287(g) positively impacted community policing efforts	1	1
287(g) negatively impacted community policing efforts	1	1
Increased officer satisfaction - increased efficiency	1	1
Citizens felt safer	1	1
Substantial decrease in gang activity/displacement	1	1
No change in crime rate	1	1
No decrease in community policing efforts	1	1
More immigrant enhanced officer involvement in community	1	1
Only deported the worst offenders	1	1
Excluded from receiving federal funding (sanctuary city)	1	1
Increased crime reporting	1	1
Strained relationships with African Americans and Latines	1	1

Despite some evident benefits, executives expressed particular concern about several negative outcomes of the 287(g) program, including lingering misconceptions of the 287(g) program; the need for continuous education; decreases in reported citizen satisfaction on surveys; negative community impact; negative impact on community policing; strained relationships

between the police and the community; and departments being excluded from receiving federal funding. In addition, two chiefs indicated that although their departments terminated the 287(g) agreement with ICE at the end of the program in 2012, their departments continued to participate in the Jail Enforcement Model (JEM) in their detention centers through 2020 (see Table 6). One chief stated,

But we still asked the mandated questions, because of the resolution all the way until this year (2020). And the reason why it changed this year was because our jail, which is separate from the police department; it's run by the jail board; they still had 287(g) authority until a few months ago. And so, we were still asking the mandatory questions for those that we had taken into custody, even after 2012. And right now, we have suspended that policy based on the 287(g) no longer being a program at the jail (Appendix F, PW1C).

With the JEM in one locality that services several jurisdictions, one has to question if the local police departments increased their custodial arrests for minor infractions in order to have individuals screened through ICE. This is one of the concerns the OIG (2010) report raised, leading ICE to revamp its program.

Finding 4: Unintended Consequences

There were several unintended consequences noted as a result of law enforcement's participation in immigration enforcement. The concerns that received the most responses included the loss of trust and damaged relations with the immigrant community, fear, and a decrease in citizen's perception of the police. Other unintended consequences included decline in citizen satisfaction survey results; concerns for immigrants leaving the community; change in

immigrants reporting crime; and citizens voicing concerns of racial profiling (see Table 4). In relation to loss of trust, one chief indicated,

I'm very, very happy that we've been able to restore the trust of our minority community. But it really set us back for a few years and it created a ton of work to try to rebuild
(Appendix F, PW1A).

Table 4 – Unintended Consequences

<u>Unintended Consequences</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Community impact - loss of trust/damaged relations with immigrant community	4	4
Community impact – created fear	4	3
Citizen perception of police - decrease in satisfaction/perception	4	2
Change in immigrants reporting crime	3	2
Increased fear among legally present immigrants	1	1
Decline in citizen satisfaction/survey	1	1
Citizens voicing concern of racial profiling	1	1
Residents leaving the city/county	1	1

Another chief shamefully stated the following,

The immigrant community could not completely trust us. I experienced this firsthand soon after the policy went into effect when I came upon a crash where a car rear ended another. The at fault vehicle was operated by a Hispanic male who had his family in a passenger van. The look of fear, utter fear, everybody in that car had on their face brought tears to my eyes. Only one person in the car spoke Spanish, a teenage female,

and I told her to tell her family that everything was going to be okay, it was just a car crash and there was nothing to worry about. She told them, they nodded their heads as if to say ok, but the look never left their eyes. As I type this, 14 years later, I still remember the look on their faces, it made my stomach turn. That was one of the few days in my 29 year career that I wasn't proud (Appendix F, PW1C).

One chief stated,

Prior to the resolution, we've had very high overall marks in that question (citizen satisfaction). And they were consistent, fairly close to each other in regard to white responses, black responses, Hispanic responses. And then there are other racial breakdowns in there as well. When we first started back in '06, before the resolution was passed, the responses of white and Hispanic were virtually identical. And the black demographic was just a couple points lower. After the resolution passed in '07, and then our policy was enacted in '08, the next survey went out that summer, probably mid-June of '08, and those responses, especially in the black and Hispanic community, dropped significantly. Black demographic dropped about 15 points and Hispanic demographic dropped about 40 points (Appendix F, PW1A).

One chief executive expressed concern not only for the loss of trust between the community and the police department, but also for the loss of trust experienced in the criminal justice system and county government. The chief executive stated,

In the short term, over the couple of years after the resolution was passed, it caused a lot of division, a lot of conflict; as we've already discussed, some breakdown in trust in the police department, the Criminal Justice Services as a whole and the county government

as a whole. The same citizen satisfaction surveys that I referred to earlier, also have other questions related to county government, the Board of Supervisors, etc. We saw the demographic responses related to trust in those entities drop significantly, as well. I really have no idea whether those have bounced back as significantly as the police departments have. But clearly, because we have been able to kind of restore the trust and communication levels to where they were before the resolution, that's why I say in the end, I don't think it had a significant impact; but in the short term, say two to five years, it was a very significant impact (Appendix F, PW1C).

Another police chief weighed in on the unintended consequences of the 287(g) program.

I don't think the Board desired to create a major conflict between demographic opponents of our population. I don't think they intended for folks' trust in the law enforcement of bodies in their county to be reduced or really damaged in the way that they were [...] there were a number of folks, especially those referenced in the UVA study, there were a number of folks who were legal, status residents to the county and said they left because they didn't want to be part of a community where folks from the same background were treated this way (Appendix F, PW1A).

Another police chief, however, could not discern the degree to which participation in the 287(g) program engendered any unintended consequences. Overall, 7 of the 11 chiefs indicated their city experienced negative unintended consequences as a result of their participation in the 287(g) program, whereas one chief indicated an unintended consequence involved the citizens being more comfortable reporting negative interactions with the police officers.

As previously indicated, the OIG (2010) report indicates that in certain situations, participating in the 287(g) program may have led officers to make a custodial arrest of individuals for misdemeanor and traffic offenses who would have normally been released on a summons. Coleman (2012) and Stuesse and Coleman (2014) research also suggests that officers increased custodial arrests for minor crimes in order to check the immigration status as the premise, including increased custodial arrests for minor crimes and traffic offenses. Regarding changes in the number of custodial arrests for misdemeanor or traffic offenses as a result of department's participation in immigration enforcement, there was a perceived increase among police chiefs and/or community members. One police chief noted,

There appeared to be small increases in those numbers but those were not specifically quantified, and they did not add to our overall arrest numbers for those years. We didn't find a quantifiable increase in that area although anecdotally that information was coming to us (Appendix F, PW1A).

Another respondent noted,

...so we were arresting a disproportionate number of Latinos for the same charge we were letting somebody else go for; and oh, by the way, we towed their vehicle (Appendix F, G6).

The assertions made by these two chiefs validate the OIG (2010) report, Coleman (2012), and Stuesse and Coleman's (2014) research that conclude that some officers may have increased the number of custodial arrests involving individuals who would have previously been released on a summons.

Prior to implementing the 287(g) program, chief executives expressed serious concern of the potential for increased racial profiling complaints. Although one chief expressed concern with an increase in racial profiling complaints, overall, the respondents were pleased to report that their participation in the 287(g) program did not result in an increase of racial profiling complaints. They believed that the lack of increase in complaints was a result of their due diligence with community outreach and education. As one police chief expressed,

We fully expected there to be, we don't get a bunch of racial profiling complaints typically only a handful or less per year [...]. We really thought it was going to triple or worse, but it didn't. We also didn't get any additional lawsuits or anything like that (Appendix F, PW1A).

Another concern of participating in the 287(g) program was that it would result in increased fear from the immigrant community. Although numerous respondents indicated increased fear, one police chief noted they did not experience increased fear among community members. He provided the following,

No, not at all. They were more likely to come into the station to make a complaint about officers because of the communication. I was amazed at that because I was expecting the opposite that they would not trust us or wouldn't come into the police station (Appendix F, H3A).

This chief believes participation in the 287(g) program improved the reporting of police misconduct by immigrants. He further describes how one complaint was placed against an officer,

One immigrant reported that during an arrest an officer stole their money. Now, he was scared that the police, this person was an illegal immigrant, [...] this person knew that 'Hey, we are 287(g) and he could possibly be deported,' but it didn't faze him at all and he came down and reported and we investigated [...] I was just amazed that this guy was confident enough to report that and have us look into it (Appendix F, H3A).

Overall, the negative unintended consequences identified in the research outweighed what a few chiefs considered to be successes. The unintended consequences include loss of trust, increased fear, decrease in immigrants reporting crime, and immigrants leaving the community, to name a few.

Finding 5: Successes of the 287(g) Program

Although most respondents noted very few successes of the 287(g) program, three participants did point to some successes. For two of the chiefs, the program improved the quality of law enforcement activities in investigating, detaining, and removing immigrants involved in law violations and serious, violent criminal offenses. For example, one chief stated,

During the approximately 4-year period that the program was in place in [...], 287(g) officers conducted a total of approximately 853 immigration investigations. Those investigations resulted in dozens of aggravated felons and repeat offenders being put into removal proceedings (Appendix F, H3B).

This chief further underscored the success of the 287(g) program in their respective jurisdiction, in noting that the 287(g) resulted in

The identification of 3 subjects that were each wanted on active warrants for murder in El Salvador. Numerous subjects convicted of child sex abuse, drug distribution and

burglary charges in [...] processed for removal”, and “A major, long term, human smuggling/trafficking operation identified which resulted in several federal prosecutions and large asset seizures (Appendix F, H3B).

This police chief also acknowledged the importance of the Secure Communities Program in identifying illegal offenders once they were introduced to Secure Communities in the jail system, in light of the elimination of the Task Force Model (TFM) of the 287(g) program.

Although the chiefs tout success of the 287(g) program, it is important to note that the chiefs indicated that the undocumented immigrants were placed in the removal process but not how many were actually deported. ICE does not normally share specific deportation information with local law enforcement agencies.

Another police chief measured the success of the 287(g) program in the improved efficiency and sense of satisfaction within the respective law enforcement agency. Specifically, the chief indicated,

Officers were happy. They thought it was a great benefit again because we didn't have to sit around and wait. We had, just with a phone number and some computer information, we searched both and get the information that we need a lot quicker than we've ever had the ability to do (Appendix F, H3A).

Only three chiefs in two jurisdictions noted any success in participating in ICE's immigration enforcement programs. The successes focused on the identification and removal of aggravated felons and repeat offenders and increased efficiency for officers; however, neither jurisdiction reported a sustained reduction in crime. Specifically, the three police chiefs could not definitely say the 287(g) program contributed to crime reduction. Nevertheless, two of the police

chiefs touted the success of the 287(g) program in improving perceptions of safety and quality of life within some communities and all others discussed negative consequences. It should be noted that the two chiefs who touted successes represented the same department at different time periods.

Question 2: From the lens of procedural justice, have there been challenges for law enforcement with building trust and legitimacy, community engagement, and transparency as a result of immigration enforcement?

- a. Have the challenges posed by these interactions impacted building trust and legitimacy, community engagement and/or transparency? And if so, how?**
- b. What have been the departments' responses to those challenges?**

Agency Initiatives, Challenges, and Responses to Challenges

Finding 6: Agency Initiatives

The majority of agencies indicated they participated in various initiatives in an effort to build trust and legitimacy, enhance community engagement, and increase transparency. In an effort to build trust and legitimacy, all agencies indicated that they participate in some form of community engagement or community policing. Six of the 11 agencies indicated that they attended or held community meetings and provided education. However, two of the agencies did not find a need to engage the community about their immigration efforts. The majority of the agencies regularly conduct citizen satisfaction surveys, and at least six chiefs indicated that citizens were allowed to provide input during council meetings. Three agencies established a Hispanic liaison for the community. One chief indicated,

I identified a Hispanic liaison here in the police department. And that is an official position here in our department now. And that person works with our Hispanic community, you know, five days a week, 40 hours a week. And that's all they do, they are bilingual. They are of, you know, Hispanic origin, and they help to dispel rumors. They

help to educate the community and sort of reinforce that the [...] Police Department isn't in the immigration business. And that has really helped us considerably (Appendix F, D5).

The respondents believe that transparency between the police department and the community is important. Enhanced transparency was conducted through initiatives including publishing general orders and translating brochures, as one chief cited,

We published our general order, in terms of immigration enforcement, the only two general orders at that time that had ever been published online by our department. And the biggest piece of that, that we tried to emphasize with folks, is that we will not ever inquire of somebody's immigration status, unless they've been arrested. And we will never inquire of anybody's immigration status if they are a victim or a witness of a crime. And we kept repeating that mantra over and over again, trying to make sure that people understood that they can and should report crimes to us, whether a victim or witness, and that they would be safe from any potential retribution as a result of their immigration status. Kind of what you saw over time is people began to learn that, not only were we saying it, but through their experiences, they could see that we were doing it. There are a number of good pieces, op eds and stuff, that were published locally that people were able to point to those examples and circumstances. And I think, over time, they just began to see that we really could be trusted for what we were telling them (Appendix F, PW1A).

Another agency believed that it was important to ensure that all immigrants had access to information, so they translated all documents into various languages. That chief stated,

I think definitely the engagement and the education of the community was vital to us not having some of those consequences we were worried might materialize. So, had that not been done, I would have – I would worry that it would not have played out the way that it did. So, that’s very, very important for anyone who is new to it or considering a program (Appendix F, PW1B).

In order to build trust and legitimacy with the community, police departments engaged in several initiatives, including community policing, community meetings and education, establishing community liaisons, administering citizen satisfaction surveys, publishing general orders, and other community engagement activities (see Table 5).

Building Trust and Legitimacy

Table 5 - Building trust and Legitimacy (Satisfaction/Impartiality)

<u>Building Trust/Legitimacy Initiatives</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Community engagement activities/community policing	11	11
Citizen satisfaction surveys, citizen involvement/cooperation, media reports, community perception, analysis of policy	10	11
Community meetings/education	6	4
287(g) implementation with citizen input	3	2
Established a Hispanic liaison to communicate with community	2	3
Published general orders	2	1
Only focused on criminal activity when responding to calls for service	1	1
Immigrants willing to report crime and complaints against officers	1	1
Officers viewed as members of the community/visibility	1	1
Built day laborer site/facilitated jobs	1	1

Tyler (2017) states that the principles of Robert Peel emphasize the need to obtain the consent of the population for effective policing (Tyler, 2017). In order to build trust and legitimacy, the principles of procedural justice literature and the Task Force on 21st Century Policing indicate that the law enforcement culture should embrace a “guardian mindset.” Maintaining the community’s trust and confidence is critical for police to effectively keep the community safe. Trust and confidence are a form of legitimacy that promote not only obedience to the law, but also cooperation with police: calling them for help or volunteering as a witness (Tyler et al., 2018).

The chiefs interviewed for this study engaged in numerous community engagement initiatives within their communities in an effort to build trust and legitimacy (see Table 6).

Community Engagement

Table 6 – Community Engagement (trustworthy motives/voice)

<u>Community Engagement Initiatives</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Citizens involved in decision making/community and/or council meetings	6	4
Acknowledge the importance of community engagement	5	7
Agency participates in community policing	5	8
Participated in community programs	4	5
Police attend civic meetings	4	2
Developed programs for the community	3	4
Had limited community outreach initiatives for 287(g)	2	2

Community engagement is a good opportunity for police departments to allow the community to provide input into policing policies and practices. It also provides an opportunity

for police departments to show the community that the department values the community’s opinion and that they have good intentions. According to Tyler et al. (2018), officers have to be considered as guardians in the community in order to be set up for success. In order to develop a “guardian” police culture, police agencies must define successful police work according to procedurally just principles, and structure police work to maximize opportunities for community engagement. Programs that create opportunities for patrol officers to interact regularly with neighborhood residents give officers greater opportunity to build relationships and demonstrate their commitment to serving those communities fairly (Tyler et al., 2018). In turn, it is an opportunity for the community to give consent to the actions taken by the police department; therefore, establishing legitimacy. As previously indicated, all but two of the departments interviewed were involved in community engagement activities (see Table 6).

Transparency

Procedural justice principles recommend that departments develop cultures of transparency and accountability. The more that policies are made transparent, the more that stakeholders will feel as though they have direct information to evaluate fairness. Six of the respondents indicated that their policies are available electronically and easily accessible to the public. Departments also participated in other transparency initiatives, including allowing citizens and media to ride with officers, establishing independent websites or social media platforms, and creating opportunities for open dialogue (see Table 7).

Table 7- Transparency

<u>Transparency Initiatives</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Policies are posted/accessible to the public/advertise enforcement	6	5
Public comment and discussion of immigration policy	4	3

Established a Hispanic liaison for community	3	3
Citizen satisfaction survey results online	3	1
Translate documents in various languages	2	2
Allow media ride along/media statements	2	2
Established independent website with policy and data	1	1
Independent evaluation of 287(g) program	1	1
Establish social media platform	1	1
Citizen inclusion in decision making process/policy development	0	0

Although chief executives understand the importance of transparency, some departments are hesitant to share their policies or be transparent about enforcement efforts. To counter that argument, one chief stated,

So, there's this innate thing about policing, right? It's a secret. We have some secret sauce that we solve these crimes with and don't want to let anybody know. [...] The truth is, there is no secret to this stuff. And the more you let people know, along the way, what you're trying to do, the more engaged they can be in helping you solve it (Appendix F, NH9, BP10, R22C).

When there is high uncertainty, people's judgments about fairness of procedures could be more vulnerable to indirect experiences. The lack of transparency may indicate to the public that police departments have reason to hide their policies and decision-making procedures, and the public may not presume benevolent intentions. Transparency will help to quell these suspicions (Tyler et al., 2018).

Of the 11 departments in which executives were interviewed, six indicated that their policies are accessible to the public, and four of the 11 responded that citizens had an opportunity to comment on the immigration policy. Other departments engaged in other initiatives in an effort to increase transparency (see Table 7).

Finding 7: Challenges with Building Trust and Legitimacy, Community Engagement, and Transparency

Due to the opposition of some local police departments’ participation in immigration enforcement, departments encountered several challenges with building trust, legitimacy, and community engagement. Some of the challenges include the lack of participation in community meetings, language barriers, individuals not reporting crime or refusing to be a witness, increased fear and retaining trust (see Tables 8 and 9). Respondents did not report any challenges with transparency (see Table 10).

Challenges with Building Trust and Legitimacy

Table 8- Challenges with Building Trust and Legitimacy

<u>Challenges with Building Trust/Legitimacy</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Building trust/lack of community participation in meetings	4	5
Language barriers/communication	3	3
Fear of individuals not reporting crime/not willing to be a witness/not willing to come forward with anything	2	1
Retaining the trust of the community	2	4
Misinformation provided to the public	2	2
Creating new issues because of no tolerance enforcement policies	1	2

Challenges with Community Engagement

Table 9 – Challenges with Community Engagement

<u>Challenges with Community Engagement</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
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Lack of community participation in meetings	4	5
Fear/ division	3	2
Main focus on high crime areas- not immigrant communities	1	1

Challenges with Transparency

Table 10– Challenges with Transparency

<u>Challenges with Transparency</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
None reported		

Respondents discussed numerous challenges that their departments faced as a result of participating in immigration enforcement. Procuring the understanding and support of members of the immigrant community and elected officials represented common obstacles faced by the law enforcement agencies. One chief mentioned:

The biggest challenge was that we had a number of people in the community who were claiming, very vocally, that this was going to result in significant racial profiling by the police department. That it would result in anyone that had an illegal status or no legal status in the country not reporting crime to us, not willing to be witnesses, not willing to come forward with anything (Appendix F, PW1A).

For this police chief, the lack of buy-in from the immigrant community was detrimental to their overall safety and welfare.

There were many folks in the community, criminal type, who would talk about what they call walking ATMs. Illegal immigrants did not trust banks and would carry around cash and be targets of robberies. Those kinds of things occurred; those were very real (Appendix F, PW1A).

Hence, for this particular law enforcement agency, in the years following the 287(g) program, including its reauthorization,

The main challenge for us was to attempt to regain trust of the community that we serve across all of the demographic breakdowns and be sure that people are understood that we were not going to change anything we were doing, it was really meant to impact people who were already arrested for a criminal offense (Appendix F, PW1A).

Another police chief underscored the political partisan barrier associated with the 287(g) program.

The obstacles were basically political. Struggling with our elected bodies because once we got the authority, you know, 'Alright go arrest all these people,' and convincing them that 'No that's not what we're here to do and that's not what we're going to use this for,' (Appendix F, H3A).

Yet, an additional obstacle for this chief was the availability and continuity of training for law enforcement officers for the 287(g) program. Another chief expressed concerns for victims and witnesses that the impact immigration enforcement would have on them.

And so, we were very concerned about our victims, and our witnesses still being cooperative with us, either in reporting, or giving testimony as witnesses. And, you know, I think anecdotally, our officers would say that they thought that that probably did happen a little bit. Or to some extent, I should say, and so we're unsure if some of our crime numbers changed, not because we were reducing the number of illegal immigrants, but because we, perhaps we could have been reducing the number of people reporting crimes (Appendix F, PW1B).

Yet another chief stated that the program resulted in a lack of trust and community participation:

It was a complete barrier to getting the trust of the Hispanic community. Years after implementation when Chief [...] and I met with some community members after an officer-involved shooting in which a 15-year-old Hispanic boy was killed, we were told that as long as 287(g) existed in any form in [...], it was only in the jail by this point, we would never have the trust of the Hispanic community (Appendix F, PW1C).

An additional challenge identified by law enforcement executives was how immigration enforcement became a political and partisan issue, resulting in mandates by elected officials even with opposition from the Chief Executive Officer/City Manager and the Police Chief. Other challenges included departments not having written policies and the increased strain enforcement created between the department and the African American and Latine communities (see Table 11).

Additional Challenges

Table 11 – Additional Challenges

<u>Additional challenges</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
287(g) participation mandated by elected officials	5	3
County executive/Chief reluctant to participate	4	2
Dept. does not have written immigration enforcement policy	3	4
No documented evidence that crime was attributed to a specific demographic population	3	2
Proponent of 287(g)/Concerns with eliminating the programs	2	1
Strained relationships with African American and Latine community already existed	1	1
Chiefs not aware of which immigration enforcement model used	1	1

The respondents identified numerous challenges. One of the major challenges, according to several chiefs, was effective communication due to language barriers. Another suggested that no tolerance enforcement mandates created new challenges for law enforcement. Being mandated to make custodial arrests in specific circumstances eliminated patrol officers’ ability to use discretion when warranted. In an effort to alleviate some of the challenges posed, law enforcement had to be intentional in their efforts to build trust and alleviate fear in their communities.

Finding 8: Agency Responses to Challenges

In order to address these challenges, law enforcement agencies utilized several strategies. In addition to attending community meetings, executives in three agencies indicated they had to “ease off” some traffic enforcement. One chief stated,

So, we had to kind of change our thinking. We had to provide people with some security before they would talk about prosecution (Appendix F, BP10).

Other chiefs reported that they focused on better education, recruitment, and enhanced communication in English and Spanish (see Table 12).

Table 12 - Responses to Challenges

<u>Responses to Challenges</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Speaking/interacting directly with the community - Community forums/HOA meetings/ Getting officers familiar with the area	3	3
Community education	2	3
Ease off some of the traffic offenses	2	3
Increase perception of public safety	1	1
Partner with state/federal organizations	1	1

Better recruitment efforts around language skills	1	1
Enhance communication in English and Spanish	1	1

Overall, given the circumstances, the respondents reported they believed that their departments responded well to the challenges faced as a result of participation in 287(g). Even in departments that faced significant challenges in the beginning, such as Prince William County, respondents reported they were able to realign with the community and regain some community trust.

Question 3: Did immigration enforcement impact crime in the participating jurisdictions compared to the non-participating jurisdictions, and if so, how?

Finding 9: Crime Reduction

Research shows divergent views on whether immigration enforcement reduces crime. Six police chiefs in seven agencies indicated that they did not utilize the 287(g) program as a crime reduction tool. One of those chiefs noted,

My Hispanic crime rate here, as it relates to, you know, those individuals that are actually suspects, that percentage is so small compared to, [...], other individuals that end up in the criminal justice system. We're not arresting large groups of Hispanic gangs of drug dealers, of, [...], individuals committing violent crimes in the Hispanic community. It happens, but not to a point that immigration is a priority for me. So as a chief of police, I made some very public statements that immigration is not going to be the business of the [...] Police Department (Appendix F, D5).

In contrast, four chiefs in five agencies reported that the 287(g) program was used as a crime reduction tool. One police chief claimed:

So, I guess you can logically say if you remove a repeat offender off the street it is somewhat a crime reduction tool but that wasn't one of the goals though (Appendix F, H3A) (see Table 13).

Table 13 - Crime Reduction

<u>Crime reduction</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
287(g) NOT used as a crime reduction tool	6	7
Community policing used as an effective crime reduction tool	5	6
Crime rate has declined for many years	4	2
287(g) used as a crime reduction tool	4	5
287(g) attributed to decline in crime rates	1	1
No change in crime rate	1	1

For many police chiefs, discerning changes in the crime rate before, during, and after the implementation of the 287(g) program was difficult. As one chief noted,

We did have almost consistently throughout that time reductions in our Part One crimes, but frankly those have been going on for 25 years and go back to '89, '90. We had crime rates pushing 40 per thousand and they have been dropping steadily since then, where now just over 16, so I don't personally see anything that occurred in the '08 to '11-'12 range. I didn't see anything sustainable following the resolution. It is hard to attribute any causal factor to it. It could have been the economy or anything else (Appendix F, PW1A).

In a similar vein, others also expressed that it would be hard to attribute any type of crime reduction to immigration enforcement, as crime has been going down nationwide. Likewise,

another police chief observed that attributing any reductions in crime to immigration enforcement alone is problematic. This localization of crime reduction through immigration enforcement, without acknowledging the wider context of society, ignores the multifaceted dynamics that interact to shape reductions in crime (Capps et al., 2011; Coleman, 2012). No evidence in the law enforcement agencies suggested that crime was associated with a particular demographic population. As one chief reflected,

We did not have data supporting the fact that there was any increase in the Hispanic related crime, we've always collected that ethnic demographic on arrest just like everybody else. We didn't see any increases in those kinds of involvement at all. We didn't track anything related to illegal immigration or people without status until post resolution, and that was when, over the next several years, we saw that percentage of crime you just described for violent and overall stayed very consistent from year to year. So, we saw no real decreases in that (Appendix F, PW1A).

Even more, the chief asserts,

...the folks that were pushing for the resolution, they would stay away from saying that it was for example, related to the Hispanic demographic. They would say specifically it was related to illegal immigrants (Appendix F, PW1A).

This perceived criminality of and threat to public safety from immigrant populations stand in contrast to research suggesting negative and statistically insignificant association between immigration and crime, with an increase in immigrant populations resulting in a decrease in crime rates (Baker, 2013; Ferraro, 2016; Ozden et al., 2016).

Another concern by law enforcement was whether crime reporting in immigrant communities decreased as a result of their participation in immigration enforcement. The respondents indicated that changes in crime and crime reporting in immigrant communities were difficult to measure because law enforcement officials did not capture immigration data if the individual was not the suspect or arrestee.

For one chief,

...if it was a victim or a witness, we didn't capture that information (Appendix F, PW1B).

On the other hand, another chief noted,

I think a lot of crimes go unreported in the immigrant community and one of the things we did see, which was a welcome surprise to me, is that the immigrant community would report, would tell on each other more, specifically victims of rape and incest, when they were aware of some of the provisions in 287(g) also protected victims. Also, they would come complain about police officers (Appendix F, H3A).

Overall, due to the community impact, challenges, and unintended consequences, all but two chief executives in the study believe that immigration enforcement should be left to the federal government. The other chiefs do not believe that local law enforcement agencies should be mandated to participate. If there is a federal or local mandate for local law enforcement's participation, the belief is that screening for immigration status is best conducted after an arrest and in a jail/detention center setting. According to one chief,

I would not recommend it for police departments. I would recommend it in the jail and that has been our consistent position. It's obviously a much more defensible model (Appendix F, PW1A).

Another chief underscored the importance of potentially introducing the 287(g) program as another program. This parallels the similar commentary by police chiefs discussing the need to transform the 287(g) program to be more attentive and responsive to immigrant communities, a fact narrated in the literature (Kirk et al., 2011; Armenta, 2016; Theodore & Habans, 2016).

In summary, findings show that participating in the 287(g) program had varied results depending on the jurisdiction. For example, seven of the 11 law enforcement executives maintained that immigration enforcement had adverse impacts on their communities, including departmental problems, negative outcomes, and unintended consequences. They stipulated that immigration enforcement adversely impacted their community by creating an environment that resulted in the loss of trust of police; damaged relationships; created fear of the police from both those legally and undocumented; increased dissatisfaction of the police; increased concerns of racial profiling; increased concerns about residents leaving the jurisdiction; and reduced numbers of immigrants from reporting crime.

In contrast, two others reported that immigration enforcement yielded positive results. One interviewee stated that participating in the 287(g) program enhanced communications with the immigrant community, improving both communication and trust. According to the chief, as a result of the department's policy not to check the immigration status of victims, immigrant victims of crime felt protected and were more willing to report incidents of crime.

Overall, the study shows that overwhelmingly the chief executives interviewed believe it is imperative that police departments create opportunities to build trusting relationships with all members of their community and not fear. Officials in the participating agencies all believe that they did a good job of engaging and educating their communities, resulting in overall positive outcomes while overcoming unintended consequences. The two chief executive officers in favor

of the 287(g) program for local law enforcement indicated that they would have continued participation in 287(g) Task Force Model (TFM) had the Department of Homeland Security not discontinued the program. Additionally, three chief executive officers believe that elected officials would have forced them to continue participation in the program if TFM had not been discontinued. It also should be noted that all chiefs indicated that they would notify ICE when undocumented individuals committed serious violent offenses in their community.

Results and Analysis of 287(g) Non-Participating Agencies

Agencies that did not participate in ICE’s 287(g) programs experienced similar concerns, unintended consequences, and challenges as agencies who participated in immigration enforcement programs. This section includes interviews and observations from law enforcement executives whose agencies did not engage in ICE’s 287(g) IEPs. Data were compiled from seven law enforcement executives representing nine agencies. In this section, respondents discuss reasons their departments did not participate in immigration enforcement; agency initiatives in building trust and legitimacy, community engagement, transparency; unintended consequences; challenges and responses; crime reduction initiatives; and federal partnerships.

Reasons for Not Participating in 287(g) Programs

Respondents identified several reasons for not participating in ICE’s 287(g) programs including the potential harm to the community, risk of losing community trust, and the potential to create fear and anxiety (see Table 14).

Table 14 – Reasons for Not Participating in 287(g)

<u>Reasons for Not Participating</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Harmful to community/Risk losing trust	3	2

Role of the federal government/ local police do not have the power to enforce immigration laws	2	5
Creates fear and anxiety	2	2
Immigrants are not really involved in criminal activity	1	1
Limited number of immigrants in community	1	1

The law enforcement executives listed five main reasons for not participating in ICE's 287(g) immigration enforcement program. Additional reasons include that immigration enforcement is the responsibility of the federal government; local police do not have the power to enforce immigration laws; and immigrants are not really involved in criminal activity (see Table 14). One police chief stated,

And we've always maintained a very clear balance line between, you know, the immigration. That's the role of the federal government, not local law enforcement. It's our job - I've been here as long as we were all here. I mean, I think we've always been committed to and valued having an open and working relationship with all members of the community. [...] but I really think that local law enforcement engaging in immigration enforcement, which is the purview, sole purview of the federal government, is harmful to how much people feel they can trust and engage with their local authorities and keeps people from reaching out to public safety and law enforcement when they need help (see Appendix F, A20A).

The chief continues by saying,

And I've had a lot of conversations with folks around [...], who continue to say that there are definitely pockets of folks who are hesitant and or scared to engage with us. They're

worried about their immigration status. Are they documented or undocumented? And will we engage or take action based on it, despite us being very clear in policy and practice that that's not our role, but I understand the concern (see Appendix F, A20A).

Another chief stated,

[...] is an extremely diverse city that includes a large refugee community. It was important to ensure that all residents of the city felt included and protected without fear of reprisal. This provided us a level of trust with the various nationalities/communities within the city of [...]. We wanted people to be able to report crime issues to us without fear of deportation or arrest (see Appendix F, H21).

According to a third chief,

Police cannot do their jobs if they cannot build relationships with their community they cannot do their jobs if they can't interact with the immigrant community (see Appendix F, NN24, CS25, A26, S27).

These concerns are consistent with findings by Theodore (2013). Theodore (2013) assesses the effects of immigration enforcement on immigrant communities by focusing on how and to what degree police involvement in immigration enforcement shapes Latine perceptions of law enforcement and the public in Cook (Chicago), Harris (Houston), Los Angeles, and Maricopa (Phoenix) counties. As a result of police involvement in immigration enforcement, Theodore (2013, p. ii) finds that Latine residents experienced heightened fears that contributed to “social isolation and exacerbating their mistrust of law enforcement authorities.” Consequently, perceptions of public safety declined among Latine residents. More specifically, approximately 56% of Latines disagreed that “they feel safer knowing local law enforcement is involved in

immigration enforcement,” with approximately 43% of respondents indicating that they felt less safe in their respective communities due to the involvement of law enforcement in immigration enforcement (p.9). Theodore’s findings indicate that greater involvement of police in immigration enforcement has heightened the fears many Latines have of police, contributing to social isolation and exacerbating their mistrust of law enforcement (Theodore, 2013, p. 18). For instance, fewer than half (44%) of the surveyed respondents reported being less likely to contact law enforcement if they were victims of crime, with 45% of respondents indicating a refusal to report a crime to the police “because they are afraid the police will ask them or people they know” questions related to their immigration status (Theodore, 2013, p. i). Having nearly half of the respondents in the community unwilling to report criminal activity, especially if they are a victim of a crime, is a public safety concern for law enforcement. As one chief indicated, chiefs will not know if crime is declining in their communities or if individuals are just not reporting the criminal activity. If victims are not willing to report crime, the police cannot adequately assess crime patterns nor assess if their crime fighting strategies are effective.

Agency Initiatives, Challenges and Responses to Challenges

Agency Initiatives

Law enforcement agencies have spent decades trying to build trusting relationships with the communities they serve, especially with minority communities where trust historically has been a challenge due to the history of law enforcement being used as agents of social control. Some agencies have attempted to change the historical perception of law enforcement officers by building and/or regaining the trust of their communities through several initiatives including hosting and attending community events, forming community engagement or community policing units, designating liaisons to specific neighborhoods, creating opportunities for dialogue, and not participating in immigration enforcement (see Table 15).

Table 15 – Building Trust and Legitimacy Initiatives (Satisfaction/Impartiality)

<u>Building Trust/Legitimacy Initiatives</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Did not participate in 287(g)	7	10
Host/Attend community events	6	9
Formed Community Engagement Div./ Community Policing Unit	5	5
Designated (Hispanic) liaison/intercultural liaison	3	3
Community participated in policy development	3	4
Community discussions about immigration policy	2	2
Share policy with community/be clear/website	2	2
Built day laborer site/facilitated jobs	2	1
Community surveys	2	1
Formed citizen advisory committees	1	1
Created Hispanic Facebook page/social media	1	1
Citizens provided information on suspects	1	1
Citizens acknowledged providing comm. resources was a positive	1	1
Partner with other agencies	1	1

As previous scholarship has discussed, the first law enforcement agencies in what is now the United States were created in 1704 in the colonies of the Carolinas. They were known as the slave patrols. The responsibility of patrols was straightforward—to control the movements and behaviors of enslaved populations. (Potter; Hansen, 2019, p. 1). The appetite for social control continued through the 1940s, 1950s and into the civil rights movement of the 1960s. A fresh wave of terror was hurled at those who supported the dismantling of Jim Crow laws. Once again, resistance turned violent. NAACP leaders were beaten, pistol whipped, and shot (Alexander,

2010, p. 37). In the mid-1970s, critical accounts found that policing was unsuccessful, and departments attempted to make changes throughout the late 1900s. In response to these findings, some departments attempted community policing. Community policing placed minority officers in minority neighborhoods, established foot patrols, and incorporated the community in helping police the neighborhood. The police officers were meant to become close and familiar with the residents in the community (Olito, p. 15). In order to become familiar with the community, law enforcement executives realized it was important to build community relationships by being actively involved in the community. Numerous community engagement initiatives were discussed by the respondents, including continued partnerships with organized groups such as civic leagues, attending community meetings, recommitments to community policing, and engaging in community walks (see Table 16).

Community Engagement

Table 16 – Community Engagement Initiatives (trustworthy motives/voice)

<u>Community Engagement Initiatives</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Building relationships with the community	4	4
Continue partnerships with organized groups / Attend civic/community meetings	3	2
Recommitment to community policing	1	1
Participated in community walks / distribute literature	1	1

Community engagement parallels with building trust and legitimacy. In order to build trust, departments have to be willing to work with their communities. The majority of the law enforcement executives indicated that their departments either host or participate in community events; they have formed some type of community engagement division, engage in community

policing, or have a Hispanic liaison for the community (see Table 16). One chief discussed how crime was reduced through community engagement initiatives.

How were we able to be so successful reducing crime in the city of [...]? Because the first year we dropped violent crime about 60 percent. And what we did, we ingrained ourselves and wove ourselves within the community where we were out there every day. We were doing things other than locking people up. We started participating. We would get on the school buses. We had parents calling us because we would talk to the kids and talk to them more than just about policing. We talked to them about growing up. We talked to them about being in the community (see Appendix G, P23).

Another chief stated that their department's efforts involved the establishment of a liaison position for the community:

... we actually designated a Hispanic liaison officer who – and really the goal is here, to continue this message and really be able to share what we do and what we don't do, and provide clarity and be a resource to folks who have concerns, or even if it's a third party calling for somebody, to hopefully bridge the gap and reduce the anxiety [...], so that they can call on us when they need help or when something happens, that the police can be of service. So, I think that's a step in a real positive direction (see Appendix G, A20A).

One executive stated,

We work closely with our Human Services Department and Catholic Charities to work with our immigrant community. There is an apartment complex where a number of immigrants reside when they first enter the country in our city. The abovementioned

agencies will let us know their needs, language and cultural barriers and fear some may have with the police. The partnership has been very beneficial (see Appendix G, H28B).

Other initiatives include having community discussions about immigration enforcement, creating a Hispanic social media page, forming citizen advisory groups, and building day laborer sites to help facilitate employment for immigrants and alleviate individuals gathering in the streets for employment.

It appears the agencies that were not involved in immigration enforcement were more amenable to having citizens weigh in on establishing department policy. Representatives of four of the agencies indicated that the community was involved in policy development. One chief stated,

We have a Hispanic Parents Association blog called [...]. There's a lot of different groups, that it's important to make sure we have open and frequent dialogue with. We ask all the groups to weigh in our policy, give us their thoughts; give us their feedback, because if something happens in the community or in the region, that's, it's fear-building or creates anxiety for folks, having the ability to quickly get on the phone or get on email with somebody and clarify what did happen, what didn't happen, what our position is, I think is important, because allowing the anxiety or the fear to continue to grow is not at all positive and it just creates more trouble. So, building the relationships and the partnerships to quickly get feedback, provide feedback, provide facts and let it be fact-based conversations, versus what might end up in the rumor mill, is critically important (see Appendix G, A20A).

Another chief indicated,

We invited those communities in to help us with our immigration policy. We sat at the table with those communities so they could express their concerns and we made adjustments based on some of those concerns. We put our policies on our website so that those communities understood our stance on immigration and all of our policies (see Appendix G, H21).

Community surveys highlighted legitimacy based on individuals' willingness to share information with police, and community acknowledgement that providing community resources was positive.

[...] because [...] didn't do it, they became more trustful of [...]. Because they actually saw that there were differences between departments that enforced 287 and ones that didn't. The ones who didn't were identified and they became more trustworthy and actually, almost like us with the original CBPOP,⁴⁴ they actually snitched on them – 'Hey, Johnny Lopez is the one who actually did it' you know. Because they wanted to actually keep that sanctuary there (see Appendix G, A20B).

In addition to community engagement initiatives, several chiefs underscored the importance of building relationships with the community.

[...] we were fortunate to have some really solid relationships with different folks throughout the community who give us the ability or, you know, create opportunities for us to speak to folks and have this dialogue in small groups, larger groups. And I think those relationships is where we built the trust, and they can be the olive branch to get us into a little broader group or more folks, to have these conversations and, share facts and

⁴⁴ Community-Based Problem-Oriented Policing

information. I mean, that's really been successful. And I think the having a designated liaison officer also, you know, it's already started showing where people are relying on this guy for advice and input and in being the olive branch to get him in front of crowds. But I think having as many different avenues for folks to come together and engage with law enforcement in a non-law enforcement venue is critically important (see Appendix G, A20A).

A chief expressed the importance of law enforcement's recommitment to community policing. The chief emphasized the community policing philosophy as relational policing.

We have numerous community outreach initiatives. We are participants with Coffee with a Cop, Shop with a Cop, Teen Police Academy, Ministers Police Academy, Cops at Barbershops and numerous programs. We meet regularly with ministers to find ways for them to engage in the community. Our School Resource Officers are also involved in numerous programs with school-aged kids. Our officers do a lot of participation on their own. They are coaches, mentors and deeply engaged with our citizens (see Appendix G, H28B).

Other chief executives discussed the importance of continued partnerships with organized groups and attending civic/community meetings. Similar to agencies that participated in 287(g), the departments participated in community walks and distributed translated literature on immigration enforcement. Overall, the chiefs who did not participate in the 287(g) program emphasized the need for building trust and community engagement.

Transparency

Transparency was accomplished not only by including citizens in policy development but also by publishing departmental policies and capitalizing on opportunities to discuss policy (see Table 17).

Table 17 – Transparency Initiatives

<u>Transparency Initiatives</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Policies and crime data are publicly available/ Open discussion	4	7
Share information with the public as soon as possible/ Provided resources	2	5

At least four chiefs indicated that their policies were available and readily accessible to the public. One chief stated,

[...] So, leveraging relationships, to get invites to meetings to talk about our policy to be very clear and explicit that we do not enforce federal immigration laws, and sharing our policy. Just being clear about what we do, what we're doing and what we're not doing is critical, and then having this liaison position to really be a resource and a bridge for folks to get their questions answered (see Appendix G, A20A).

Another chief stated,

The committees were used to share information, get feedback from the community, review policy, and to get input on new policies (see Appendix G, CS25).

Additionally, a chief indicated,

We created a Hispanic Facebook Page that provided information to the Hispanic community all in Spanish. This page was created with the help of two Hispanic students from the community (see Appendix G, H21).

One chief expressed the importance of transparency and the need to share information as soon as possible, especially if information is not favorable towards the department.

A quote from Chief [...] 'Bad news does not get better with age.' Own it and get the information out as quickly as possible (see Appendix G, NN24, CS25, A26, S27).

Another chief responded,

[...] the county did a good job of making it transparent, which is why they get trust and the transparency was right there, you could actually touch it and feel it, especially with the job training and the housing. So, you can actually see it, actually feel it and touch it (see Appendix G, A20B).

Yet another executive indicated,

Yes, we are very transparent. Our crime data is readily accessible on social media. We have frequent town hall meetings where we discuss our strategies and are willing to address citizen concerns. We openly admit when our officers may operate outside of approved policies or laws (see Appendix G, H28B).

Officials from the non-participating agencies prided themselves on being transparent whether in person or through social media. They also accentuated their willingness to get citizen input in the development of their policies.

Question 1: What were the effects of the 287(g) programs on local law enforcement?

Effects of the 287(g) Programs (Non-Participating Agencies)

Finding 10: Unintended Consequences

Non-participating 287(g) respondents discussed numerous impacts on their agencies and communities as a result of nearby jurisdictions participating in ICE’s 287(g) programs. They believe that either the participation in immigration enforcement or the constant rhetoric about it resulted in unintended consequences including, individuals not reporting crime, the topic created fear and anxiety, prevented individuals from engaging with the police department, immigrants moving to their locality resulting in increased workload for officers (see Table 18).

Table 18 - Unintended Consequences

<u>Unintended Consequences</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Individuals not reporting crime	2	2
The topic of immigration enforcement creates fear and anxiety/loss of trust	2	1
287(g) prevented individuals from getting to know the police department	1	1
Influx of immigrants moving to the locality/increased officer workload	1	1
None	1	1

As for unintended consequences, the law enforcement executives point out several unintended consequences that resulted from immigration enforcement initiatives. There has been concerns of individuals not reporting crime, although this is difficult to measure. One chief stated,

I don't have any statistical numbers, but when talking with community members, I don't have any doubt that there are people within the community who don't report crime,

because they are concerned or scared to interact with the police if they're undocumented. And, you know, I don't for a minute believe that that doesn't happen. I think it does happen. And that's the piece that's the constant struggle, is finding a way to engage with folks to the level where we can at least bring enough comfort that they're willing to reach out to us when they need help from us and know that we're not – somebody's status is not going to be part of our questioning (see Appendix G, A20A).

And another chief noted,

We did not have a way of measuring this but some community members and advocates for certain communities felt so and would relay that to me (see Appendix G, H21).

Other chiefs noted that the topic of immigration enforcement creates fear and anxiety, loss of trust, and prevents individuals from getting to know the police department. One chief simply stated,

I think there are definitely - when people hear a lot of 287 conversation or immigration actions, whether it's 287, or whether it's the federal government doing them, it just builds that fear that that might be their local police. And that's the part that has to be continuously messaged. And it's hard, because if it's not somebody talking with us, and they just think it's police in general, I'd end up having anxieties or fear about calling us if they happen to be undocumented. So, I mean, that's part of the continuous dialogue and education piece about our role, what it is and what it is not (see Appendix G, A20A).

Although again there is no way to measure the concern of immigrants moving to other localities, it was raised as a concern by some of the participating and non-participating agencies in the study. One executive indicated,

...it drove the immigrant community to the neighboring jurisdictions, all the way up to Northern Virginia and including DC and a lot of southern PG, so basically just like in a war, where you have the citizens becoming refugees. That's exactly what happened in [...]. [...] declared war on immigration, and they fled to [...], [...] pushed them over to [...], [...] pushed them into [...] and [...]. [...] identified when they could help and kept them in the county. So, there was a big impact when this first came out. Its impact increased awareness, increased resources. And with the inception of 287, it increased police awareness [of] 287's cause and effect. A lot of those that fled the other counties came to [...], increased the workload of the CBPOP team or the community team, which in turn the county increased the number of school resource officers from 10 to 16 and up to 26 officers. So, you're talking about maybe a quarter of the department dedicated to the result of 287. The results of 287, impacted the department, because they went from other areas to here, [...], and [...] reacted by increasing the resources to assist with that impact [...] (see Appendix G, A20B).

The chiefs agreed that although they did not measure whether or not local law enforcement's participation in immigration enforcement caused a reduction in crime reporting or led individuals to move to another locality, they did hear from community members that immigration enforcement was creating fear and immigrants were not willing to report crime or participate in law enforcement initiatives. Non-participating agencies also noted that they experienced a spike in the number of individuals entering their communities and an increase in services, during the same timeframe.

Question 2: From the lens of procedural justice, have there been challenges for law enforcement with building trust and legitimacy, community engagement, and transparency as a result of immigration enforcement?

- a. **Have the challenges posed by these interactions impacted building trust and legitimacy, community engagement and/or transparency? And if so, how?**
- b. **What have been the departments’ responses to those challenges?**

Finding 11: Challenges of the 287(g) Programs

The non 287(g) participating agencies experienced challenges with immigrant communities to building trust, legitimacy, community engagement, and transparency. Some of the challenges were as a result of other jurisdictions participating in immigration enforcement, immigration enforcement rhetoric on the national level, and some were simply due to cultural differences, language barriers and the history of policing. There were several challenges experienced as a result of other agency’s immigration enforcement efforts, including immigrants’ reluctance to report crimes, increased fear and anxiety, and lack of participation in community engagement initiatives. Another major concern expressed by two respondents was their own officers undermining their community policing initiatives (see Table 19).

Agency Challenges with Building Trust and Legitimacy

Law enforcement executives reported that the biggest challenges in building trust and legitimacy appear to be language barriers and the repercussions of adjoining agencies participating in immigration enforcement. Overcoming the history of policing and zero-tolerance policies were also identified as challenges (see Table 19).

Table 19 – Building Trust and Legitimacy Challenges

<u>Challenges with Building Trust/Legitimacy</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Language barriers/cultural differences	3	4
Adjoining agency’s participation in 287(g) program/creates fear and anxiety	3	6
Overcoming history of policing/zero-tolerance law enforcement	2	5

Officers undermining your community engagement initiatives	2	2
Immigrants' reluctance to report crimes	1	1
Alleviating anxiety and building trust when IE is a major topic	1	1
2016 Election rhetoric surrounding "Build the Wall"	1	1
Diversifying community engagement initiatives to suit the needs of a variety of demographics	1	1

One police chief indicated,

[...] PD is within the county of [...] and any arrestees are taken to the [...] County Jail. The [...] County Sheriff's Office was a participant and this created a very uneasy environment within the city. Our policies on immigration enforcement were opposite. Therefore, it was difficult because we expressed to the community through policy and interaction that we were not concerned about their immigration status. However, if we arrested them, we had to take them to the [...] County Jail and they were concerned about enforcement. So, our arrestees were fearful of arrest because they were aware of the policies associated with [...]. It made it extremely difficult to build trust to the point the community wanted us to build our own jail facility, which was not realistic. It created fear in just having conversation with law enforcement. They could not distinguish [...] PD from [...] PD as they see us all as law enforcement. Without conversation it is difficult to build trust (see Appendix G, H21).

Another chief stressed,

When nearby agencies (Sheriff) are cooperating with ICE and/or participating in ICE raids, citizens automatically assume that you are involved. My citizens were in an uproar and refused to talk to me (see Appendix G, CS25, A26, S27).

He went on to say,

Collateral damage – the County Sheriff was big on 287(g) and having ICE come in. The Sheriff was adamant that he was going to aggressively enforce immigration laws. It doesn't matter what the local police policy states, the community will automatically jump to conclusions that you are involved. This is a perception that law enforcement has to overcome. This can be overcome by reiterating policy, ensuring transparency, working with community groups to share message. Be proactive in informing the community that you were not involved. (see Appendix G, CS25, A26, S27).

Other challenges included overcoming the history of policing and zero tolerance policing; language barriers and cultural differences; alleviating anxiety and building trust; limited staffing; officers undermining your community engagement initiatives; and the 2016 election rhetoric surround “Build the Wall.” One executive touched on two of the challenges:

Overcoming history is huge. Trust and respect must be earned. If you have it, it can be lost in an instant. It is a real challenge for leaders who come from the outside. It's harder to gain trust if the department has never had it. A chief has to learn the history, assess the situation, and build bridges of trust over time. It doesn't matter how hard you work at it if midnight officers on traffic stops are not adhering to your philosophy. Either they're reinforcing your initiatives or negating everything you've done (see Appendix G, NN24, CS25, A26, S27).

Another chief also discussed the reluctance of immigrant victims to report crimes and the change in demographics in their city. He stated,

Our biggest challenge has been to diversify our community engagement. As the demographics of our city has changed and we have become a majority minority population, our community engagement has to be better at reaching the minority community. Traditional events such as Coffee with a Cop attract a certain demographic and which was not as diverse. How we communicate, such as language and expressions, have to be sensitive to the minority community (see Appendix G, H28B).

Another executive focused on the results of presidential elections.

[...] the 2016 elections, when immigration was highlighted, it wasn't good. When immigration was once welcomed to the county, it wasn't welcomed anymore, in Virginia. As much as it took to get it, in one year it was gone. Yeah, I would say 20 years of work was gone in 8 to 12 months. It became extremely ugly, [...] This could have been avoided [...]. But unfortunately, it wasn't. And now, what do they say – an unmitigated disaster (see Appendix G, A20B).

As indicated, most of the non-participating chiefs experienced collateral damage as a result of either the surrounding jurisdiction or another law enforcement agency within their jurisdiction participating in immigration enforcement. Rhetoric on the national level also posed local challenges for departments.

Challenges with Community Engagement

The challenges with community engagement also focused on language barriers, cultural differences and limited personnel (see Table 20). Several chiefs focused on language barriers.

One stated,

It was difficult to engage some communities verbally as we had to use some of the same members of the department to assist. Lack of communication is always going to inhibit your ability to forge a strong bond (see Appendix G, H21).

Table 20 – Community Engagement Challenges

<u>Challenges with Community Engagement</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Language barriers/cultural differences	3	4
Limited staffing	1	1

Sharing similar concerns, a chief observed:

I think it's cultural, because where they come from, the police are not trusted at all. Because the police, where they come from, in some cases, they just come in, take your property, take your housing, treat you any kind of way. You have nobody to report it to. [...]. So that's always been the challenges, is that to break that cultural barrier and let them know the laws here. And it's a difficult barrier to break, because, it depends on what officer they dealt with. Because not all our officers have always responded correctly to them or treated them with a great amount of respect. I think a lot of officers don't realize, when you do that, you help create that cultural and that biased divide (see Appendix G, R22A, P23).

In a similar vein, another chief stated,

The immigrant footprint in our community is not as large but we do try to build trust. Normally our biggest barrier is language and their reluctance to report they have been victimized. The language and cultural barriers sometimes have been confused as a lack

of cooperation versus not understanding how police operate in this country versus their country of origin. Our goal of building trust has had positive impacts with our interactions (see Appendix G, H28B).

The departments in the study believe that regardless of the immigration enforcement participation, language barriers and cultural differences has historically been a challenge for police departments. Adding immigration enforcement to the equation intensifies the challenges because it further separates the police from the community.

Problems staffing police departments have become even more critical since the international/national call to “defund the police.” As a partial result of this rhetoric, police officers have resigned or retired, and fewer individuals have shown interest in joining the profession.⁴⁵ In fact, in some departments, the lack of staffing has reached critical mass.^{46 47}

Challenges with Transparency

Only one chief executive alluded to challenges with transparency. The respondent highlighted the change in society’s expectation as a challenge with transparency. Unlike in previous years, society now expects police departments to be more transparent with incidents involving law enforcement. For instance, there is an expectation that body worn camera footage and other video be released to the public as soon as possible. Whereas in the past, law enforcement executives could indicate that the video footage had to be preserved as evidence and could not be released for fear of jeopardizing prosecution. In some cases, the public also demands a statement from the department and the names of the officers involved. This change in

⁴⁵ <https://www.wfaa.com/article/news/police-chiefs-officers-across-america-quitting-as-defund-the-police-conversation-continues/287-7ad9a505-efef-46b8-aaae-2f4f35e40058>

⁴⁶ <https://foxbaltimore.com/news/local/former-bpds-op-ed-says-defund-police-movement-led-to-lower-standards-staffing-crisis>

⁴⁷ <https://www.foxnews.com/us/baltimore-police-staffing-crisis-hits-dire-levels-fop-boss-judge-warn-undercover-defunding>

the public’s expectation has not been well received by some law enforcement officers; thereby requiring a change in police culture (see Table 21).

Table 21- Transparency Challenges

<u>Challenges with Transparency</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Change in police culture	1	1

The chief discussed the change in police culture and citizen expectations. He stated,

One of the challenges faced is the change of culture. Transparency had not been the predominant culture in the past, so officers and employees getting used to us openly discussing our shortcomings or mistakes has been a culture change and some have been resistant. The impact has been officers sometimes feel that transparency means the upper staff does not have their best interest or “back.” Showing officers’ transparency builds trust and gives citizens the confidence that we can discipline our own (see Appendix G, H28B).

Overall, the 287(g) participating and non-participating agencies share some of the same challenges, including fear, language barriers, community participation, and building or retaining trust.

Finding 12: Responses to Challenges

The executives responded to the challenges in several ways. Some of the efforts included setting a standard and holding officers accountable; hiring diverse, well rounded, and culturally competent officers; and ensuring their officers do not over police minority neighborhoods (see Table 22).

Table 22 - Responses to Challenges

<u>Responses to challenges</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Hire the right people for the job/well-rounded officers/culturally competent	3	4
Set a standard/ Hold officers accountable	3	4
Don't over police/give warnings	2	2
Make community policing a part of the promotional process	1	1
Conducted community walks/ Go door to door / Partner with organized groups	1	1
Reiterate your immigration policy/ Be proactive	1	4
Hire more Spanish speaking officers	1	1
Partner with other agencies	1	1
Change how the department communicates and medium used	1	1
Share information and better communicate with employees	1	1

One chief stated,

To create that relationship to meet them [...] and to not over police. This is always difficult to hear. But I had certain areas that we didn't over police, just because we stop you and you have a bad tag or you have a non-violent crime - Police get together and realize, some things are okay for relationships to say, it's okay to give a warning, rather than give a ticket (see Appendix G, R22A, P23).

One chief was adamant in saying,

Hold officers accountable and if they are not a good fit, get rid of them (see Appendix G, CS25).

Other responses included partnering with other agencies, changing how the department communicates with the community, and sharing information to foster better communications with employees. One chief executive highlighted,

[...] our response has been to work with other government agencies and to assign officers that are familiar with the culture and language to interact with the immigrants (see Appendix G, H28B).

The chief goes on to discuss another response to the challenge by saying,

The challenges caused us to change how we communicate and medium used. We have had to adapt and use more social media and technology to communicate. In addition, officers assigned to our community engagement unit and rest of workforce have to be aware of our changing demographics. ...we have expanded how we engage with the community. We now visit the barbershops and hair salons, work more closely with African American ministers and do a better job of meeting the community where they are more comfortable and not what's convenient for us (see Appendix G, H28B).

In an effort to address internal employee concerns, the executive explains that the chiefs make public concerns available to the entire workforce and has an open door policy to answer questions that may arise from officers. Responses to challenges by the non-participating agencies focused more on changes within the agency, such as hiring culturally competent officers and holding officers accountable, unlike the 287(g) participating agencies, who focused more of their efforts on the community. Both agreed on the importance of enhancing their recruitment efforts centered around individuals with needed language skills.

Finding 13: Crime Reduction

The chief executives discussed the impacts of immigration enforcement on their communities. In spite of the challenges identified, they used other crime fighting tools to reduce crime in their communities, such as community policing and CompStat, a data driven resource used in law enforcement for crime reduction. CompStat is an abbreviated word for computer statistics and consists of structured meetings where commanders utilize accurate crime data to identify trends and inform strategic deployment of resources. It also ensures supervisor accountability and yields measurable results. All of the chiefs interviewed were proponents of community policing, and several chiefs indicated that they use community policing as a crime reduction tool; however, they were skeptical about whether its effects could be measured (see Table 23).

Table 23 - Crime Reduction

<u>Crime Reduction Initiatives</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Community Policing used as a crime reduction tool	5	6
CompStat/Focus Meetings	2	2

One chief stated,

Yes, it is. [...], because we've really tried hard to engage with the entire community, to make sure people are aware what's happening in the community, provide safe key resource tips and crime tips and community policing through Environmental Design surveys, and try to shed light to as many people who can hear us or want to hear us, about what's happening in their community, because the more eyes that are seeing things - I mean, people who live in a neighborhood are going to be the first people to see

something that's completely out of character and completely very suspicious. Because it's their neighborhood; it's where they live, they know people and - so providing information about what's going on and offering relevant and important tips about how to be safer, how to make safety improvements, is really key (see Appendix G, A20A).

Another chief stated,

"I believe community policing helped reduce crime, but it is hard to measure. Crime went down across the nation - Historic lows (see Appendix G, A26).

Yet another chief stated,

You will get the community where they will report crime quicker to you and they'll feel like you are part of what goes on....it was always difficult to measure, but I always tried to measure the actions of, not the number of arrests, but the fact that, beforehand, say you find the offenses took place, this no longer takes place anymore. So, we measured it by what didn't take place (see Appendix G, P23).

A chief also commented:

Community policing is used as a crime reduction tool. We measure the results by if there are reductions in our violent and non-violent criminal offenses, reduction in calls for service and citizen complaints against officers. Also, if our community policing efforts are successful, there should be a more positive perception of the [...] Police Division by our citizens (see Appendix G, H28B).

One chief deviated from the others by indicating,

I would not consider it a crime reduction tool, but definitely a collaborative tool. We needed to build trust in order for the community to let us know what was occurring. Relationship building should assist with crime reduction but also crime prevention and crime solvability (see Appendix G, H21).

Although most chiefs agreed that they thought community policing was an effective crime fighting tool, they also agreed that it was difficult to measure. The chiefs mentioned CompStat as a measure to ensure supervisor accountability and yield measurable results.

Finding 14: Utilization of Federal Government Partnerships

Through conversations with the chief executives of the non-participating agencies, it was discovered that although these agencies do not formally participate in immigration enforcement programs through ICE, there are occasions that they will contact ICE or utilize alternative means to report violent offenders to ICE (See Table 24).

Table 24 – Reasons for Utilizing Federal Partnerships

<u>Federal Government Partnerships</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Notification for certain crimes	3	2
Police Departments using other federal task forces to address illegal immigration	1	1

Most departments indicated that they would contact ICE when the offender is involved in violent crimes. One chief stated,

[...] but there are specific reasons, very certain situations where staff were allowed to notify ICE if a person was arrested for certain types of crimes. And we have continued, we actually just are revising that now, to make it even more restrictive. It used to say,

felony arrests, but now it's going to be only violent felony arrest, trying to be much more restrictive and to make sure we're capturing data (see Appendix G, A20A).

Another chief indicated,

We have very few cases involving undocumented immigrants, but our officers will contact ICE (see Appendix G, H28B).

One chief highlighted the importance of documentation for when officers report serious violent offenders to ICE, as he is often asked how many times they engage with ICE. He stated,

If somebody calls or engages with ICE; I personally believe that this rarely ever happens here; but we need to track it. It's not good enough for me to say, I don't think it happens here. I mean, I need to be able to say it happened once in three years, or whatever the number is. So that's a big part of that too, is being able to say exactly if we've talked to ICE, or whomever, zero times, two times? What I mean, I needed an exact number. And that's gonna be part of policy too. That's been the challenge. I get this question a lot; like, 'Well, the policy says officers can in these limited circumstances, how many times?' and I'm like, 'I don't have a number. I can tell you my honest to God opinion is very, very rarely, if at all,' but that's not real comforting. That's the best I can say right now. So being able to say, 'It's happened one time in five years,' is a much more - that should bring people a lot more comfort, or in just my belief, and my thought, my opinion which, I get it, that's not incredibly comforting (see Appendix G, A20A).

Another executive indicated that although they do not officially engage in immigration enforcement, there are times when police departments utilize other federal task forces to address illegal immigration. He stated,

[...] they said we will not participate; however, 'wink-wink' If you locked somebody up – if you locked up an illegal alien, [...] you wouldn't use ICE; you would use Customs or report to the agency that did, [...], to the US Marshal. You wouldn't report it to ICE, but you report it to other federal agencies that will take care of it. And that was for serious crimes, i.e., your class 6 felonies and all that. But yeah, they wouldn't call ICE, they would have the other guys come out to take care of [...]). But they would tell the U.S. Marshals, Customs, [...], [...], and we got this guy. And then we began to talk to [...] officers, there just became communication amongst the 8 jurisdictions in the north. Okay, this person, just person X from Country X, if you get them, you tell them. It became an underground network of avoiding ICE. Oh, and they created joint task forces, 'wink-wink,' joint task forces to come do that. So, if it was drug related. They'd call in the DEA or joint task force on drugs. If it was a car, the joint task force on cars. So, all the agencies got – joint task forces. So, if your officers actually bring in a kid who was at a park and realize he was an undocumented alien, obviously you wouldn't call ICE because it wasn't part of our process. But you would call the JTTF and they would come out and do it. So, we actually added positions to the task forces – 2 positions from the department and put them in JTTF and we took 8 positions and put them in other task forces (see Appendix G, A20B).

In summary, none of the non-participating chief executive officers interviewed believe that local law enforcement should enforce immigration laws. The chiefs concur that reporting individuals to ICE for possible deportation is appropriate when a person is deemed a violent criminal or a threat to national security, as specified as ICE's intended purpose for immigration enforcement. The executives also believe that police departments should serve every member of

the community, no matter their immigration status and that it is vital that every member of the community be treated in a fair and just manner in accordance with the principles of procedural justice and 21st Century policing.

Question 3: Did immigration enforcement impact crime in the participating jurisdictions compared to the non-participating jurisdictions, and if so, how?

Quantitative Results

Finding 15: 287(g) Impact on Crime

The quantitative analysis described below explores the relationship between immigration enforcement and the impact on crime in 287(g) participating jurisdictions compared to non-participating jurisdictions. Analysis compared changes over time in the number of crimes in the participating and non-participating agencies, testing for statistically significant differences in changes in reported crimes (violent and property) over time between localities with or without the 287(g) program. The crime measures compared in each locality were monthly indicators of violent crimes and property crimes over a thirteen year period (see Figures 1A - 7F).

For five out of the seven pairs of localities compared, regardless of participation in the 287(g) program, no statistically significant relationship appears between participation of localities in the 287(g) program and changes in crime rates over time. Nevertheless, in two of the seven pairs of localities, the localities that did not participate in the 287(g) program compared with those that did participate in the 287(g) program experienced significant declines in violent and property crimes over time. This finding appeared in both the Manassas City and Harrisonburg pair (see Diagram 2A-2B) and the Manassas Park City and Winchester pair (see Diagram 5A-5B). The findings are discussed in greater detail in the comparison section below. Although results indicate a statistically significant association between the Manassas City (participant in the 287(g) program) and Harrisonburg (non-participant of the 287(g) program)

pair, this association is negated by the fact that according to the chief, the Manassas City Police Department did not fully implement the 287(g) program. Yet, the findings of co-integration or no co-integration does yield generalizable inferences about whether the 287(g) program had any effect on the changes in crimes over time or any effect on the differences between crimes in the localities with or without the 287(g) program.

No one statistical test can be performed on the crime data from these localities that would conclusively show that the 287(g) program had an effect on crime, even if the program actually did have an effect. There are several reasons for this:

- a) The small numbers of crimes being examined for many of these localities make it difficult to do meaningful statistical tests for differences between localities. The small numbers mean that even small variations in crime over time can occur for multiple reasons, and it is impossible to detect or isolate a single factor that is related to these changes. Furthermore, when these numbers are then broken down to even smaller numbers when examining specific groups of people (African American, Hispanic, Caucasian, Asians, etc.) and specific types of crimes (DUIs, burglaries, etc.), it makes it even more difficult to appropriately do statistical tests.
- b) There are too many confounding factors, which could potentially be responsible for differences in crime in localities with or without 287(g) that are simply not captured in this data. These could be related to demographics of the communities, economic conditions, unmeasured differences in police practices, or the continuation of the declining national crime rate, to name a few. For instance, one police department may utilize aggressive enforcement practices in their jurisdiction, whereas another department may have a reactive approach to policing. This could lead to a greater number of arrests

in the jurisdiction with aggressive enforcement tactics leading one to make spurious correlations and incorrect inferences that there is more crime in that area.

- c) Even if it was possible to find statistical differences in crime between localities with or without the 287(g) program, there is no way to conclusively say that such differences are due to the presence or absence of the 287(g) program.

Any factors such as those noted above could be responsible for differences (DCJS, 2014). It appears, then, that using statistical tests on local crime data is not sufficient to determine whether the 287(g) program reduced crime in Manassas Park and Manassas City.

As reflected by these divergent findings that emerged from the statistical analysis (revealed no statistically significant co-integration in five of the seven pairs of localities and significant co-integration in two of the seven pairs), it is difficult to ascertain if participation in the 287(g) program affected crime trends over time or differences between crimes in localities that participated or did not participate in the 287(g) program. This difficulty is enhanced by the relatively small number of crimes examined (murder, forcible rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft), which prevents the isolation of a single factor related to the changes in crime relative to participation or non-participation in the 287(g) program. Moreover, the lack of control variables, such as community demographics, economic conditions of the localities analyzed, and unmeasured differences in police practices, increases the potential for spuriousness in the observed relationships (DCJS, 2014).

That arguably makes it even more critical to examine the views of the chief executives about the likely impact of participation or non-participation in the 287(g) program. This suggests that participation in the 287(g) program had no significant impact on crime in six of the seven participating jurisdictions. In one jurisdiction, an immigration study conducted by the University

of Virginia (UVA) indicated that aggravated assaults were reduced in 2007, which coincided with the resolution of the immigration enforcement initiative. One chief in that jurisdiction stated,

Well, according to the UVA study, it wasn't. I don't have any annual reports in front of me that predate '07, but they did see a marked decrease in aggravated assaults. But then I can tell you, later, aggravated assaults came back up. So, how much of that is attributable to the resolution? How much of it is attributable to the economy? I don't know (Appendix F, PW1A).

Data from this jurisdiction show that the decline it experienced in aggravated assaults in 2008 has fluctuated nearly every year since 2008. In particular, aggravated assaults have gone up every year since 2008, except for declines in 2011 and between 2012 and 2013. Despite the decrease from 2012 to 2013, aggravated assaults in 2013 were higher than the data reported in 2007. Overall, the chief executives from this jurisdiction believe that engaging in immigration enforcement had no significant impact on crime, with a particular null effect on aggravated assaults.

Even though the data show that some local law enforcement agencies participating in ICE's 287(g) program saw some reductions in crime compared to non-participating agencies during the 39-month time span from 2008-2012, a significant confounding factor is that the United States and Virginia experienced significant reductions in crime for over 20 years. From 1991 to 2013, the U.S. experienced a 51% reduction and Virginia a 50% reduction in violent crimes. During the same period, the U.S. had a 47% reduction and Virginia a 51% reduction in

property crimes (see Appendix H).⁴⁸ The evidence presented by the chief executives does not distinguish between whether the crime reductions were a result of the 287(g) program or a continuation of the crime reductions. In fact, individuals interviewed from the local jurisdictions could not conclude that the minor crime reductions occurred as a result of the program. Even though crime decreased slightly, as it did in some localities, it could not be definitively attributed to the 287(g) program. For all the chief executives, the local declines in crime in the localities participating in the 287(g) program was tied to the nationwide trend of declining crime rates over the past two decades, not the 287(g) program.

Crime Analyses by Jurisdiction

In order to determine if immigration enforcement had an impact on crime in the 287(g) participating jurisdictions compared to the non-participating jurisdictions, crime and arrest data were collected from each jurisdiction between 2007 and 2019. This section analyzes crime trends and arrests by jurisdiction.

Herndon Police Department (287(g)) – Leesburg Police Department (comparison)

Figures 1A and 1B illustrate the number of violent crimes and the number of violent crime arrests for the Herndon Police Department, which participated in the 287(g) program, and the Leesburg Police Department, which did not participate in the 287(g) program. Accordingly, in the town of Herndon, compared to the year prior to the implementation of the 287(g) program, during the four to five years in which the Herndon Police Department participated in the 287(g) program, there was a sizable drop in reported violent crimes (48 to 28), with an increase in the year following the implementation of the 287(g) program and a subsequent decrease in violent crime arrests in the last two years of the program. In contrast, Leesburg had a large increase in violent crimes reported during the 287(g) period. However, Leesburg had an overall increase in

⁴⁸ Virginia Crime Commission, 2015

violent crime arrests during the same period, due to a large increase in arrests during the final 287(g) year.

Figures 1C and 1D display the number of property crimes and the number of property crime arrests for the Herndon Police Department and the Leesburg Police Department. For property crimes, Herndon had a slight drop in property crime reported prior to, during, and after the 287(g) period. Specifically, Herndon had a large increase in property crime arrests during two years of the 287(g) period, followed by a large drop in arrests during the final year of the program. In contrast to Herndon, Leesburg had a large increase in both property crimes and arrests reported during the 287(g) period, followed by a decrease in both after the program period.

From 2014 to 2019, Herndon's total violent crimes increased from 45 to 62. The number of violent crimes decreased from 2014 to 2018, then increased significantly from 2018 to 2019. The number of arrests for violent index crimes followed a similar trend, decreasing from 2014 to 2018 and increasing from 2018 to 2019. The number of violent crimes in Leesburg was consistently higher than in Herndon. The overall number of crimes more than doubled from 2014 (45 crimes) to 2019 (92 crimes), and arrests followed a similar trend with 17 violent arrests in 2014 and 38 in 2019 (see Figure 1E).

The number of property crimes decreased both in Herndon and Leesburg from 2014 to 2019. The Herndon and Leesburg property crime and arrest trends followed each other: decreased 2014 to 2015, increased from 2015 to 2016, then decreased each year from 2017 through 2019. Herndon arrests decreased continuously, while in Leesburg, the number of arrests increased from 2014 to 2016, then decreased each year through 2019 (see Figure 1F).

Figure 1A - Herndon and Leesburg - Violent Crimes (2007-2013) (DCJS, 2016)
 (Highlighted area in charts indicates 287(g) participation start and end dates)

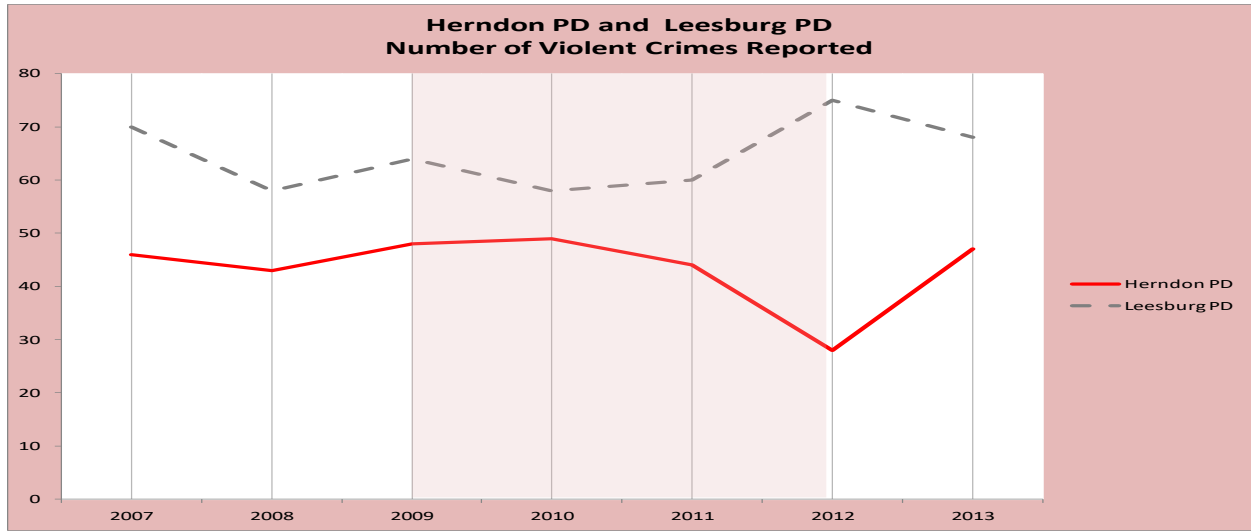


Figure 1B - Herndon and Leesburg - Violent Crime Arrests (2007-2013) (DCJS, 2016)

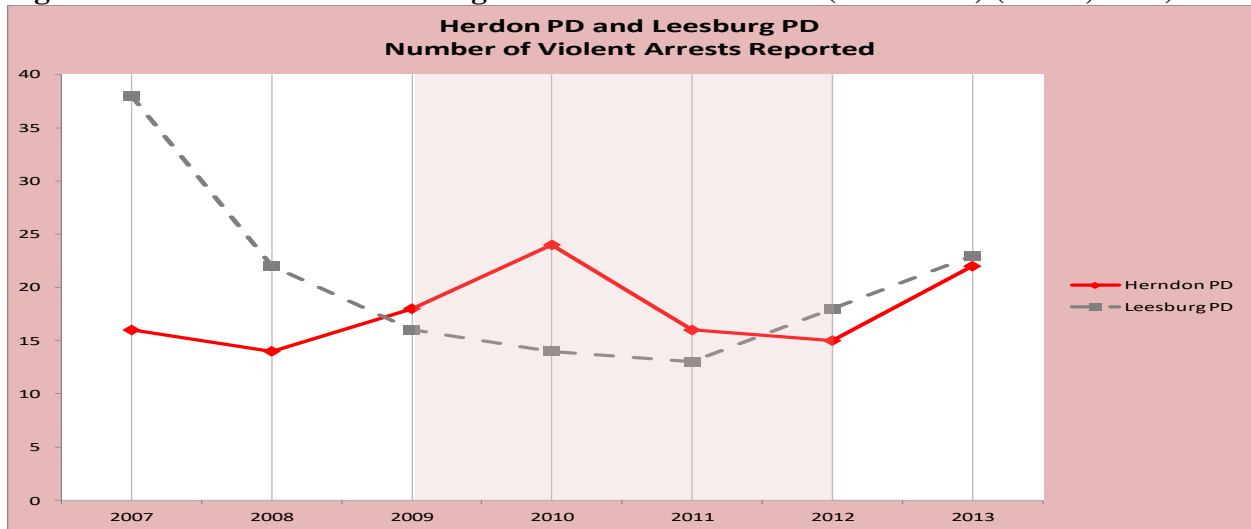


Figure 1C - Property Crimes (2007-2013) (DCJS, 2016)

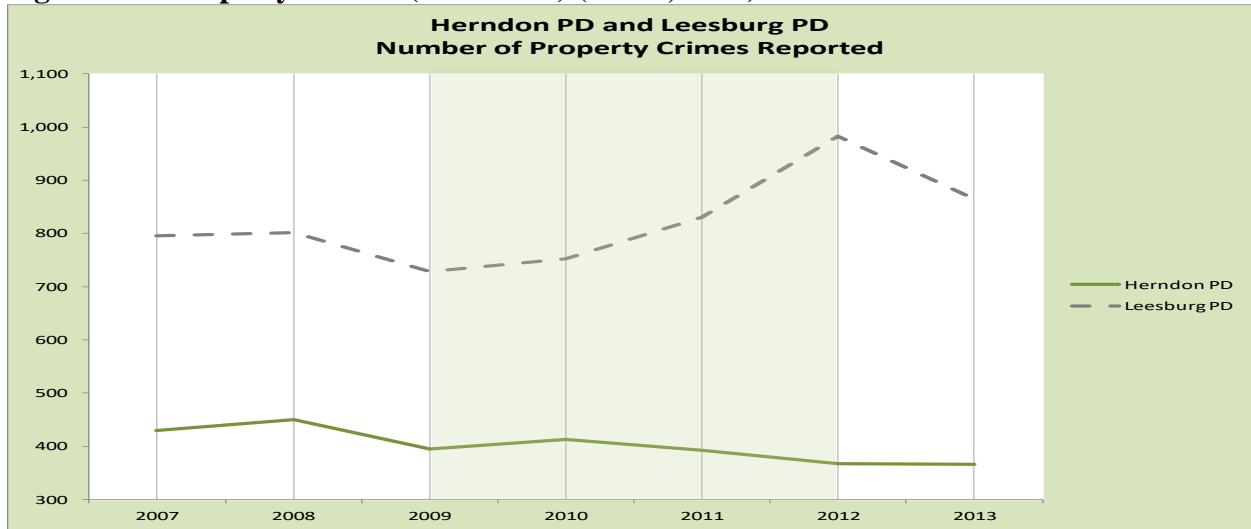


Figure 1D - Property Crime Arrests (2007-2013) (DCJS, 2016)

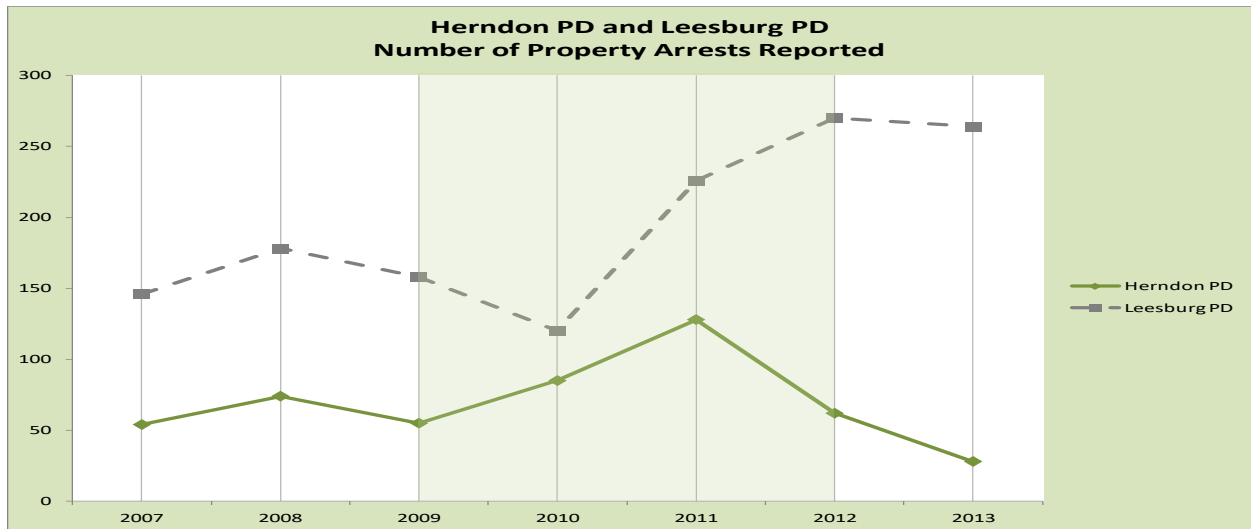


Figure 1E – Violent Crimes and Arrests (2007-2019) (DCJS, 2020)

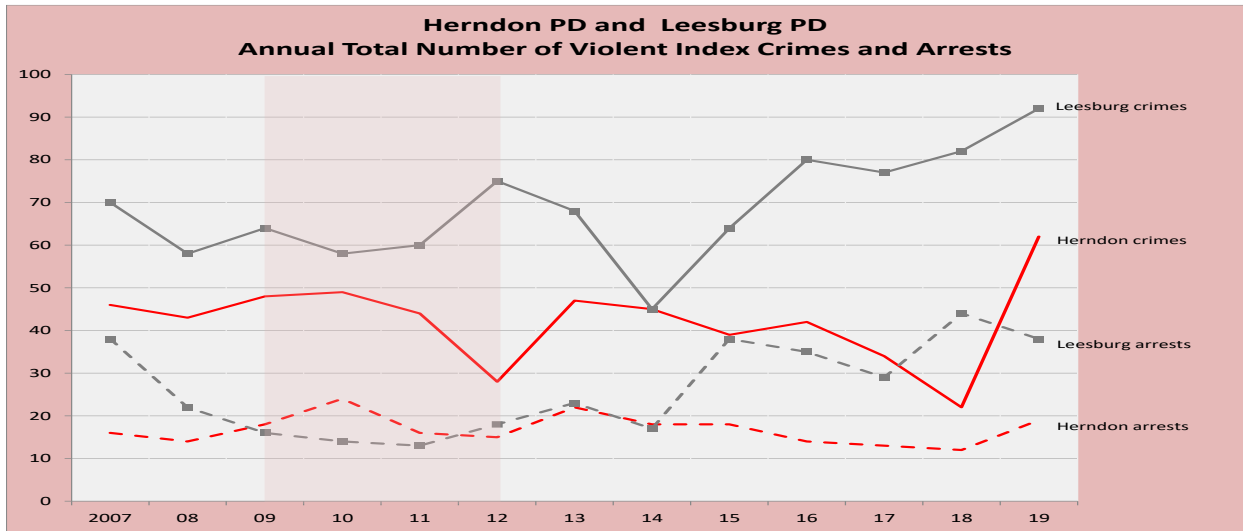
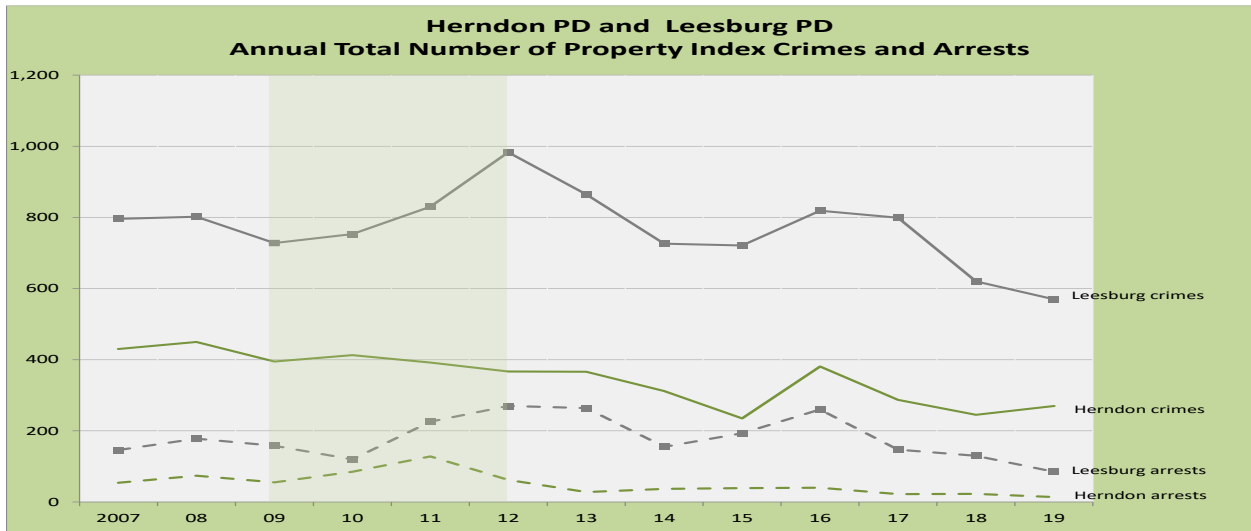


Figure 1F – Total Property Crimes and Arrests (2007-2019) (DCJS, 2020)



Manassas City Police Department (287(g)) – Harrisonburg Police Department (comparison)

Figures 2A and 2B illustrate the number of violent crimes and the number of violent crime arrests for the Manassas City Police Department, which participated in the 287(g) program, and the Harrisonburg Police Department, which did not participate in the 287(g) program. Manassas City experienced a decline in violent crimes reported from 2007 through 2013, and the number of violent crime arrests rose sharply during the 287(g) period, and then dropped after the program ended in 2013. It is important to note that according to the chief executive, although Manassas City entered into a MOA with ICE, the TFM was never fully implemented; therefore, the decline in crime and increase in arrests should not be attributed to participation in the 287(g) program. Harrisonburg also witnessed a decline in violent crimes reported from 2007 through 2013. Violent crime arrests in Harrisonburg dropped sharply during the first two years of the 287(g) period but rose sharply during the final year.

Figures 2C and 2D show the number of property crimes and the number of property crime arrests for the Manassas City Police Department and the Harrisonburg City Police Department. As shown, there was a consistent downward trend in property crimes reported from 2007 through 2013 within Manassas City. Property crime arrests increased during the 287(g) period and continued to increase following the 287(g) period. Harrisonburg's reported property crimes declined slightly during the 287(g) period and rose in the year following 287(g).

From 2014 to 2019, the number of violent index crimes and arrests decreased in Manassas City and increased in Harrisonburg (see Figure 2E). The number of property crimes and arrests decreased in Manassas City from 2014 to 2019. In Harrisonburg, the number of property crimes decreased overall, although the year-to-year trend was mixed, with increases

from 2014 to 2015 and 2018 to 2019 and decreases from 2015 to 2018. The property crime arrest trend for Harrisonburg was also mixed (see Figure 2F).

Figure 2A- Manassas City and Harrisonburg -Violent Crimes (2007-2013) (DCJS, 2016)
 (Highlighted area in charts indicates 287(g) participation start and end dates)

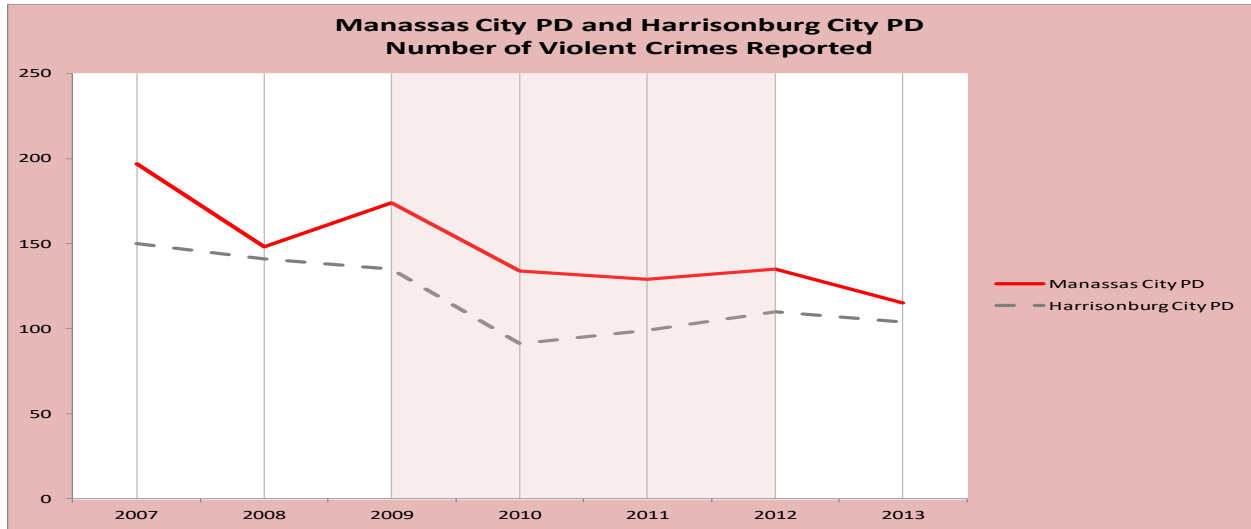


Figure 2B- Manassas City and Harrisonburg -Violent Crime Arrests (2007-2013) (DCJS, 2016)

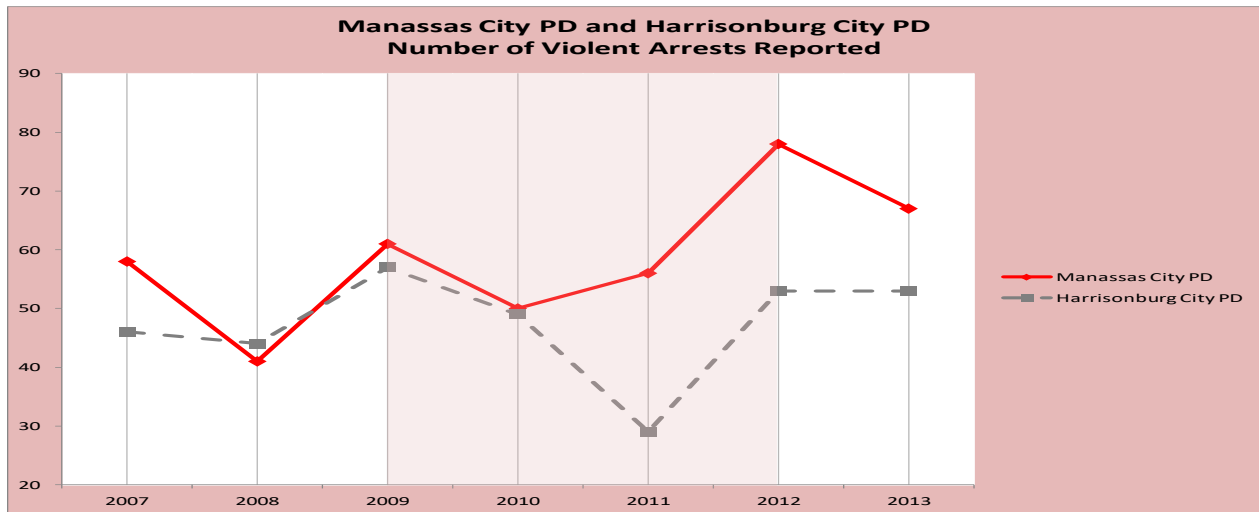


Figure 2C - Property Crimes (2007-2013) (DCJS, 2016)

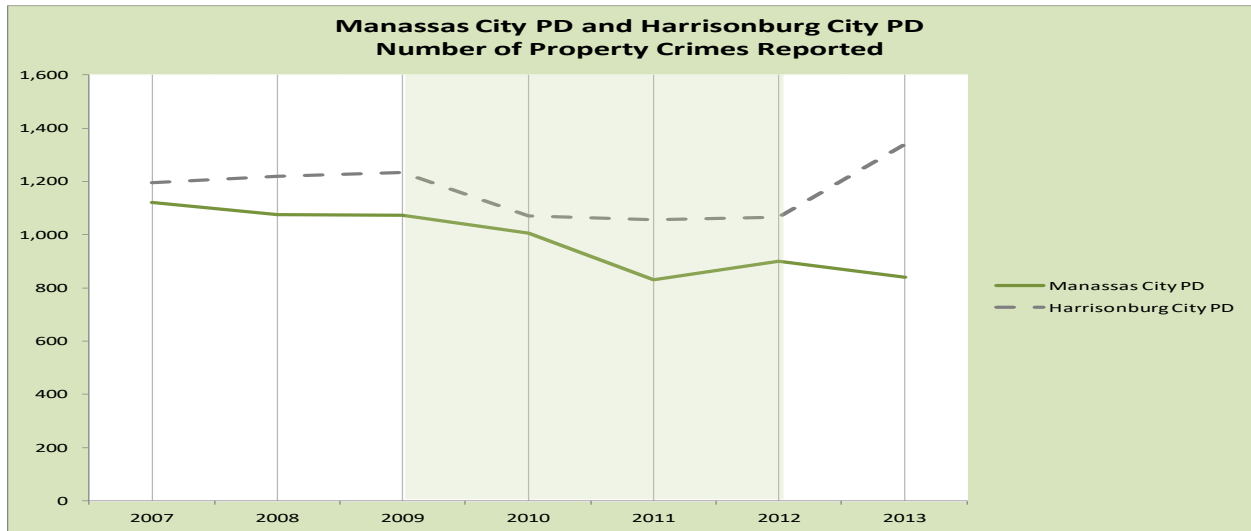


Figure 2D - Property Crime Arrests (2007-2013) (DCJS, 2016)

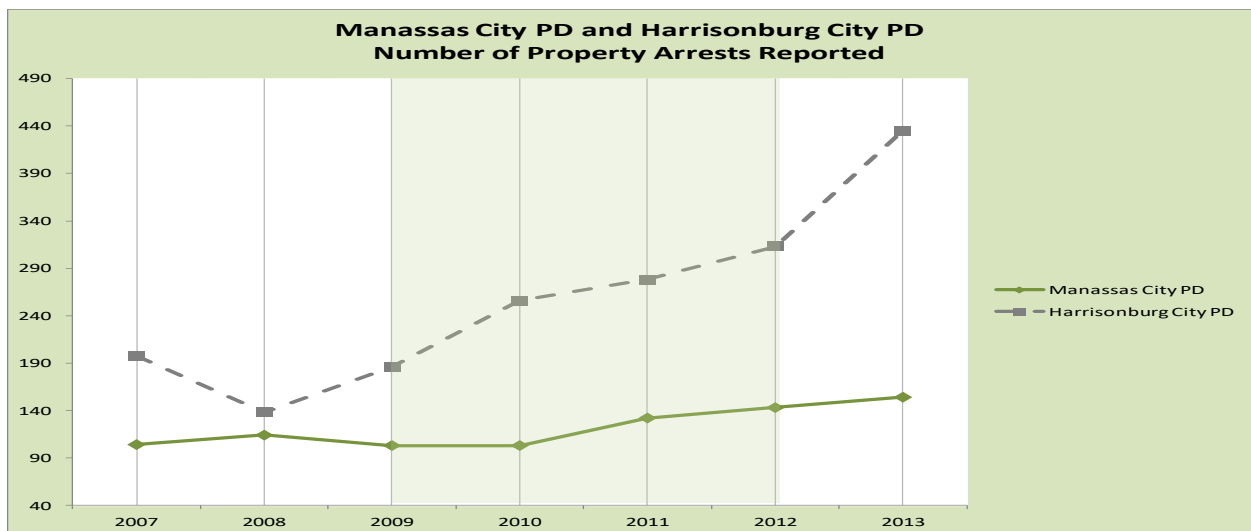


Figure 2E – Total Violent Crimes and Arrests (2007-2019) (DCJS, 2020)

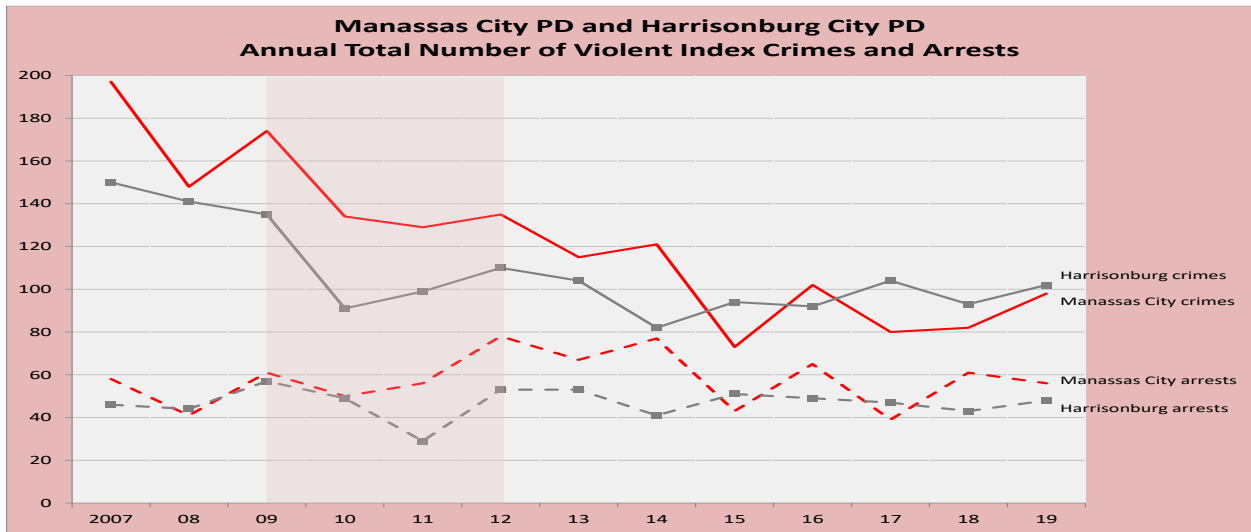
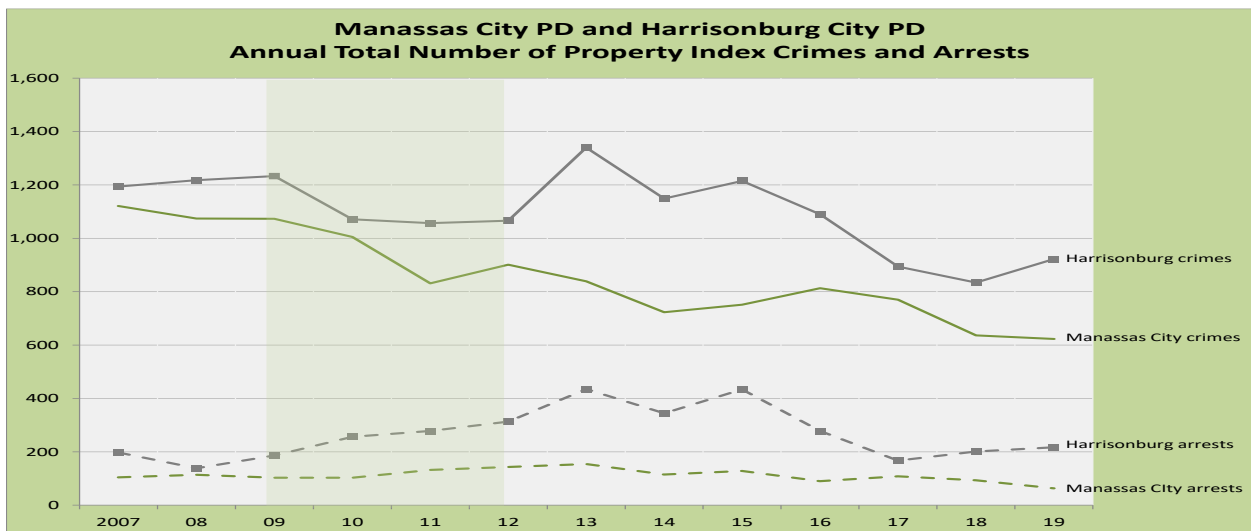


Figure 2F - Total Property Crimes and Arrests (2007-2019) (DCJS, 2020)



Prince William County Police Department (287(g)) – Fairfax County Police Department (comparison)

Figures 3A and 3B illustrate the number of violent crimes and the number of violent crime arrests for the Prince William County Police Department, which participated in the 287(g) program, and the Fairfax County Police Department, which did not participate in the 287(g) program. Accordingly, Prince William's reported violent crimes, and violent crime arrests, decreased during the first few years of the 287(g) period, but increased during the final year. In contrast, reported violent crimes and violent crime arrests increased sharply in Fairfax during the 287(g) period.

Figures 3C and 3D display the number of property crimes and the number of property crime arrests for the Prince William County Police Department and the Fairfax County Police Department. Prince William and Fairfax both had sustained drops in reported property crimes during the 287(g) period. Overall property crime arrests in Prince William dropped slightly during 287(g), but Fairfax property crime arrests rose sharply before, throughout, and after the 287(g) period.

From 2014 to 2019, the number of violent crimes increased in both Prince William County and Fairfax County. Both jurisdictions had a one-year decrease in violent crimes from 2016 to 2017, followed by an increase in violent crimes from 2018 to 2019. The year-to-year trend in arrests for violent crimes was mixed for Prince William County. The trend for violent arrests in Fairfax County followed the trend for violent crimes there (see Figure 3E). The number of property crimes decreased in both Prince William County and Fairfax County from 2014 to 2019. Arrests for property crimes increased in Fairfax and decreased slightly in Prince William County (see Figure 3F).

Figure 3A -Prince William and Fairfax Violent Crimes (2007-2013) (DCJS, 2016)
 (Highlighted area in charts indicates 287(g) participation start and end dates)

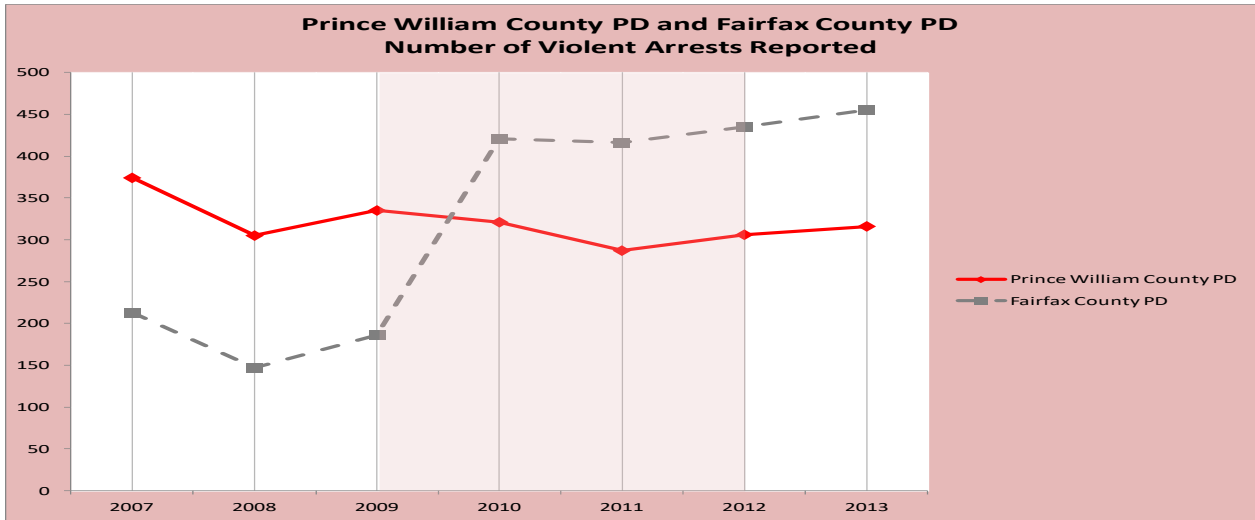


Figure 3B -Prince William and Fairfax Violent Crime Arrests (2007-2013) (DCJS, 2016)

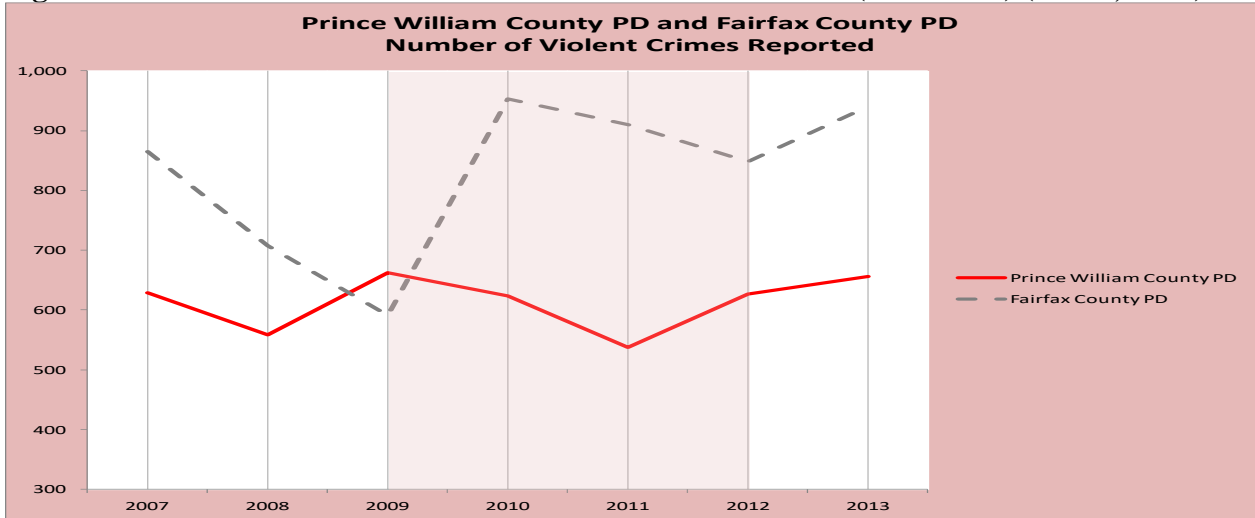


Figure 3C - Property Crimes (2007-2013) (DCJS, 2016)

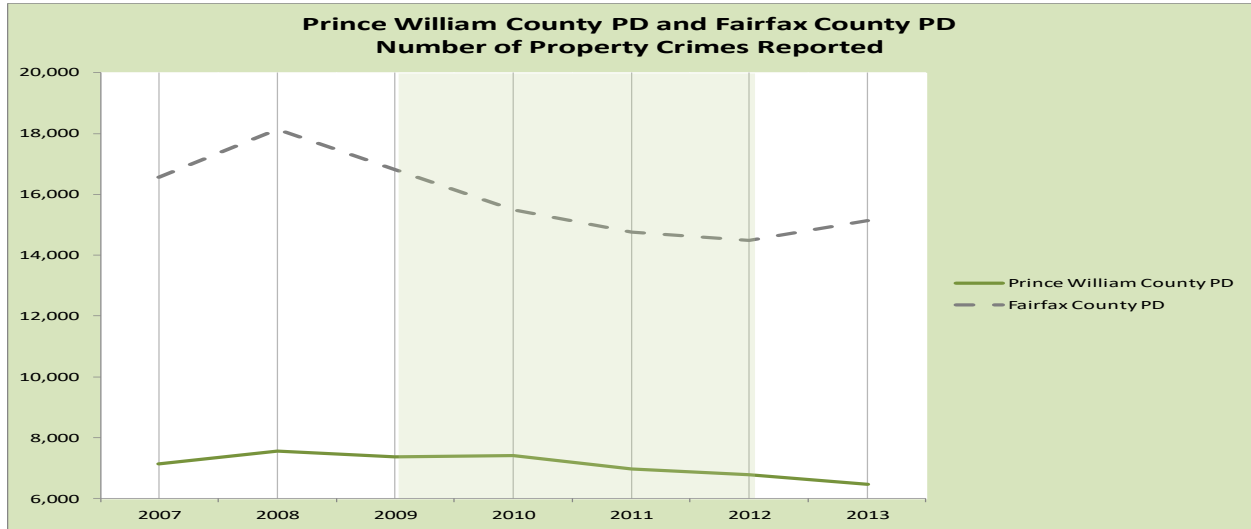


Figure 3D - Property Crime Arrests (2007-2013) (DCJS, 2016)

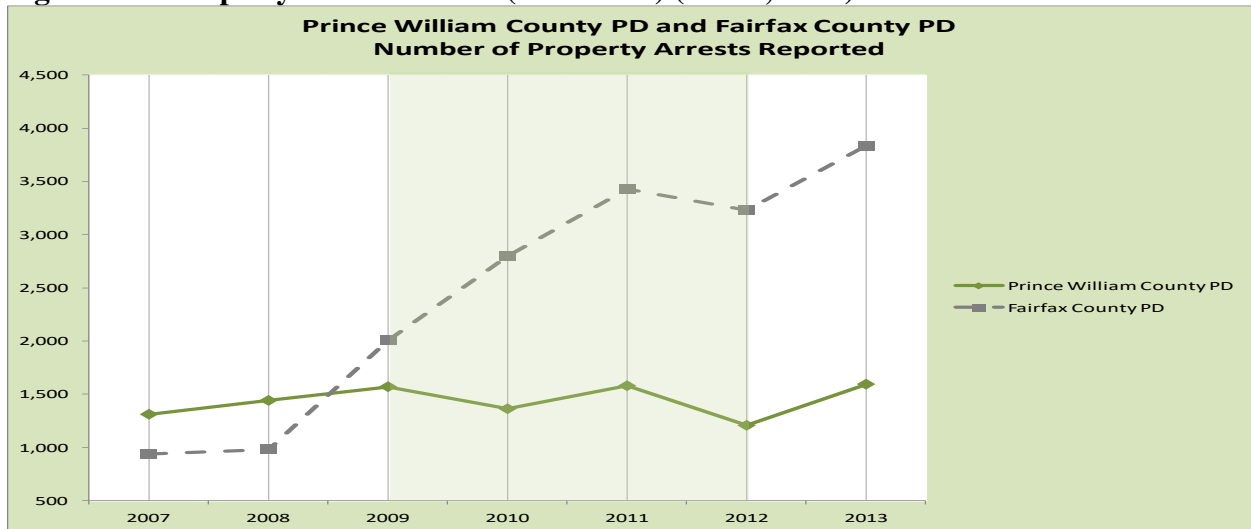


Figure 3E - Total Violent Crimes and Arrests (2007-2019) (DCJS, 2020)

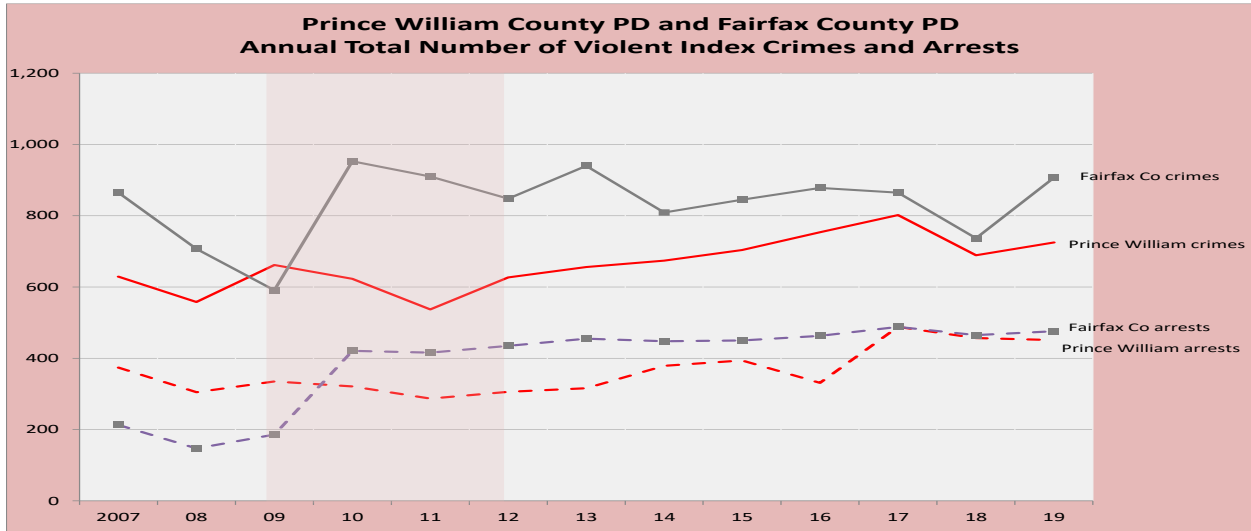
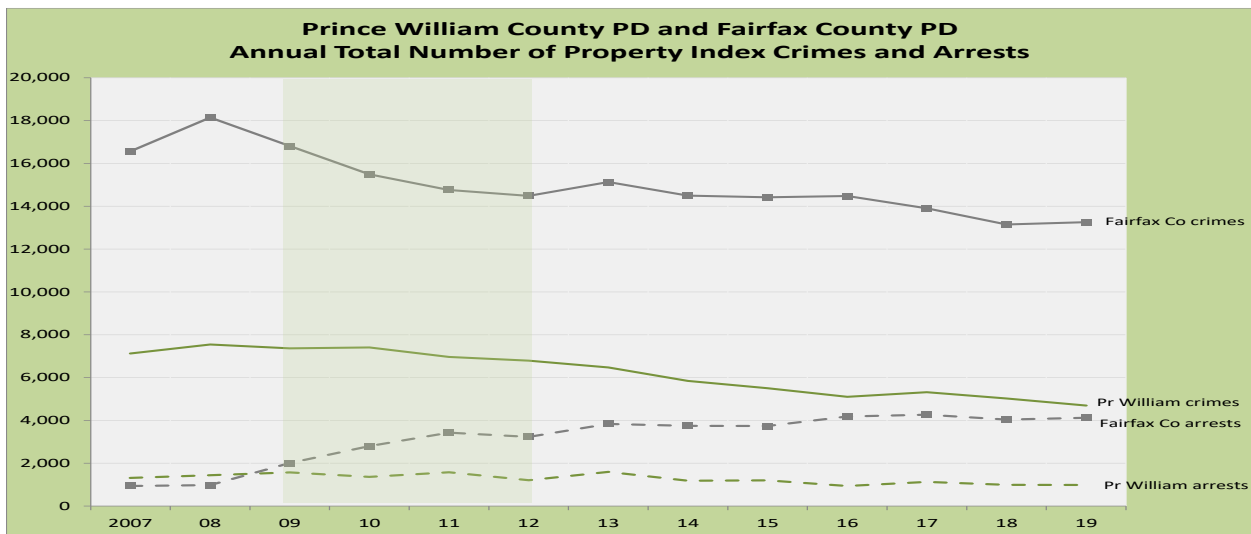


Figure 3F - Total Property Crimes and Arrests (2007-2019) (DCJS, 2020)



Loudoun County Sheriff's Office (287(g)) – Arlington County PD (comparison)

Figures 4A and 4B illustrate the number of violent crimes and the number of violent crime arrests for the Loudoun County Sheriff's Office, which participated in the 287(g) program, and the Arlington County Police Department, which did not participate in the 287(g) program. Reported violent crime dropped in Loudoun in the first year of 287(g) period, rose in 2010-2011, and decreased in the final year. Violent crime arrests in Loudoun followed the same pattern. Violent crimes reported were nearly flat in Arlington during the first few years of the 287(g) period and decreased in the final year. Arrests for violent crimes in Arlington County increased through the entire 287(g) period.

Figures 4C and 4D display the number of property crimes and the number of property crime arrests for the Loudoun County Sheriff's Office and the Arlington County Police Department. Reported property crimes decreased in Loudoun over the first part of the 287(g) period, remained flat through the second and third years, and then increased slightly in the final year. Arrests varied from year-to-year, although the overall trend was down. Property crimes decreased in Arlington over the first three years of the 287(g) period and increased in the final year. Arrests for property crimes increased in Arlington throughout the 287(g) period.

From 2014 to 2019, the number of violent index crimes and arrests increased in Loudoun County and decreased in Arlington County. The number of violent crimes for each jurisdiction converged in 2019, with 277 reported by Loudoun and 281 reported by Arlington (see Figure 4E). The number of property crimes decreased in Loudoun from 2014 to 2019, while the number of arrests for property crimes in Loudoun increased slightly. Property crimes and arrests decreased in Arlington from 2014 through 2018 then increased in 2019 (see Figure 4F).

Figure 4A - Violent Crimes (2007-2013) (DCJS, 2016)
 (Highlighted area in charts indicates 287(g) participation start and end dates)

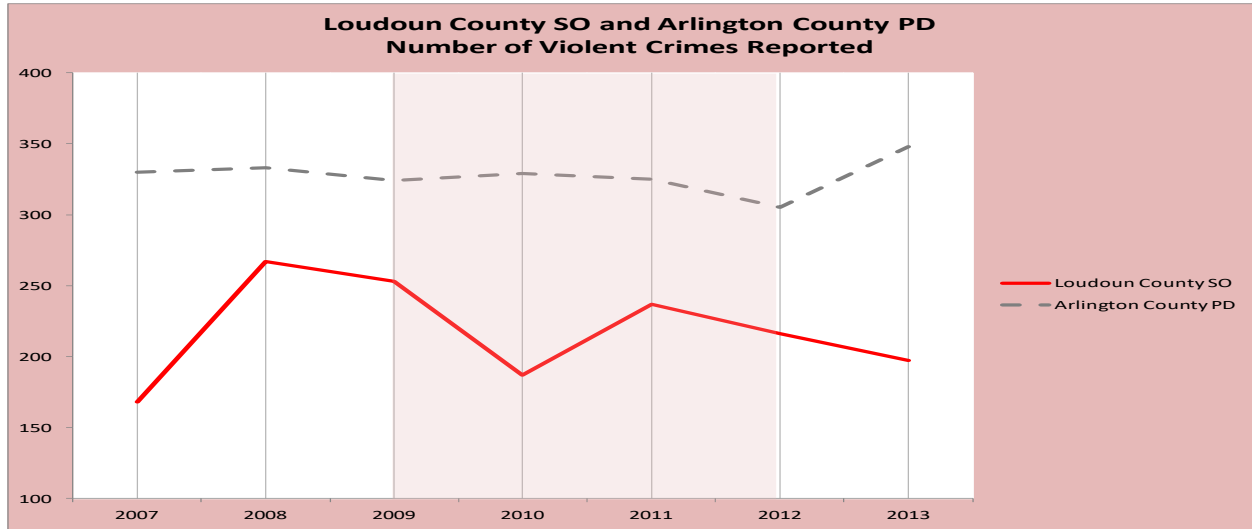


Figure 4B - Violent Crime Arrests (2007-2013) (DCJS, 2016)

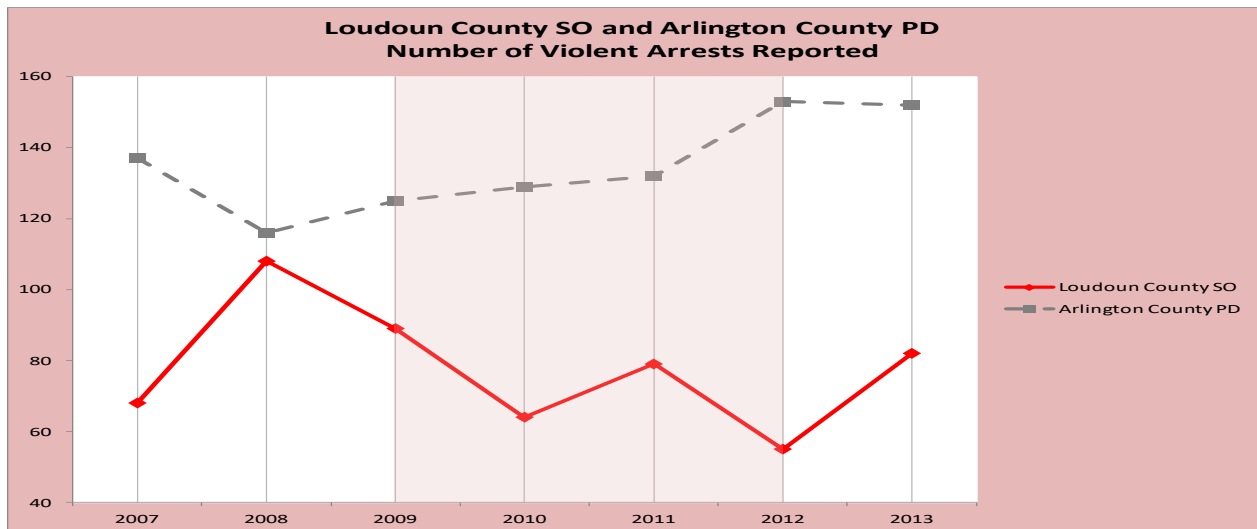


Figure 4C - Property Crimes (2007-2013) (DCJS, 2016)

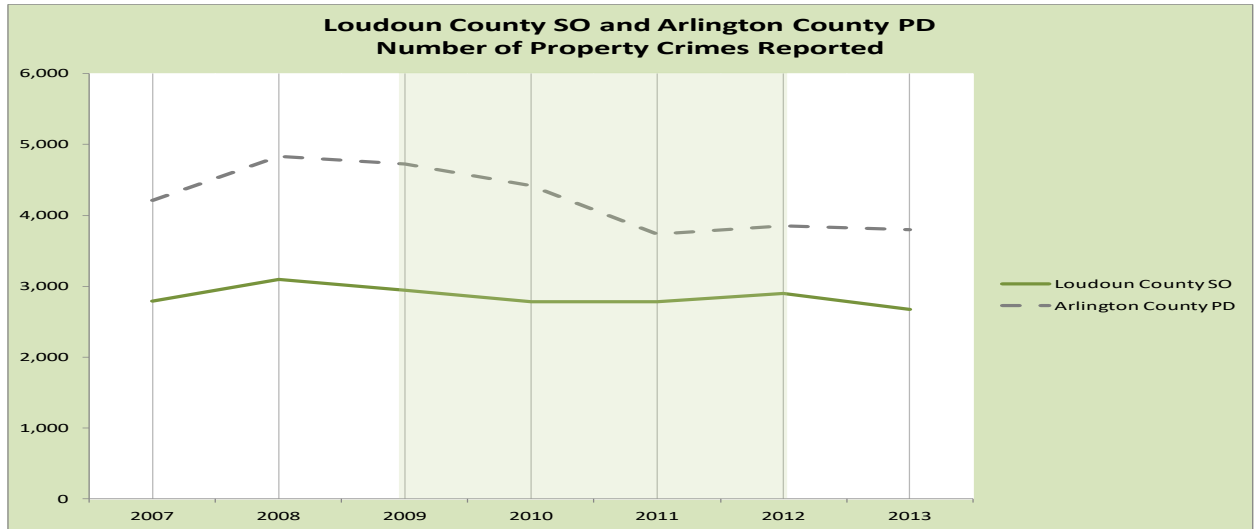


Figure 4D - Property Crime Arrests (2007-2013) (DCJS, 2016)

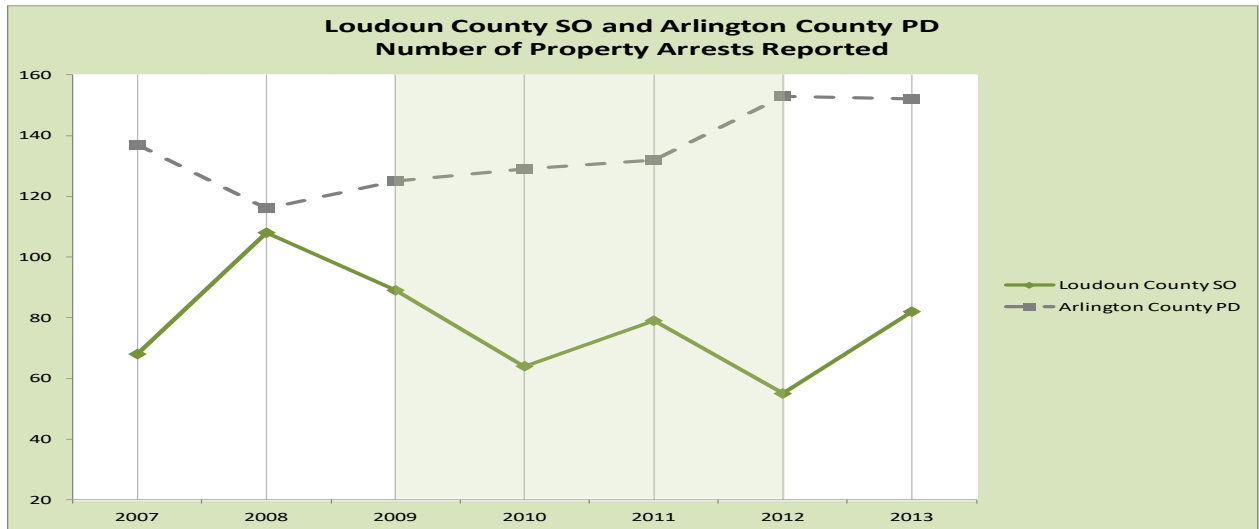


Figure 4E - Total Violent Crimes and Arrests (2007-2019) (DCJS, 2020)

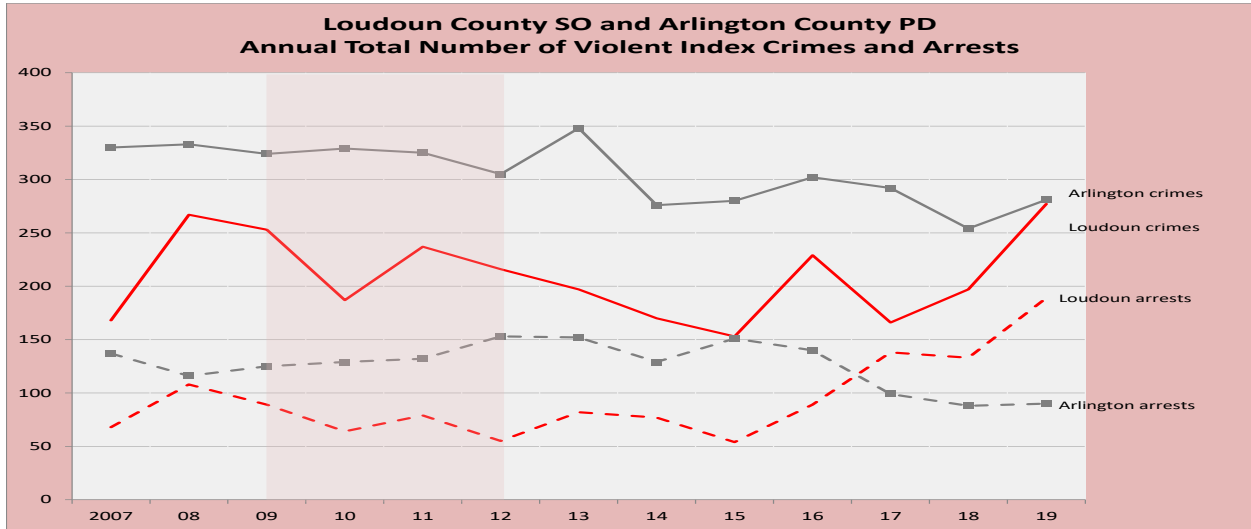
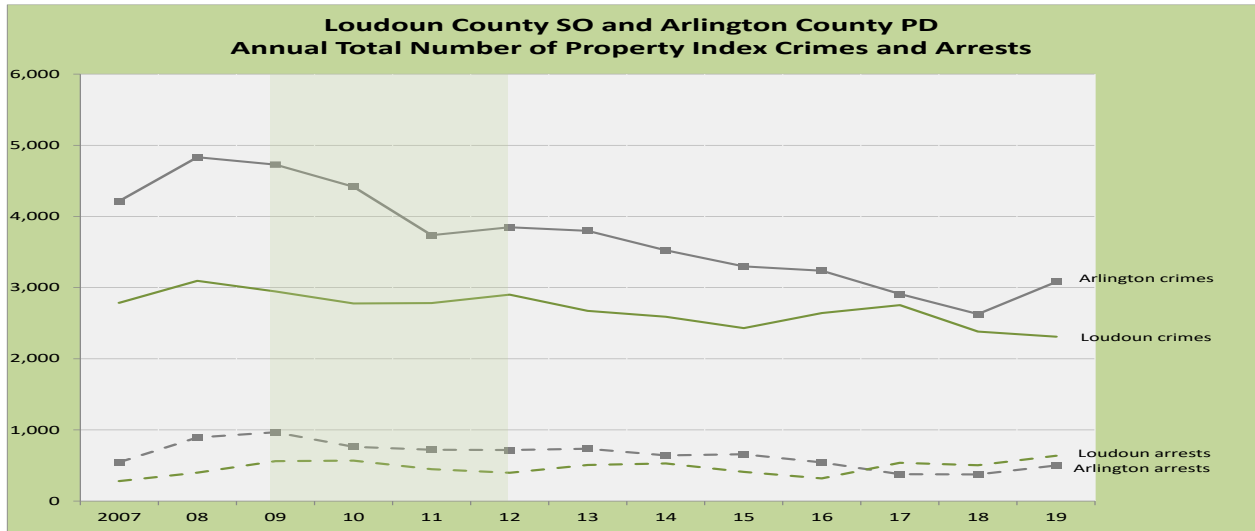


Figure 4F - Total Property Crimes and Arrests (2007-2019) (DCJS, 2020)



Manassas Park Police Department (287(g)) – Winchester City Police Department (comparison)

Figures 5A and 5B illustrate the number of violent crimes and the number of violent crime arrests for the Manassas Park Police Department, which participated in the 287(g) program, and the Winchester City Police Department, which did not participate in the 287(g) program. Manassas Park's reported violent crimes increased slightly during the 287(g) period, and violent crime arrests decreased during the 287(g) period compared to the two years prior. Winchester also had a decline in reported violent crimes and violent crime arrests, although violent crime arrests in Winchester increased beginning in 2010.

Figures 5C and 5D display the number of property crimes and the number of property crime arrests for the Manassas Park Police Department and the Winchester City Police Department. Manassas Park's reported property crimes were relatively unchanged during the 287(g) period, and Winchester had a slight downward trend in property crimes reported most of the 287(g) period, although it increased during the final year of the program. Property crime arrests increased slightly in Manassas Park during 287(g) but dropped afterward. Arrests were down overall in Winchester from the start to the end of the 287(g) period.

From 2014 to 2019, the number of violent index crimes and arrests decreased in Manassas Park. The number of violent index crimes was essentially unchanged in Winchester (52 in 2014 and 51 in 2019), while the number of arrests for violence increased in Winchester from 2014 to 2019 (see Figure 5E). The number of property crimes in Manassas Park increased slightly from 2014 (152) to 2019 (154) while property arrests decreased from 28 in 2014 to 19 in 2019. The number of property crimes and arrests decreased in Winchester (see Figure 5F).

Figure 5A - Violent Crimes (2007-2013) (DCJS, 2016)
 (Highlighted area in charts indicates 287(g) participation start and end dates)

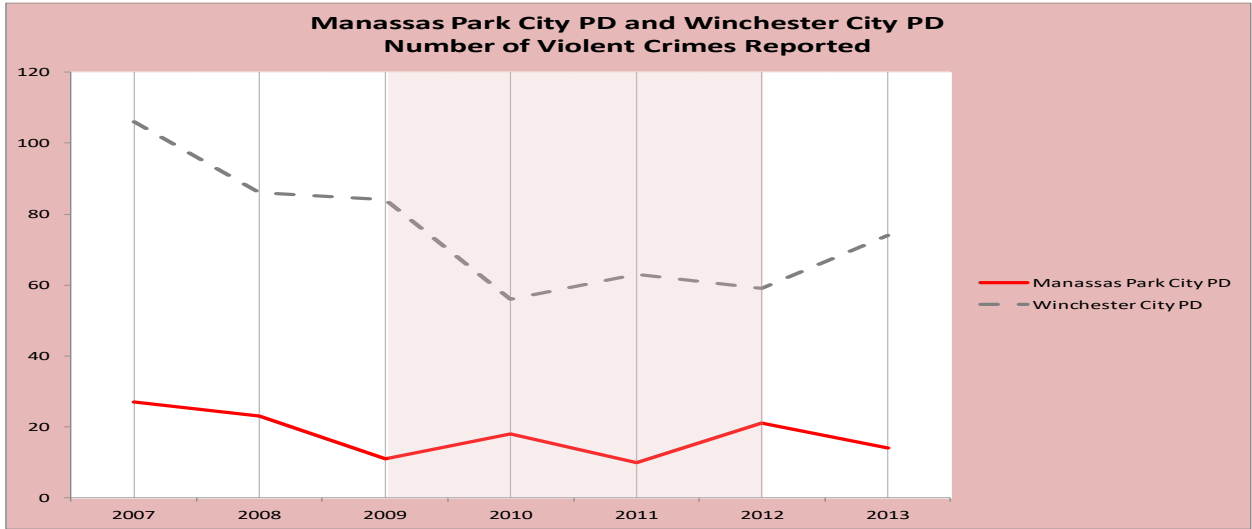


Figure 5B - Violent Crime Arrests (2007-2013) (DCJS, 2016)

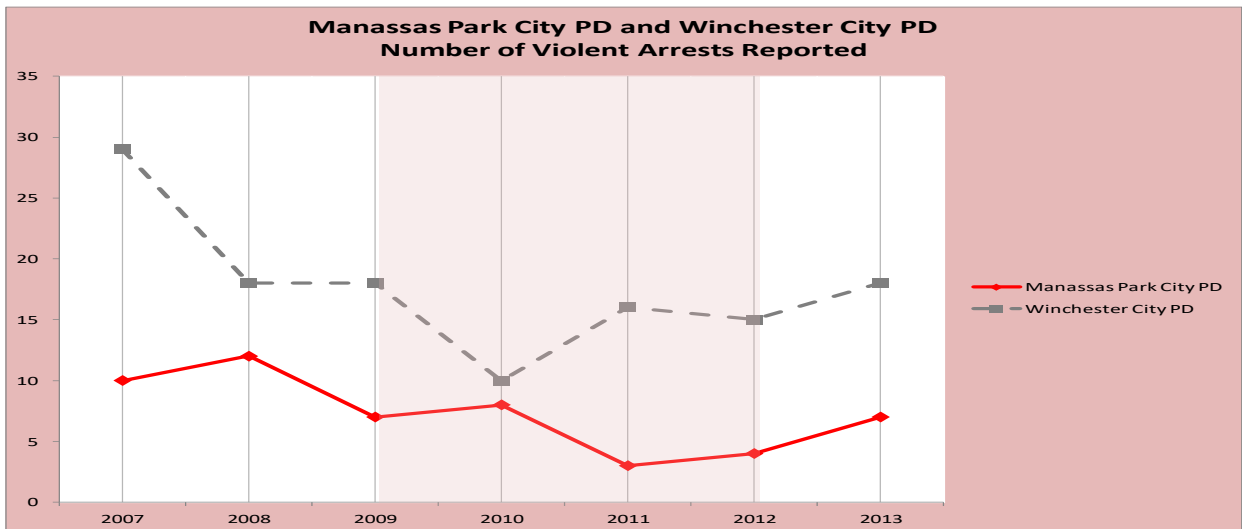


Figure 5C - Property Crimes (2007-2013) (DCJS, 2016)

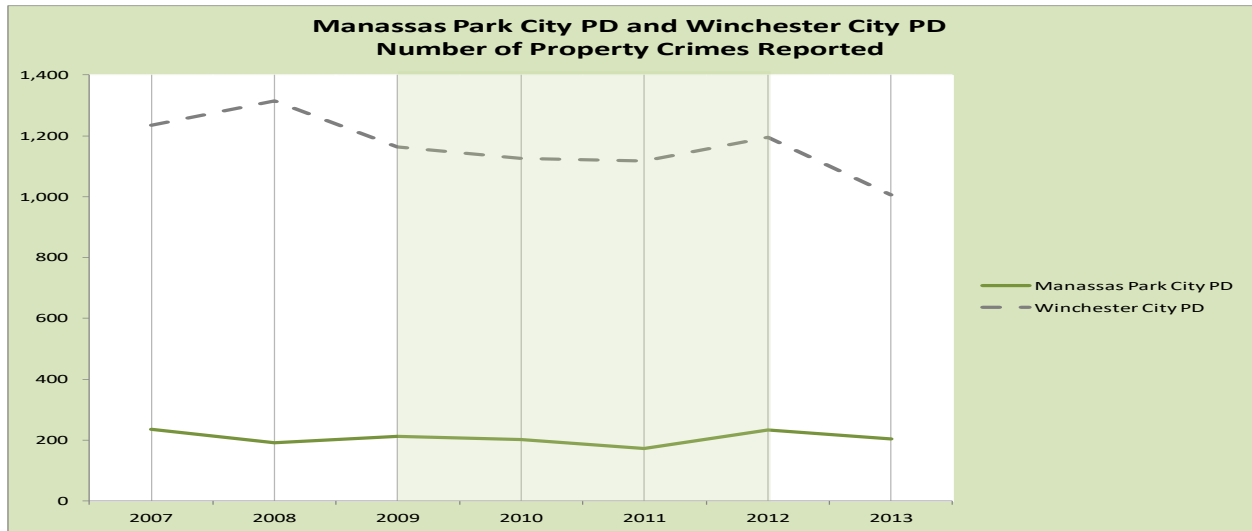


Figure 5D - Property Crime Arrests (2007-2013) (DCJS, 2016)

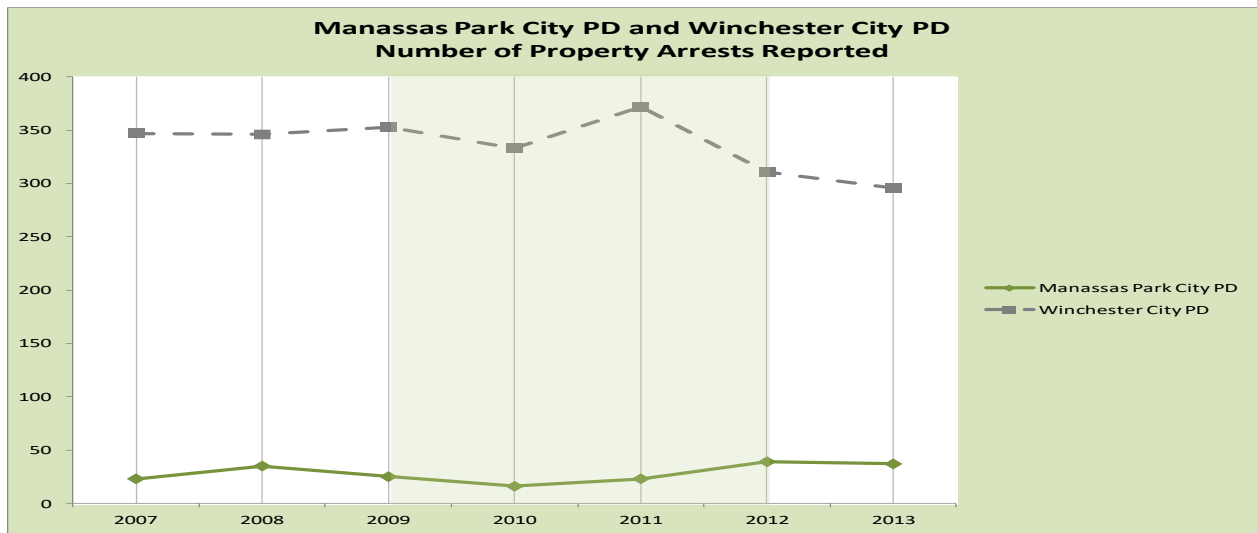


Figure 5E - Total Violent Crimes and Arrests (2007-2019) (DCJS, 2020)

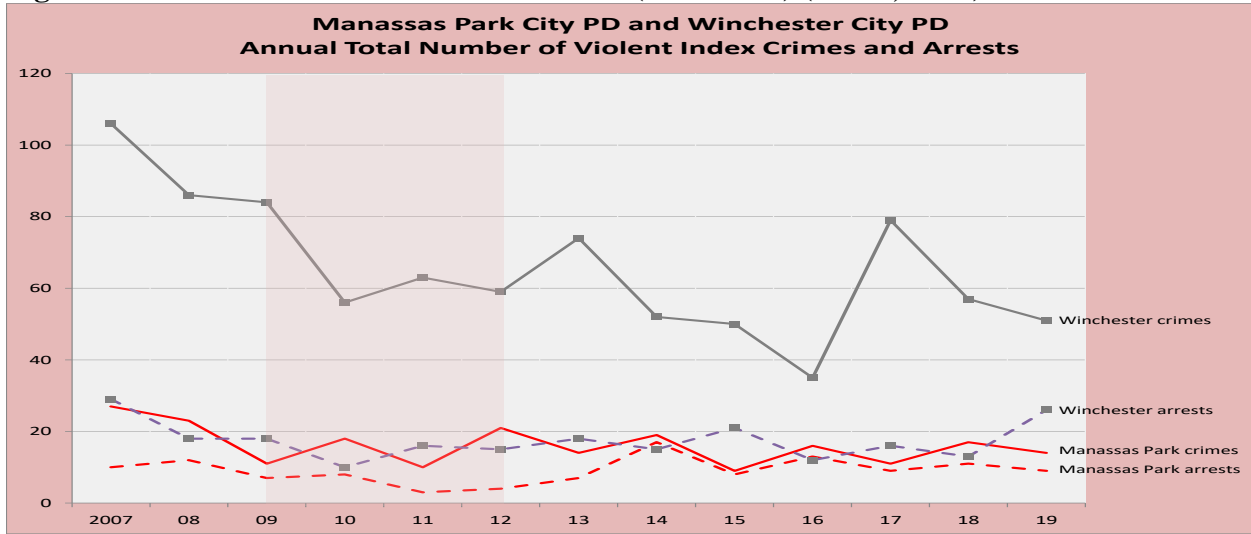
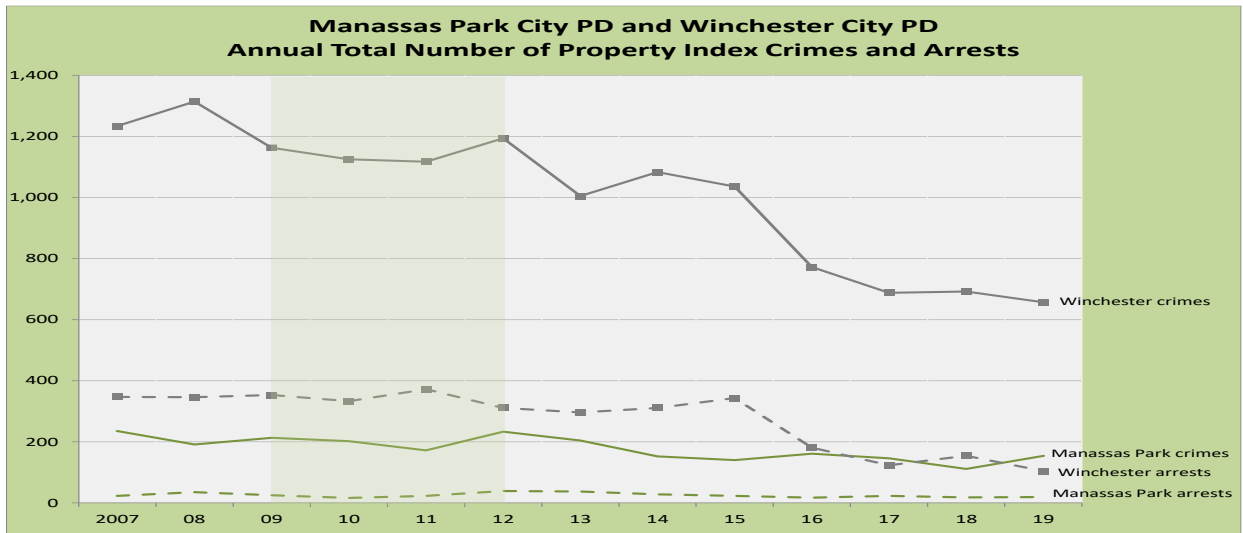


Figure 5F - Total Property Crimes and Arrests (2007-2019) (DCJS, 2020)



Rockingham County Sheriff's Office (287(g)) – Albemarle County Police Department (comparison)

Figures 6A and 6B illustrate the number of violent crimes and the number of violent crime arrests for the Rockingham County Sheriff's Office, which participated in the 287(g) program, and the Albemarle County Police Department, which did not participate in the 287(g) program. Rockingham's reported violent crimes increased throughout the 287(g) period, and violent crime arrests increased overall during the period. In Albemarle, reported violent crime increased during the first year of 287(g), but declined during the remainder of the 287(g) period. Violent crime arrests in Albemarle increased early in the 287(g) period but declined in the final year of the program.

Figures 6C and 6D display the number of property crimes and the number of property crime arrests for the Rockingham County Sheriff's Office and the Albemarle County Police Department. Reported property crimes in Rockingham increased throughout and after the 287(g) period. Property crime arrests also increased throughout the 287(g) period but declined slightly afterward. In Albemarle, reported property crimes and property crime arrests generally declined during the 287(g) period.

From 2014 to 2019, the number of violent index crimes and arrests decreased in Rockingham County, and the year-to-year trend over this time period was mixed for both crimes and arrests. The number of violent crimes in Albemarle County increased with the largest increases in 2018 and 2019. Arrests for violence in Albemarle County decreased slightly over this period (see Figure 6E). The number of property crimes and arrests decreased in both Rockingham County and Albemarle County from 2014 to 2019 (see Figure 6F).

Figure 6A - Violent Crimes (2007-2013) (DCJS, 2016)
 (Highlighted area in charts indicates 287(g) participation start and end dates)

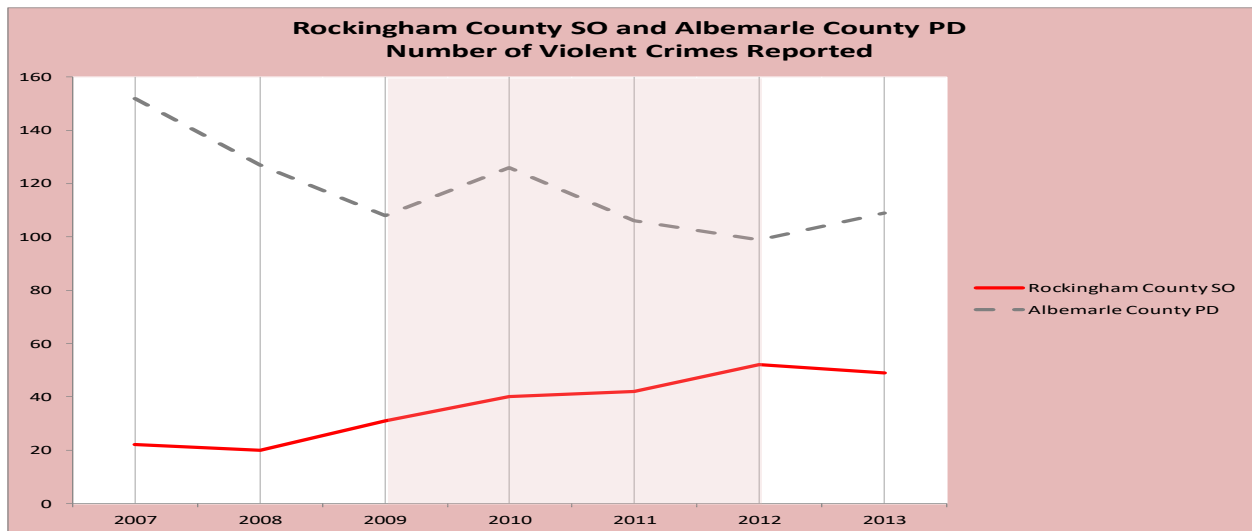


Figure 6B - Violent Crime Arrests (2007-2013) (DCJS, 2016)

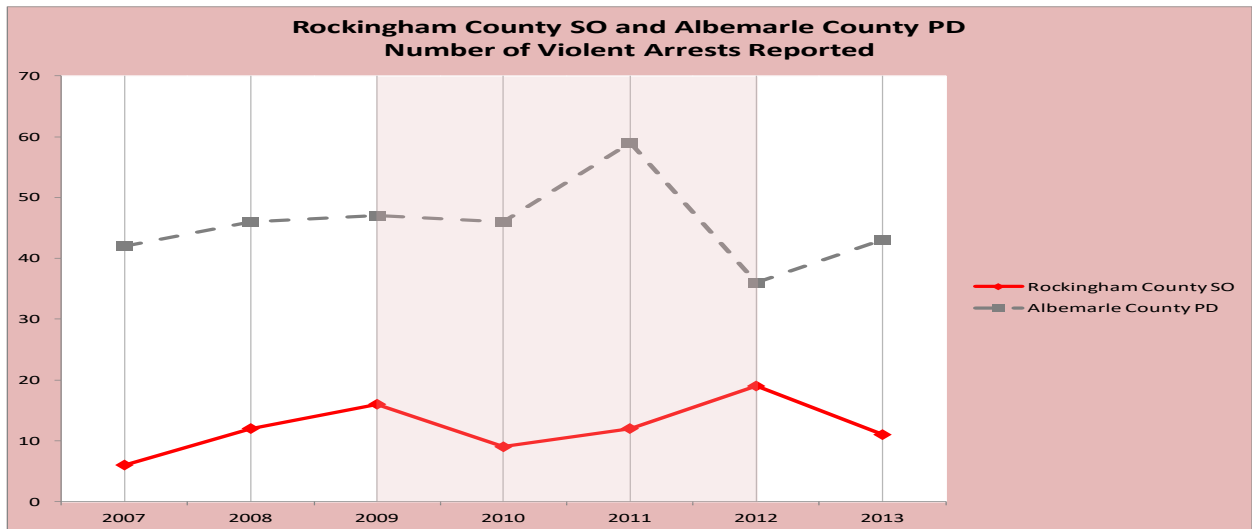


Figure 6C - Property Crimes (2007-2013) (DCJS, 2016)

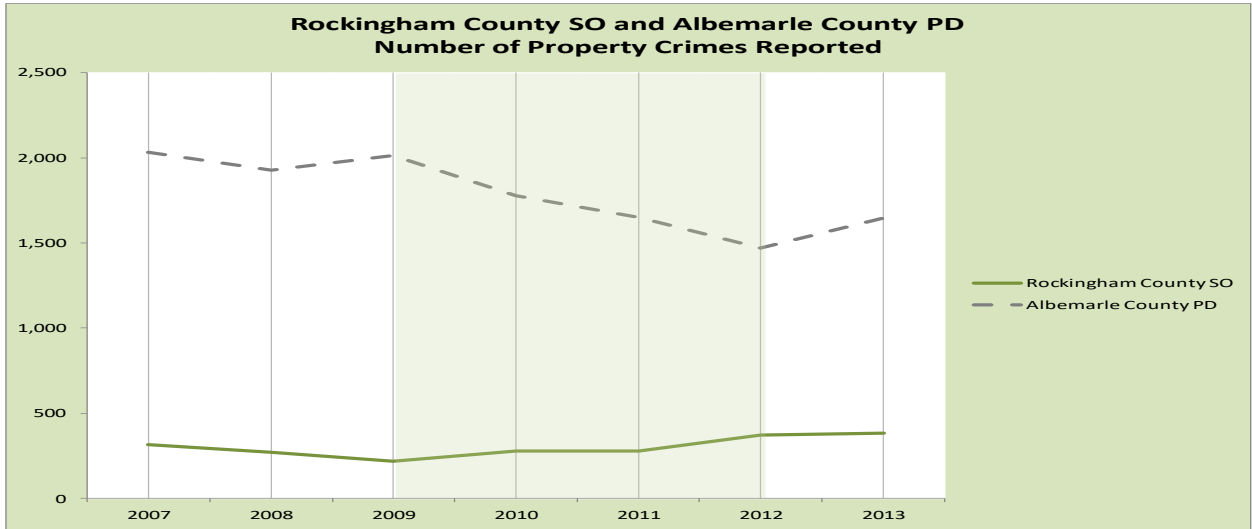


Figure 6D - Property Crime Arrests (2007-2013) (DCJS, 2016)

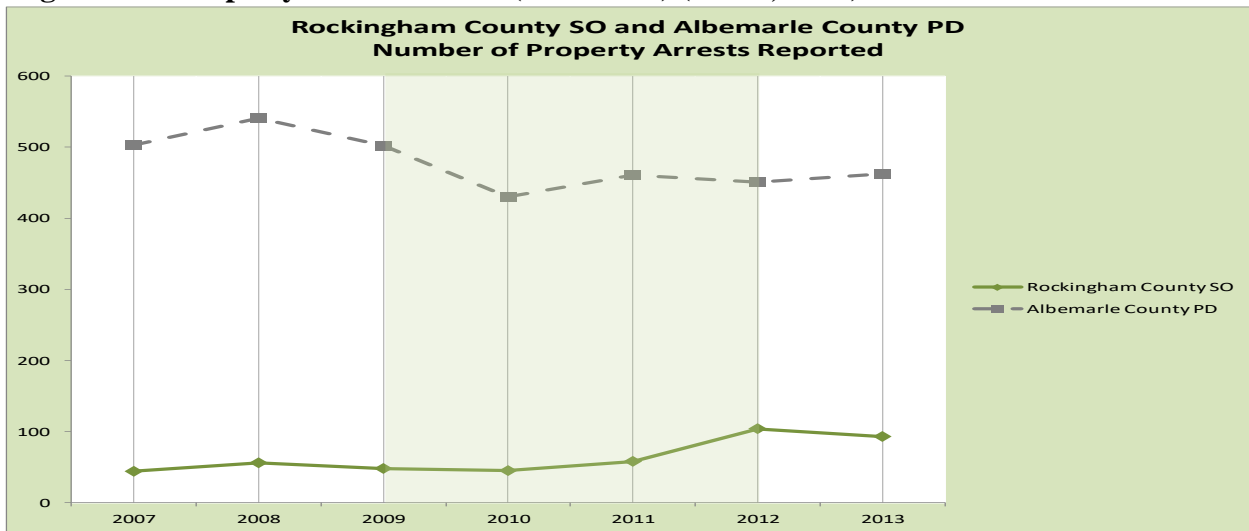


Figure 6E - Total Violent Crimes and Arrests (2007-2019) (DCJS, 2020)

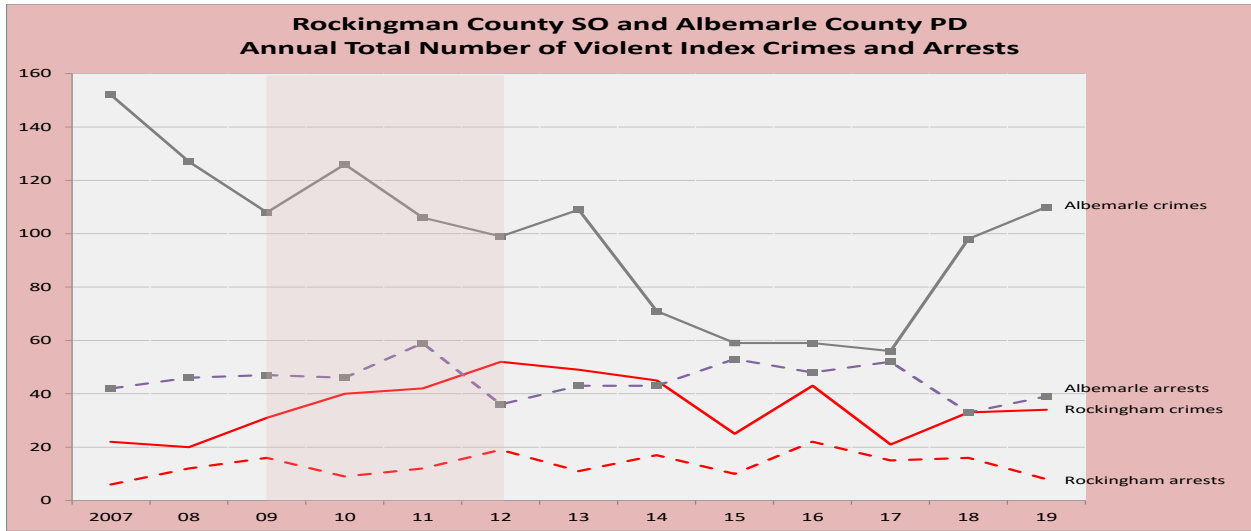
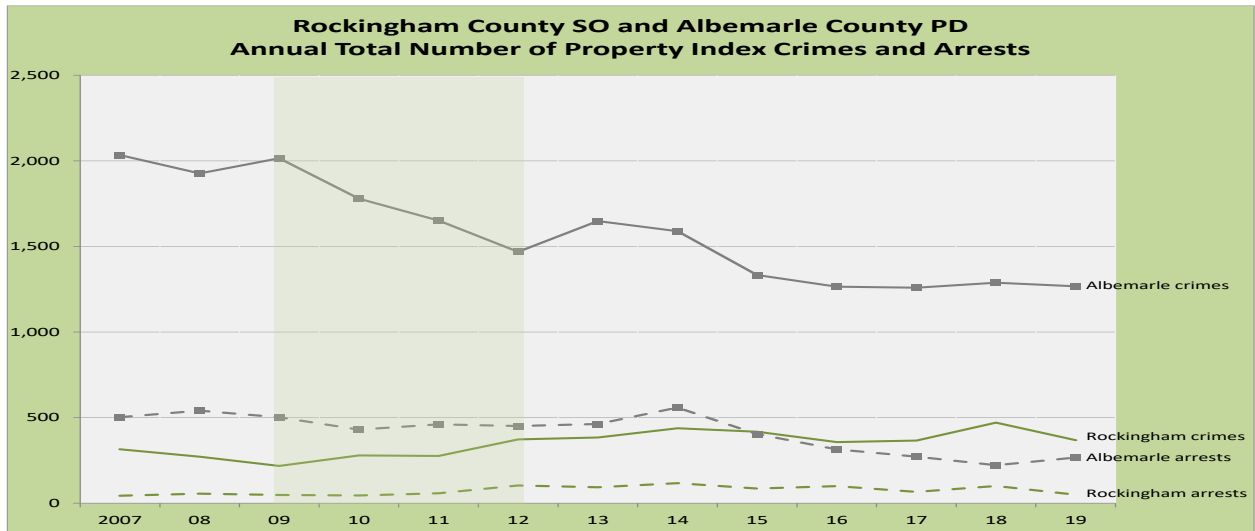


Figure 6F – Total Property Crimes and Arrests (2007-2019) (DCJS, 2020)



Shenandoah County Sheriff's Office (287(g)) – Frederick County Sheriff's Office (comparison)

Figures 7A and 7B show the number of violent crimes and the number of violent crime arrests for the Shenandoah County Sheriff's Office, which participated in the 287(g) program, and the Frederick County Sheriff's Office, which did not participate in the 287(g) program. Shenandoah's reported violent crimes were relatively stable throughout the 287(g) period, although violent crime arrests increased sharply, especially during the final year of the program. Frederick's reported violent crimes and arrests dropped throughout the 287(g) period.

Figures 7C and 7D display the number of property crimes and the number of property crime arrests for the Shenandoah County Sheriff's Office and the Frederick County Sheriff's Office. Reported property crimes and arrests increased slightly in Shenandoah during the 287(g) period and declined slightly afterward. Property crimes and property crime arrests also increased in Frederick during the 287(g) period.

The number of violent index crimes in Shenandoah County decreased from 2014 to 2017, then increased in 2018 and 2019. The overall number of violent crimes was flat in Shenandoah County with 41 reported in 2014 and 43 reported in 2019. Arrests for violence in Shenandoah County increased from 2014 to 2019. Violent crimes in Frederick County decreased from 2014 to 2016 then increased from 2016 to 2019. The overall number of violent crime arrests decreased in Shenandoah County from 2014 to 2019 (see Figure 7E). The number of property crimes in Shenandoah was flat from 2014 to 2019, while the number of property crime arrests increased. Property crimes and arrests decreased in Frederick County from 2014 to 2019 (see Figure 7F).

Figure 7A - Violent Crimes (2007-2013) (DCJS, 2016)
 (Highlighted area in charts indicates 287(g) participation start and end dates)

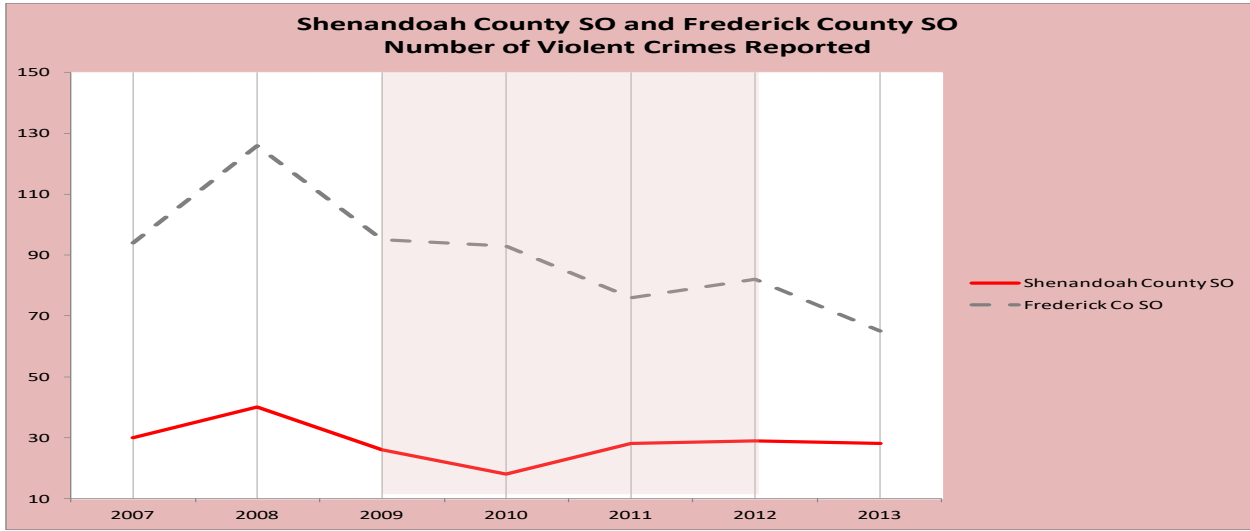


Figure 7B - Violent Crime Arrests (2007-2013) (DCJS, 2016)

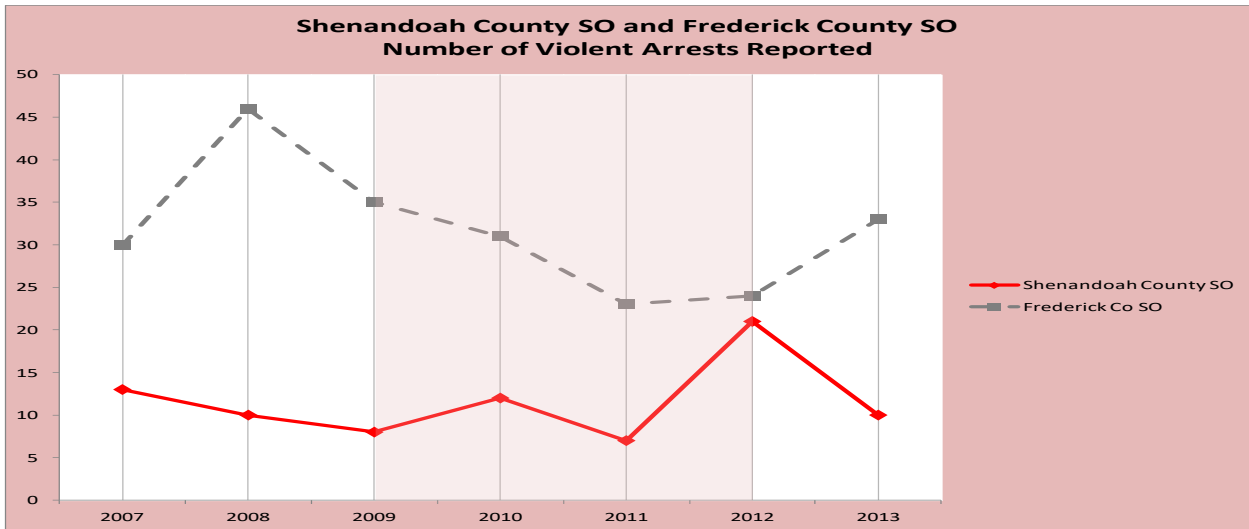


Figure 7C - Property Crimes (2007-2013) (DCJS, 2016)

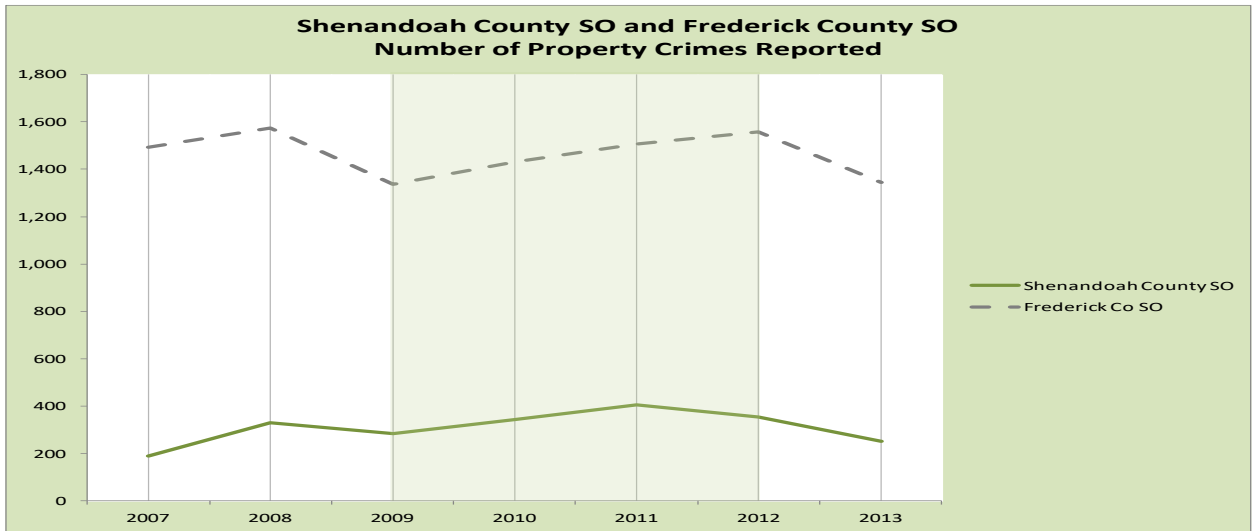


Figure 7D - Property Crime Arrests (2007-2013) (DCJS, 2016)

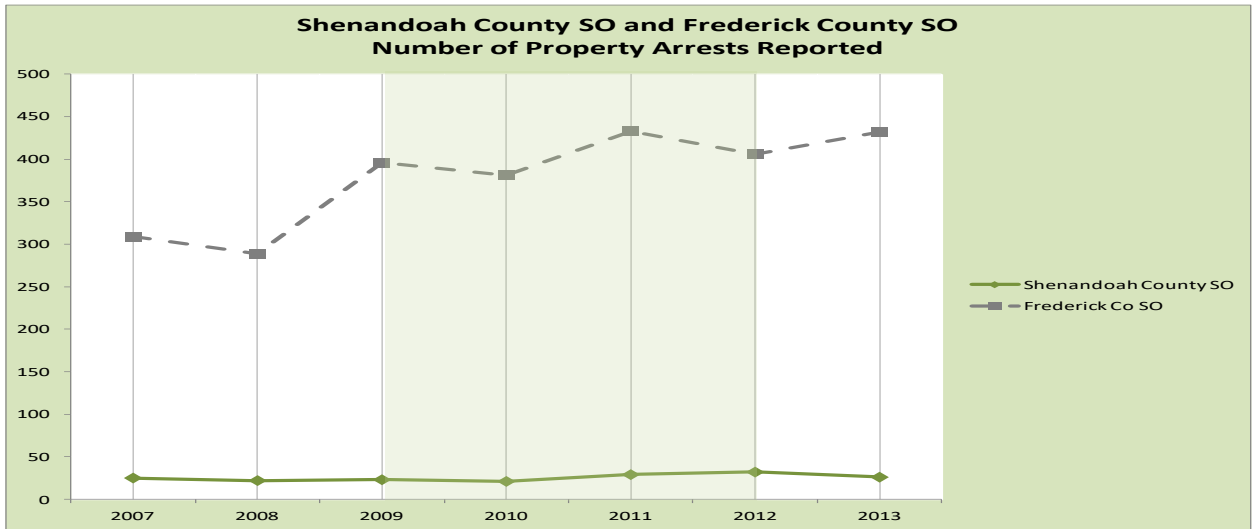


Figure 7E - Total Violent Crimes and Arrests (2007-2019) (DCJS, 2020)

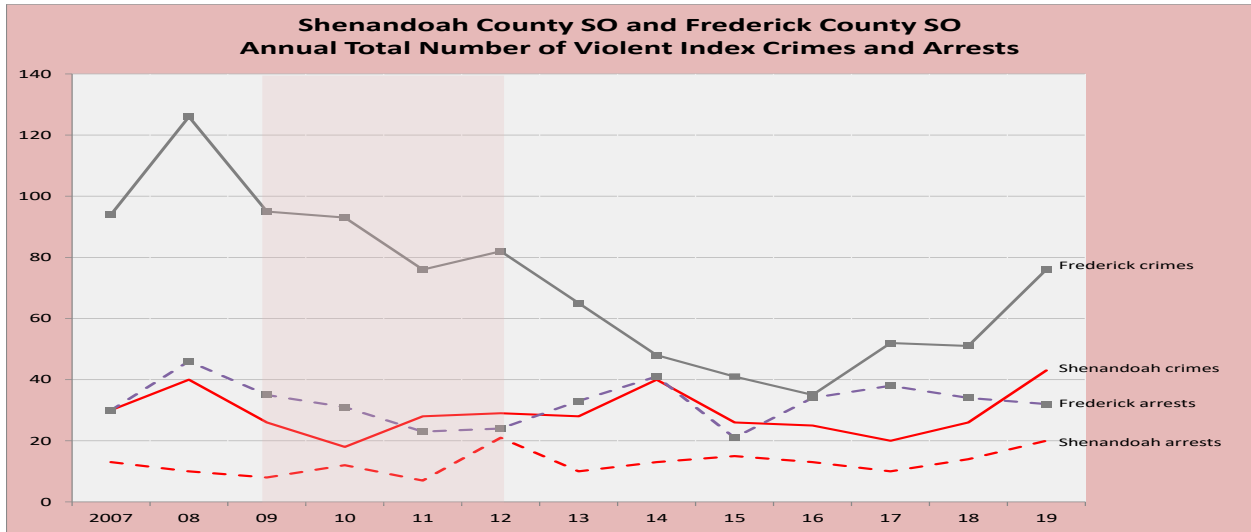
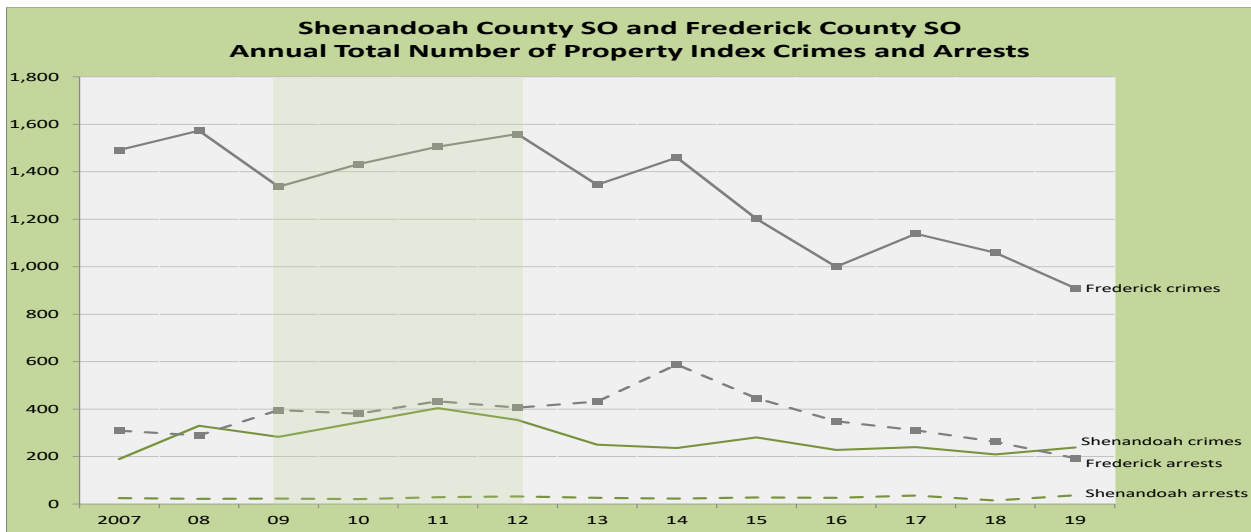


Figure 7F - Total Property Crimes and Arrests (2007-2019) (DCJS, 2020)



Summary

Looking across jurisdictions, this analysis yields mixed findings. The findings do not conclusively demonstrate changes in crime were due to the presence of the 287(g) program. Many other confounding factors may have contributed, including the demographics of the communities, economic conditions, unmeasured differences in police practices, or the continuation of the declining national crime rate. The results show that some of the 287(g)-participating and the non-participating agencies experienced reductions in crime during this time. However, reductions in the participating jurisdictions did not persist throughout the duration of the program. The chief executive officers agreed that the results could not be attributed solely to the 287(g) program, and immigration enforcement had no discernible effect on crime in any of the jurisdictions studied further. In fact, Virginia's violent and property crime rates steadily declined between 1990 and 2020, which includes the time period analyzed. Chapter 5 will discuss lessons learned and recommendations from law enforcement executives who participated in the study and law enforcement professional organizations.

Chapter 5 – Lessons and Recommendations

Chapter 5 addresses key findings about what police executives have learned from their experiences with engaging in immigration enforcement programs (IEPs). It examines the lessons and recommendations from the 18 chief executive officers' interviews from both 287(g)-participating and non-participating agencies. The chapter also includes lessons and recommendations from surveys and roundtable discussions conducted by three professional law enforcement organizations, the International Association of Chiefs of Police (IACP), the Police Executive Research Forum (PERF), the Major Cities Chiefs Association (MCCA), and the National Sheriff's Association (NSA).

Finding 16: Lessons Learned by and Recommendations from Law Enforcement Agencies and Professional Organizations

Lessons Learned by Participating 287(g) Agencies

The law enforcement executive officers interviewed conveyed several lessons that they learned from their participation in immigration enforcement. These included the need to pay attention to continuous community engagement, the importance of education and outreach, the benefit of clear and transparent policies, that enforcement is resource and time intensive, and that police departments need to serve every member of the community, no matter their immigration status (see Table 25).

Table 25- Lessons Learned by Participating 287(g) Agencies

<u>Lessons learned</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Have clear and transparent policies	4	5
Importance of community engagement/continuous outreach/Understand return on investment/ Have sympathetic/empathic officers	3	6
Chiefs have to share concerns with elected officials	3	3

Police departments are here to serve every member of the community regardless of status	3	3
Enforcement is resource and time intensive	2	2
Communication/ educating the public / continuous dialogue	2	2
Get out in front of issue/message appropriately/Control your story	2	2
Importance of officer training	1	1
Chiefs should remain apolitical	1	3
Effective recruitment measures and competitive salaries	1	1
Leadership has to be connected to the community	1	1
Hold employees accountable	1	1
Have authentic relationships with your community	1	1
Don't use small infractions/misdemeanors as a gateway	1	2
Think outside of the box	1	1

Several chief executives emphasized the importance of community engagement, education and continuous outreach. One chief stated,

I think definitely the engagement and the education of the community was vital to us not having some of those consequences we were worried might materialize. So, had that not been done, I would have – I would worry that it would not have played out the way that it did. So, that's very, very important for anyone who is new to it or considering a program (see Appendix F, PW1B).

Another executive noted,

I believe Chief [...] going out into the Hispanic community with community leaders at his side helped quell a lot, not all, of the community members' fears. There were a lot of

people from the Hispanic community that picked up and left. But you ask what worked best I would say it's going out into the community at every opportunity, either the Chief or someone from command staff, depending upon the stage, but as much as possible the Chief, to talk about the policy and how it will be enforced. Persevere despite how deflating it could feel. Once you stop trying, people will notice and that would damage relationships already established in the community (see Appendix F, PW1C).

This chief executive continues by saying,

Keep providing opportunities for engagement, no matter how small the turnout, and say yes to most, obviously not political-focused events, and send staff to engage (see Appendix F, PW1C).

Yet another chief highlighted,

...so, they call it the return on investment. ROI is really high. It's great and the lessons learned is you have to do that quickly. And so, you have to get into those communities and spend the time up front in order to get some results (see Appendix F, NH9, B10).

Another respondent observed,

I think a lot of times, what people fail to realize is that a community relationship within policing is just like any other friendship. If you don't nurture that, if you don't talk with them on a regular basis, and you don't keep that going over an extended period of time, it's just like a friend from high school that you haven't seen in 20 years -- do you really trust them? I know them, but do I really trust them? And the more interaction you have with the community, particularly non-enforcement activities, the more trust there's gonna be. And then, when the problem comes up, if you truly are interested and vested in

handling – working with them to mitigate the problem, that trust builds naturally. So, I'm a big fan of problem-oriented policing. It's hard to hate up close. It's easy to hate if you never see anybody. They just ride by in a patrol car and you black out the windows and you do all that other stuff; it's that person behind the [...], it's easy to hate like that (see Appendix F, CM7).

They also underscored the importance of having culturally competent, sympathetic officers who are well trained.

A key lesson shared among chiefs was that police departments existed to serve every member of the community regardless of their immigration status. One chief accentuated,

I mean, this is an extremely diverse community. And that was one of Chief's [...] biggest concerns and messages at the time was that the police department was here to serve every member of the community, whether they were legally present, citizens, visitors, et cetera. It's our job to provide public safety and prevent crimes for every person, regardless of their status. So, I think that drove a lot of the efforts of this police department in the beginning, because we did not want victims to go underground, or we did not want witnesses to be afraid to provide testimony. It didn't matter what their status was. So, that was the huge driver [...] (see Appendix F, PW1B).

Another chief stated,

Law Enforcement should focus on building trust, fair and impartial policing no matter what the status of the victim or offender (see Appendix F, M2).

Chiefs diverged somewhat on formal policies. At least four police chiefs stressed the importance of having a policy and being transparent with policies. One chief stated that if a

department does not have a policy, then the officers will “make it up as they go.” Furthermore, in this view, it is hard to hold officers accountable if there is no policy or training. Another chief disagreed, stating,

I think those formal policies are - can be inherently trouble. When you take away officers' discretion, based upon a situation, you're going to create problems. In [...], we were taught that every beat officer has discretion [...]. So, we were given the ability to solve problems at our level. We were told to do so. Like, there was this thought that making an arrest was a failure. That means you don't have the skills to solve the problem (see Appendix F, NH9, B10).

The chiefs also emphasized that police departments that engage in immigration enforcement should have the understanding it is resource and time intensive. Immigration enforcement requires hours of training for officers and hours of continuous education with the public.

Recommendations from Participating 287(g) Agencies

Several recommendations were made by the 287(g) participating executives. Some of the recommendations include building trust with the community, being transparent, and knowing a department's operational capacity. Four respondents recommended that police departments not engage in immigration enforcement. They stated that immigration enforcement should occur in jail after an arrest (see Table 26). One chief stated,

We were actually voicing our opinion to that end, a year before the resolution was ever passed. Even as early as the fall of 2006. The chief and others were recommending to the board and if they did anything with 287(g), they do it in the jails, where folks are already being incarcerated for offenses, and they've already been vetted with probable cause hearings before a magistrate [...] (see Appendix F, PW1A).

Another chief emphasized during a 2020 interview:

Immigration enforcement does not and should not be done by local law enforcement. If an enforcement measure is warranted, it should be done at and by the detention/corrections facility. It should also focus on violent crimes or repeat offenders - NOT non-violent, low-level offenses (see Appendix F, M2).

The chief shared a similar message when interviewed in 2015:

[...] we were a partner with the adult detention center who has numerous staff members trained and checks the status of ALL incoming arrestees. This is where the program belongs so we are only looking at and charging those illegal immigrants that are breaking the law. It also removes the negative impact on PD because we are not in the community placing charges. We (PD) need to focus on fair and impartial policing (see Appendix F, M2).

Table 26 – Recommendations from Participating 287(g) Agencies

<u>Recommendations</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Do not recommend police departments engage in immigration enforcement - it should be left to the jails in order to protect police from profiling complaints	4	3
Have to have policy/be transparent	4	5
Build trust by addressing the crimes that are concerning the community first	2	3
Let someone else be the first agency to participate new programs	1	1
Know operational capacity	1	3
Use 287(g) as a “tool” and not a program	1	1
Use a holistic approach	1	1

Understand the depth and breadth of community /problem-oriented policing	1	1
Mobilize all bilingual officers in community conversations	1	1

Other chiefs indicated that if utilized, 287(g) should be viewed as a “tool” and not a program or that it should be a part of a holistic approach to policing. A recommendation for improving community trust is to begin by addressing crimes that are the most concerning to the community. One chief stated,

And it's very important to pick the important problem to work on. And all too often in policing, if we work on the problems that are important to us, and we do it with the numbers and we do it with the crime analysts and all that, and we can tell you where these robberies and break-ins are occurring. [...] I said my aha moment was a number of years ago, in [...], when we had a 9-block area. I was given 16 officers and we were given a 9-block area and we were to curb the crime in that area, because one street was a wide street. It was called 'the hole,' and it was 3 blocks long. It dealt explicitly heroin sales, and it had been that way for 20 years. And all the (inaudible) associated with it. And I mean buckets and buckets of used needles and all of that. 2 blocks over were the crack cocaine sales back in the late 80s and stuff. And we had 11 unsolved homicides, 11 unsolved homicides in a 10-month period on that street, 3 blocks long. So, just like the community had heard 100 times, we're the police and we're here to help you. And we'll be there for a little time and then leave. Well, that wasn't the plan here. So, we knew that, for every killing, we had an x number of robberies, shootings and everything else. It was a really violent place. And so, we go to this community meeting and Reverend [...] was

there and I remember him standing there. We're introducing the 16 officers. And I'm ready for the questions; 'What about the shootings? What about the stabbings? What about the drug dealers?' and all that. Do you know what the first question I got was? Traffic. All these bodies dropping and the question was traffic. We didn't take enough time to put ourselves in the mindset of the community. They knew better than we did what was going on. So, we had focused completely on the wrong thing. That wasn't – and no pun here intended; that wasn't even on our radar. And think about the trust that we automatically got because we hit their number one priority (see Appendix F, CM7).

This chief expresses the importance of listening to the community and understanding what its members believe the problems and their communities are. If one does not listen to the community, then they will never succeed.

Lessons Learned from Non-287(g) Participating Agencies

Chief executives in the non-287(g) participating agencies highlighted several lessons they had learned as a result of other departments' participation in immigration enforcement. Some of the lessons include the importance of training the department's own officers, ensuring expectations of officers are clear, and knowing the local community, to name a few (see Table 27).

Table 27 - Lessons Learned from Non-287(g) Participating Agencies

<u>Lessons Learned</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Training	2	5
Be clear about officer roles and expectation	2	5
Must have policy	2	5
Hold officers accountable	2	5
Know your community - Your best efforts may be creating fear	2	2

Have a host of initiatives that inform the community	2	2
Manage anxieties - Deliver clear, consistent and repetitive message to the community	1	1
Build relationships before a major event occurs	1	4
Police do not have all the answers/no easy solution to overcome the problem	1	1
Be flexible in how you communicate with your community	1	1
Written words can be misinterpreted	1	1

Two executives highlighted the importance of training and engaging with officers to ensure the officers are clear about department expectations and their roles. One executive went on to emphasize having a policy and holding officers accountable:

Leaders need to meet with the troops occasionally, attend roll call at least once a month, share the information/decisions you have made. They may not agree with your decision but at least it helps them to understand why you have made the decision you made. First you have to have a policy. If you do not have a policy, officers will make it up as they go along. Ensure that your policy clearly states what you're going to do, make sure there is training for the officers, and hold staff accountable. Publish policies and ensure there are voices in the community to accurately articulate the message (see Appendix G, NN24, CS25, A26, S27).

One chief stressed that it is imperative to manage community anxieties. This can be done by delivering clear, consistent, and repetitive messages to the community. Although residents often

expect the police department to solve problems, another chief simply stated that the police do not have all the answers.

The biggest lesson learned is that we do not have all of the answers and sometimes there are no easy solutions to overcome some of the problems. We have to realize we may not be the best agency to interact or solve the problem (see Appendix G, H28B).

Other chiefs expressed the importance of knowing their community: A chief may think they know what the concerns are and how to resolve them, but the community's concerns may be different. In one instance, the police department engaged in community walks to get to know the community; however, a group opposed to immigration enforcement believed the department's presence in the community made individuals uncomfortable. The chief stated:

They [opposing group] would go around in the neighborhoods that we were conducting our community walks and pass out literature that explained what their rights were. They did this because they opposed us knocking on doors to engage with the community and felt it made people nervous. Well, I told my staff to put their card on our website, because we want people to know their rights and they were actually helping us (see Appendix G, H21).

Another chief noted,

My applied philosophy: Let them say what's on their mind - just listen so they can become more comfortable. Barring a visceral reaction - understand how your institution has an impact on the community (see Appendix G, CS25).

Police departments often interact with and inform the community through engagement initiatives. As several chiefs pointed out, it is important to have a host of initiatives that inform the community.

[...] going beyond the individual small group that's focused on engagement, I think having a broader agency-wide initiative, that is about human interaction, it's about having planned events, it's about data transparency, it's about policy transparency, I don't think there's a one thing that is engagement. I think there's a host of things that contribute to engagement, and all the things I mentioned are part of it. None of us are going to have the size staff we want to have for a dedicated engagement group, so how we expand that across the department is key. And then having the open exchange of information, whether it's new conversations, or portals, or data, or policy, I mean, all that directly speaks to building the trust with the community, and it also informs the community and gives them open access to what's going on; what we're doing and what's going on in their community; which makes them another set of eyes to spot things that are out of the ordinary, might be part of a criminal pattern and let law enforcement know (see Appendix G, A20A).

A second chief stated,

[...] we have expanded how we engage the community. We now visit the barbershops and hair salons, work more closely with African American ministers and do a better job of meeting the community where they are more comfortable and not what's convenient for us (see Appendix G, H28B).

In a similar vein, the chief continued:

One of the biggest lessons learned is that you have to stay on top of how your city may change and be flexible in how you communicate. While older citizens are comfortable with in-person meetings, some of our younger citizens prefer communication through social media. We have to be good at both (see Appendix G, H28B).

One of the most important lessons is that chiefs and police departments have to build relationships prior to a major event occurring. Major events are easier to handle when one has established partnerships that they can rely on for support. It is also easier for the community to give officers the benefit of the doubt when the police department has built trust and legitimacy.

Recommendations from Non-287(g) Participating Agencies

The executives in non-287(g) participating agencies highlighted several recommendations (see Table 28). The recommendation with the greatest number of responses involves the importance of having a holistic approach to Community/Problem-Oriented Policing. The chiefs expressed that it has to be a department philosophy with the entire department having responsibility to build relationships and solve problems, no matter their assignment. One chief stated,

I studied under the fathers of community policing. I would never advocate for a unit or a group of officers designated to Problem-Oriented Policing (POP). POP is a philosophy on how you do business. You cannot have a group of officers for a POP and the rest of the department conducting traditional policing. This is window dressing. Everyone must buy in to the philosophy. Everyone must be engaged, and performance evaluations must reflect that in order to manage the principles of community policing/POP (see Appendix G, NN24, CS25, A26).

Table 28 – Recommendations from Non-287(g) Participating Agencies

<u>Recommendations</u>	<u># of Executive Responses</u>	<u># of Agencies</u>
Engage in Community/Problem-Oriented Policing is a philosophy (entire department responsibility)	4	5
Focus on youth engagement	3	3
Listen to the community/Be engaged and responsive to complaints	3	7
Have open and honest communication	2	5
Get rid of officers with certain mentalities - zero-tolerance policing / warrior mentality	2	2
Document when officers report serious violent offenders to ICE	1	1
Meet community where they are	1	1
Commit to long-term work in the community	1	1
Recognize community perception of police and impact on staff	1	1
Have officers visit low-income communities while in the academy/understand their concerns are similar to others	1	4
Hold criminals accountable for criminal behavior no matter immigration status	1	4
Be intentional in recruitment efforts – mirror the community	1	1

Another chief noted,

[...] because it started out, they said community policing and they created a unit.

Basically, the unit, they had 5 or 6 people and that was your community unit. Which is wrong; and that's not the way to do it, because community policing has to be a way, a culture embedded within the department, as a whole (see Appendix G, P23).

Yet another chief emphasized,

[...] I think the whole thing is a never-ending problem. It has to be part of your culture. You can't turn it on and off. And the day you turn it off - the big lesson is that it needs to be continuous. In order for its effectiveness, it has to be continued. It can't be limited. It has to be - you have to have the stakeholders involved daily. And soon as you solve it, it stops. And then you create more problems, because you have crime - crime and punishment balloons and everybody's impacted (see Appendix G, A20B).

Similarly, a recommendation from several chiefs indicated the importance of listening to the community, be engaged and responsive to complaints. An executive provided the following advice:

God gave us two ears and one mouth to use in that proportion. Any time anyone rallies against the police, the police either circle the wagons or jump into the foxhole. To avoid decisiveness, a Chief needs to listen, value humility, and look introspectively [...]. Sometimes it's just an institutional flaw that needs to be addressed (see Appendix G, NN24, CS25, A26, S27).

Also, it is important to have open and honest communication and meet the community where they are. One chief stated,

All communities expect trust building. My advice is to be open and honest as you can be (see Appendix G, NN24).

Another chief stated,

[...] whether that's walking in a neighborhood, hosting a softball game, or a basketball game, a way to draw people out and just have fun - interact with people who are having interest in interacting with us, participate in those other things is key. Because I think

that's the hardest part of community policing, is to get to folks where they are. I think we've done a really good job through the years. We've clearly been committed to community policing as our philosophy; but I think pushing it to the next level, where we're really intentional about getting to people where they are, is the next level of what we're really trying to focus on in the next years (see Appendix G, A20A).

This brings us to the importance of youth engagement. Engaging with youth is imperative, as youth with idle hands and minds can lead to mischievous behavior. Community policing and engagement is a long-term commitment with the community. One chief stated,

So, I think it's just committing to the long-term work of bringing clarity about roles so people have an understanding of what their local police department does and what it does not do. I mean, that's just work. It has to keep happening. No question in my mind (see Appendix G, A20A).

A recommendation is that the police have to recognize the community's perception of the police and impact of those perceptions on police personnel. One chief highlighted,

I attended community meetings two nights a week and there was nothing but anger. After a couple of weeks, I noticed the command staff was beaten down. Recognizing this, I instructed them not to attend any more meetings until I could stabilize the community. I went to the meetings alone. The faith community rallied the loudest behind what I was trying to do. Once they were able to get past the anger, they started to build bridges (see Appendix G, S27).

Another recommendation is to hold criminals accountable for criminal behavior no matter what their status is. This could be accomplished through warnings, alternatives to

incarcerations/second chances, or arrest. Either way, the community needs to be held accountable for their actions as well.

Two chiefs indicated that department heads need to internally get rid of certain mentalities, such as zero-tolerance policing and having a “warrior mentality.” As discussed in Chapter 1, the history of using police as agents of social control still impacts policing today. No matter the issue, officials turn to the police to solve the problem – mental health, substance abuse, homelessness, etc. One chief stated,

I think one of the key things is to get rid of certain mentalities throughout the police department, you know, like the zero-tolerance mentality. Get rid of the ‘warrior’ mentality, you know, like we’re here to attack. And then get to know the community and let them get to know you, because as you get to know people, especially people of different cultures, you’ll find that you have more in common than you have not. And, seek to hire even from that community or that culture, in order to be able to address those issues from a more upstanding standpoint, because officers, as well as community, tend to hear those that which they don’t understand. And you’ve got to live this. It can’t just be a philosophy. It has to be the way you live. It has to be the way you police (see Appendix G, R22A, P23).

As previously indicated, police departments need to be intentional in their recruitment efforts.

Quoting one chief,

You do need to recruit to try to mirror the community in which you serve and must be intentional about it. It helps to build those partnerships, trust and helps mitigate the language barrier (see Appendix G, H21).

The lessons and recommendations provided by the chiefs in this section focused on the philosophy of community policing, internal structure, training, policy, and culture of the department as well as best practices for building trust through community engagement and communication. Other important recommendations included ensuring all individuals are treated in a procedurally just manner and that criminals are held accountable, no matter their immigration status.

Lessons Learned and Recommendations from Professional Law Enforcement Organizations

The debate on local law enforcements' participation in immigration enforcement has lasted well over a decade. The International Association of Chiefs of Police (IACP) and the Police Executive Research Forum (PERF) have gathered the opinion of law enforcement executives and published numerous articles from 2004 to 2019. Throughout the years, law enforcement professionals have continued to express concern with local law enforcement's participation in immigration enforcement. The Major Cities Chiefs Association (MCCA)⁴⁹ and the National Sheriff's Association (NSA)⁵⁰ released position papers on the topic, directed towards elected officials. These resources will contribute to the development of the first study to develop a constructive guide on lessons and recommendations from the perspective of law enforcement executives. As previously indicated, a study of the perspective of local law enforcement professionals has not received focused attention from policymakers.

The debate on local law enforcement's involvement with immigration enforcement spun up in 2003 with the introduction of the CLEAR Act. In 2003, Representative Charlie Norwood (R-Georgia), along with 125 co-sponsors, supported the CLEAR Act (H.R. 2671). The bill

⁴⁹ <https://images.procon.org/wp-content/uploads/sites/40/recommendationsforenforcementofimmigrationlawsbylocalpoliceagencies.pdf>

⁵⁰ https://www.fairus.org/sites/default/files/2017-08/NSA_CIR_6-2013.pdf

named the Clear Law Enforcement for Criminal Alien Removal Act of 2003, or the CLEAR Act of 2003, stated that: (1) State and local law enforcement personnel are fully authorized to investigate, apprehend, or remove aliens in the United States (including interstate transportation of such aliens to detention centers) in the enforcement of U.S. immigration laws; and (2) a State that does not have a statute permitting enforcement of Federal immigration laws within two years of enactment of this Act shall not receive certain Federal incarceration assistance.⁵¹ The CLEAR Act had significant implications for local law enforcement. First of all, it was an unfunded federal mandate that required a significant number of resources to fulfill the requirements of the program. Additionally, if a law enforcement agency did not comply within two years, it would risk losing federal funding for incarceration. The CLEAR Act gained wide opposition from local law enforcement professionals, including the IACP and PERF.

As a result of the introduction of the CLEAR Act in Congress, IACP opposed the CLEAR Act (HR 2671) and urged Congress to proceed with caution when considering measures that would compel state, tribal, and local law enforcement agencies to enforce federal immigration laws. IACP (2004) said it took action after careful review of the impact that enforcing immigration law could have on state, tribal, and local law enforcement agencies and the communities they serve. The IACP President stated,

IACP opposes any plan that would coerce local and state law enforcement agencies to enforce Federal immigration laws without their approval. Many leaders in the law enforcement community have serious concerns about the chilling effect any measure of this nature would have on legal and illegal aliens reporting criminal activity or assisting police in criminal investigations. This lack of cooperation could diminish the ability of

⁵¹ <https://www.congress.gov/bill/108th-congress/house-bill/2671>

law enforcement agencies to police effectively their communities and protect the public they serve (Voegtlin; IACP, 2004).⁵²

Initially, due to significant differences of opinion among police chiefs and sheriffs, IACP remained silent on the issue of immigration enforcement. According to IACP, there was no consensus among members, so the organization never adopted a policy position or resolution (Polisar; IACP, 2004).⁵³

In IACP (2004), Polisar points out some of the concerns of chiefs and sheriffs who opposed immigration enforcement. They expressed that law enforcement should not be involved in immigration enforcement for the following reasons:

Law enforcement fear the lack of cooperation from community members
Immigration enforcement will diminish law enforcement's ability to effectively police their communities and protect the public.

Although the reasons cited below could be considered political rhetoric, Polisar (IACP, 2004) provides reasons that Chiefs and Sheriffs support the participation of local law enforcement agencies in immigration enforcement, including:

Individuals who violated the law when they entered the country should be treated as criminals
Law enforcement have a duty to assist and apprehend illegal immigrants

However, once the CLEAR ACT of 2003 was introduced in Congress, IACP felt obligated to speak up. IACP expressed several concerns with local law enforcement's participation in immigration enforcement, including concerns centered around training, liability issues, cost of

⁵² <https://www.policchiefmagazine.org/legislative-alert-iACP-announces-immigration/>

⁵³ <https://www.policchiefmagazine.org/state-and-local-law-enforcements-role/>

incarceration, and other implications on law enforcement such as the “chilling effect” it would have on documented and undocumented immigrants; law enforcement’s diminished ability to effectively police their communities; and law enforcement’s limited ability to protect the public (Polisar, IACP, 2004).⁵⁴

Over the years, IACP developed several articles and publications focusing on police and immigrant community relations. In 2004, IACP conducted a survey and held a roundtable discussion with local police executives that focused on a discussion on whether immigration enforcement should be the responsibility of local law enforcement (Ferrell; IACP, 2004).⁵⁵

IACP (2004) explores the immigration enforcement issue from law enforcement executives who are in favor of immigration enforcement and those that are against (Ferrell; IACP, 2004).

Another IACP (2004) article discusses immigration policy and the chilling effect of immigration enforcement on immigrants (Voegtlin; IACP (2004)).⁵⁶ IACP states that immigration enforcement is inherently a local decision, and that participation must be based on voluntary cooperation by each agency.

Police chiefs know what is best for their communities and should be the ones to decide whether or not their agencies will be involved in enforcing immigration laws (Voegtlin; IACP, 2004).⁵⁷

Ferrell (IACP, 2004)⁵⁸ indicates that IACP engaged law enforcement officials on their role in immigration enforcement. IACP (2004) conducted a survey and held a roundtable discussion.

IACP explored the immigration enforcement issue with law enforcement executives who were in

⁵⁴ <https://www.policechiefmagazine.org/state-and-local-law-enforcements-role/>

⁵⁵ <https://www.policechiefmagazine.org/immigration-enforcement-is-it-a-local-issue/>

⁵⁶ <https://www.policechiefmagazine.org/legislative-alert-iacp-announces-immigration/>

⁵⁷ <https://www.policechiefmagazine.org/legislative-alert-iacp-announces-immigration/>

⁵⁸ <https://www.policechiefmagazine.org/immigration-enforcement-is-it-a-local-issue/>

favor of immigration enforcement and those that were against. Several arguments supported local law enforcement participation in immigration enforcement (see Table 29).

Table 29 – LAW ENFORCEMENT ARGUMENTS FOR IMMIGRATION ENFORCEMENT PARTICIPATION

1. Law enforcement executives recognize the limits of the federal government’s ability to address the immigration enforcement issue; therefore, local police should enforce immigration laws.
2. Law enforcement officials recognize that the federal government struggled to secure the borders, deter illegal immigration or track down those who have overstayed temporary visas.
3. Government officials recognize that there are approximately 740 million undocumented immigrants in the country and there are only a few thousand immigration officers assigned to enforce immigration. Therefore, some law enforcement officials see it as only logical that hundreds of thousands of local law enforcement officers be recruited to address this on-going problem.
4. Individuals who have entered the country illegally are considered to have committed a felony. For those who were admitted legally and have overstayed their visa, they are guilty of a civil violation and are outside the purview of local law enforcement. Law enforcement has no authority to detain or arrest these individuals.

On the other hand, some law enforcement executives believe that local police should not enforce immigration laws. They argue that there are a number of compelling reasons to resist the temptation to make state and local police agencies the frontline enforcers of federal immigration laws (see Table 30; Ferrell; IACP, 2004).⁵⁹

Table 30 – LAW ENFORCEMENT ARGUMENTS FOR NOT PARTICIPATING IN IMMIGRATION ENFORCEMENT

1. The primary responsibility of law enforcement is to fight crime at the local level and build trusting relationships with their communities.
2. Immigrants, both documented and undocumented, have become a large part of our communities.
3. State and local police should enforce criminal law because it is what police do best and what local communities expect of police officers first and foremost.
4. Taxpayers in their respective communities expect the local police department to use the community’s resources to address burglaries, robberies, assaults, rapes, murders, and traffic

⁵⁹ <https://www.policechiefmagazine.org/immigration-enforcement-is-it-a-local-issue/>

violations occurring in their communities rather than spend those resources addressing the massive national problem of illegal immigration.
5. Local citizens are more concerned about his/her immediate safety and quality of life rather than officers enforcing immigration laws.
6. Law Enforcement executives fear that immigration enforcement by state and local police could lead the government to burden state and local agencies with enforcement of federal civil violations.
7. Mixing criminal and civil law is a major issue for law enforcement executives.
8. Law enforcement officials are also concerned that local patrol officers are not in the best position to make complex legal determinations.

In some high profile examples, enforcing immigration law has become disastrous and expensive, as depicted in a 1994 case in Katy, Texas, where 80 persons were detained. As a result of this initiative the department faced numerous lawsuits. Law enforcement officials quickly realized it was best to leave enforcement to federal agencies (Ferrell; IACP, 2004).⁶⁰

IACP (2004) highlights concerns about state and local law enforcement agencies enforcing federal immigration laws. IACP insists that immigration enforcement is inherently a local decision, and that participation must be based on voluntary cooperation by each agency. Passing the CLEAR Act of 2003 would mandate participation at the risk of losing federal funding. The CLEAR Act would penalize states by withholding federal asset funds if they fail to authorize immigration enforcement (IACP, 2004).⁶¹ One concern IACP indicated was the “chilling effect” that may occur as a result of immigration enforcement. There is a concern that immigrants will not come forward to report heinous crimes, leading to continued victimization and predatory environments (IACP, 2004).^{62 63}

⁶⁰ <https://www.policechiefmagazine.org/immigration-enforcement-is-it-a-local-issue/>

⁶¹ <https://www.policechiefmagazine.org/enforcing-immigration-law-the-role/>

⁶² <https://www.policechiefmagazine.org/enforcing-immigration-law-the-role/>

⁶³ <http://www.markwynn.com/trafficking/enforcing-immigration-law-the-role-of-state-tribal-and-local-le-2004.pdf>

IACP (2004) says for agencies wishing to participate in immigration enforcement, the federal government should outline the role of agencies in this effort and enumerate legal authority in these matters. This is imperative because there are liability concerns due to several legal cases against law enforcement agencies as a result of detaining and arresting individuals suspected of being undocumented (IACP, 2004).⁶⁴

IACP (2004) states that any legislative proposal should provide incentives for agencies wishing to participate, such as federal funding for training officers and the detention of undocumented immigrants. The federal government also needs to provide personal liability immunity for departments and officers. The feds should not withhold federal grant funding for those agencies who choose not to participate (IACP, 2004).

IACP (2004) stresses that immigration enforcement could have a chilling effect on immigrant communities and could limit cooperation with police by members of those communities. Local police agencies depend on the cooperation of documented and undocumented immigrants to solve all sorts of crimes and help maintain public order. Without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families (IACP, 2004).

Immigration enforcement has a potential to drive a wedge between the community and the police. This issue is felt most immediately in situations of domestic violence (DV). Houston Police Department's attempt to address difficult issues related to DV and the reluctance of some victims to contact the police is one example. DV issues are heightened when the victim is

⁶⁴ <https://www.policechiefmagazine.org/enforcing-immigration-lawthe-role/>

immigrant and rightly or wrongly perceives her tormentor wields the power to control her ability to stay in the country. If there is a perception that individuals will be turned over to ICE, word will spread quickly that contacting the police will lead to deportation or being separated from their family (IACP, 2004). The IACP (2004) article indicated that if local police begin enforcing immigration laws, more women and children struggling with DV will avoid police intervention and help (IACP, 2004).^{65 66}

In 2006, the Major Cities Chiefs Association (MCCA) prepared a position statement that discussed concerns about local law enforcement’s involvement in immigration enforcement. MCCA (2006) indicated that the purpose of the position paper was to evaluate and address the impact and potential consequences of local enforcement of federal immigration laws and highlight steps that, if taken, might allow local agencies to become involved in immigration enforcement. It further stated that the organization hoped the statement would help draw attention to the concerns of local law enforcement and provide a basis to discuss and shape future national policy on the issue (MCCA, 2006).⁶⁷

MCCA identified concerns and offered a set of recommendations for law enforcement. Similar to IACP, MCCA identified several concerns with immigration enforcement by local law enforcement (see Table 31).

TABLE 31- MCCA CONCERNS WITH IMMIGRATION ENFORCEMENT

1. Undermines Trust and Cooperation of Immigrant Communities
2. Lack of Resources
3. Complexity of Federal Immigration Law
4. Lack of Local Authority and State Law Limitations of Authority
5. Risk of Civil Liability

⁶⁵ <https://www.policechiefmagazine.org/enforcing-immigration-lawthe-role/>

⁶⁶ <http://www.markwynn.com/trafficking/enforcing-immigration-law-the-role-of-state-tribal-and-local-le-2004.pdf>

⁶⁷ <https://images.procon.org/wp-content/uploads/sites/40/recommendationsforenforcementofimmigrationlawsbylocalpoliceagencies.pdf>

Based upon the review, evaluation and deliberation regarding the important and complex issue of local law enforcement’s participation in federal immigration laws, MCCA (2006) set forth a consensus position statement, which is comprised of nine components directed towards the federal government (see Table 32).

TABLE 32 - MCCA 9 COMPONENTS

1. Secure the borders
2. Enforce laws prohibiting the hiring of illegal immigrants
3. Consult and involve local police agencies in decision making
4. Participation is completely voluntary
5. Incentive-based approach with full federal funding
6. No reduction or shifting of current assistance funding
7. Clarification of authority and limitation of liability
8. Removal of federal immigration detainers from N.C.I.C system
9. Commitment of continued enforcement against criminal violators regardless of immigration status

The members of MCCA are comprised of 57 Chief Executive Officers of police departments located within a metropolitan area with more than 1.5 million population that employ more than 1,000 law enforcement officers (MCCA, 2006).⁶⁸

The Police Executive Research Forum (PERF), one of the nation’s leading law enforcement professional organizations, published several articles that focused on the topic of immigration enforcement by state and local law enforcement personnel. The PERF (2008)⁶⁹ publication focuses on survey results from local chiefs and sheriffs, recommendations, and the “chilling effect” of immigration enforcement. The PERF (2010)⁷⁰ publication covers the impact of immigration enforcement, best practices, lessons learned, guiding principles, challenges, and

⁶⁸ <https://images.procon.org/wp-content/uploads/sites/40/recommendationsforenforcementofimmigrationlawsbylocalpoliceagencies.pdf>

⁶⁹ https://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/police%20chiefs%20and%20sheriffs%20speak%20out%20on%20local%20immigration%20enforcement%202008.pdf

⁷⁰ https://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/police%20and%20immigration%20-%20how%20chiefs%20are%20leading%20their%20communities%20through%20the%20challenges%202010.pdf

recommendations. The PERF (2012)⁷¹ publication discusses challenges of immigration enforcement and recommendations. The PERF (2014)⁷² publication focuses on the round-table discussion held with police chiefs and sheriffs, and discusses their experiences with immigration enforcement, including impact, lessons learned, promising practices, mitigation strategies, and legal challenges. Other PERF articles highlight several U. S. law enforcement agencies, including Virginia departments, and their experiences with immigrant communities.^{73 74}

On November 2, 2007, approximately 69 police chiefs, sheriffs, mayors and county managers participated in the PERF's Critical Issues in Policing Series. During the forum, police chiefs indicated fear that immigration enforcement would impact their community policing efforts. The chiefs indicated that immigration enforcement would threaten the advancements police chiefs have made in community policing for the past several decades (PERF, Forward, 2008). The article indicates that in the first six months of 2007, ICE removed 276,912 undocumented immigrants from the United States and 41 states enacted immigration laws for and against immigration enforcement (PERF, p.4-5, 2008).⁷⁵

During this time, Prince William County, Virginia, and Sacramento, California, made national headlines as a result of the immigration enforcement laws they enacted. Elected officials passed ordinances that required law enforcement to stop individuals in order to check their immigration status, whether they had committed a crime or not. As a result of the enactment of these laws, the areas were viewed as racist communities, and the new laws polarized their

⁷¹https://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/voices%20from%20across%20the%20country%20-%20local%20law%20enforcement%20officials%20discuss%20the%20challenges%20of%20immigration%20enforcement%202012.pdf

⁷²https://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/local%20police%20perspectives%20on%20state%20immigration%20policies.pdf

⁷³<https://www.policeforum.org/assets/PoliceCommunityTrustRichmond.pdf>

⁷⁴<https://www.policeforum.org/assets/PoliceImmigrantCommunities.pdf>

⁷⁵https://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/police%20chiefs%20and%20sheriffs%20speak%20out%20on%20local%20immigration%20enforcement%202008.pdf

communities. The Prince William County Board of Supervisors held a meeting on the topic that lasted for 15 hours. Prince William County Police Chief Charlie Deane and Sacramento Chief Albert Najera were among other chiefs who opposed the new laws and expressed concerns to their elected officials (PERF, p.5, 2008). The majority of survey respondents believed that greater immigration enforcement at the local level would cause reported crime to decrease. However, many chiefs expressed concern of under-reporting (PERF, p.15, 2008). Chief Steven Carl of Framingham, Massachusetts, started looking at the problem of underreporting when he had three documented homicides within the undocumented Brazilian community, in which he believed could have been prevented because they were domestic related. He then asked: If 25% of the population is not reporting crime, are they really driving down crime or are they just fooling themselves? The PERF survey indicates that the respondents estimate that enhanced immigration enforcement at the local level would have an overall 57% decrease in crime reporting in their jurisdiction (PERF, p.15, 2008).

Although 9% of the respondents did not foresee any concerns with local law enforcement’s participation in immigration enforcement, other respondents expressed several concerns. Table 33 shows the top concerns expressed by the respondents in the PERF (2008) survey.

TABLE 33 – PERF 2008 SURVEY RESULTS

Insufficient personnel for enforcement (65%)
Undermines trust between the department and the immigrant community (61%)
Insufficient funding/resources (60%)
Insufficient jail space (51%)
Distracts from department’s core mission (49%)
Inability of ICE to assist (38%)
Civil liability issues (29%)
Law is too complex (27%)
No concerns (9%)

The survey results show that 91% of the respondents had concerns about local law enforcement's participation in immigration enforcement, with 61% agreeing that immigration enforcement will undermine trust with the community. Nearly half of the respondents (49%) believe that immigration enforcement will distract from the department's core mission (PERF, p.16, 2008)⁷⁶

In 2013, the National Sheriff's Association (NSA) published a Position Paper on Comprehensive Immigration Reform. The position paper, which articulated NSA's support of immigration reform, focuses on three main areas:

1. Border Security
2. Workplace Verification
3. Pathway to Legal Employment/Legal Status

Border Security mainly focuses on ensuring adequate funding is provided to proper enforcement and the completion of the 700-mile fencing along the border with Mexico and the southwest border. Workforce Verification outlines requested requirements to E-Verify for the identification and documents of employees, to shore the Social Security card process, as well as to investigate and aggressively prosecute violators. Finally, a Pathway to Legal Employment/Legal Status requires the Federal government identify the 12 to 20 million undocumented immigrants who reside in the U.S. NSA states that it is imperative that law enforcement and other officials know who is in the country. Furthermore, NSA opposes amnesty for undocumented individuals who are currently in the U. S. illegally (NSA, 2013).⁷⁷

It is apparent that sheriffs have different opinions than most of the law enforcement executives in the research and in law enforcement professional publications. This difference may

⁷⁶https://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/police%20chiefs%20and%20sheriffs%20speak%20out%20on%20local%20immigration%20enforcement%202008.pdf

⁷⁷ https://www.fairus.org/sites/default/files/2017-08/NSA_CIR_6-2013.pdf

be attributed to the different responsibilities between police departments and sheriffs' offices. Although some sheriffs have primary law enforcement responsibilities, a large portion of sheriff offices are mainly responsible for jail/detention centers and court security. In contrast, police departments have the primary responsibility for crime reduction and building trusting relationships with their communities.

In 2013, in recognition of law enforcement's concerns, the Division of State Association of Chiefs of Police (IACP, 2013)⁷⁸ authored a resolution aimed at federal elected officials requesting that they recognize and address the needs and concerns of the law enforcement community as they deliberate on changes to the immigration policies of the United States. Some of the concerns expressed by state police appear in Table 34.

Table 34 –NEEDS AND CONCERNS EXPRESSED BY STATE LAW ENFORCEMENT OFFICIALS

This national issue is really a very local one, and local police leaders face a growing set of immigration-related duties in the face of scarce and narrowing resources.
Immigration and border security issues directly impact the safety of communities and the security of the nation.
It is imperative that the views and concerns of the law enforcement community be addressed as part of any reform efforts (For example, issues related to undocumented immigrants are of particular importance because these undocumented immigrants can create a significant volume of calls for service or police action, and there is no way for the police to estimate or budget resources for this unquantifiable service demand).
When an undocumented immigrant is the victim of a crime, local police must deal with several issues: the immigration status of the victim, the victimization of the individual, and the crime itself.
Immigration enforcement by state and local police could have a chilling effect in immigrant communities and could limit cooperation with police by members of those communities.
Law enforcement agencies depend on the cooperation of immigrants, documented and undocumented, in solving all sorts of crimes.
Enforcement of immigration by state and local police could cause distrust and drive a wedge between the community and their law enforcement agency.

⁷⁸ <https://www.theiacp.org/resources/resolution/recognition-of-law-enforcement-concerns-in-immigration-reform-discussion>

The purpose of the resolution was to ensure that federal officials were aware of the possible impacts of immigration enforcement and to take law enforcement's concerns into consideration when developing future policy (Division of State Association of Chiefs of Police, IACP, 2013).⁷⁹

In 2013, IACP also met with Vice President Biden to express law enforcement's concerns in relation to local law enforcement's participation in immigration enforcement. These concerns included:

Limited cooperation and trust by immigrant communities affecting elements of community policing, if mandated.
The ability to provide proper resources, manpower and training.
There is no clear statement of authority for local and state law enforcement to participate in immigration enforcement (IACP, 2013). ⁸⁰

Another IACP (2013) article turns its attention to the 287(g) Secure Communities (SC) program. As noted earlier, in 2003, the federal government created the Secure Communities program in an effort to identify individuals currently in the criminal justice system who are eligible for removal as undocumented immigrants. The SC program focused on individuals who posed the most severe threat to the country. The process of the SC program included focusing on individuals that had already been arrested by local law enforcement. Once individuals were placed under arrest and fingerprinted during the booking process, their fingerprints are entered into the FBI/ICE database; and then ICE would decide to move forward with the removal process or not. (Mayer; IACP, 2013).⁸¹ Participation in the SC program became mandatory for all law enforcement agencies after the 287(g) TFM was discontinued in 2012.

⁷⁹ <https://www.theiacp.org/resources/resolution/recognition-of-law-enforcement-concerns-in-immigration-reform-discussion>

⁸⁰ <https://www.policechiefmagazine.org/iacp-meets-with-vice-president-biden/>

⁸¹ <https://www.policechiefmagazine.org/secure-communities-program-mandatory-or-optional/>

The Secure Communities program stipulated three categories of offenders on which the decision for removal would be based. The SC program removal process was intended to target Level 1 offenders who posed the most serious threat. However, a report from the Office of Inspector General indicated that Level 2 and Level 3 offenders were being targeted as well, which means departments were detaining individuals who were involved in minor crimes and/or traffic offenses.⁸² The three categories in the Secure Communities program are:

Level 1 – Terrorist/National Security Violation, Homicide, Rape etc.
Level 2 – Property Crimes
Level 3 – All other misdemeanor crimes

Immigration and Customs Enforcement (ICE) representatives believe that in order for the program to be successful, it is essential to interact with local law enforcement. Once ICE issues a detainer for an individual, it was ICE’s belief that participation by local law enforcement is not optional. However, court decisions have determined that ICE detainers are an administrative request and that holding individuals longer than their intended court ordered time of incarceration is a violation of their civil rights (Mayer; IACP, 2013)⁸³

A U.S. district court in Oregon ruled in *Maria Miranda-Olivares v. Clackamas County*⁸⁴ that detaining Ms. Miranda-Olivares without probable cause violated her constitutional rights and that the jurisdiction could be exposed to litigation for damages. It has been discovered that ICE detainers are not mandatory, but merely an administrative request for the jail to detain an individual. This was confirmed in a ruling by the Third Circuit Court of Appeals in the Eastern District of Pennsylvania in the case of *Galarza v. Szalczyk*.⁸⁵ As a result, states challenged

⁸² Department of Homeland Security, Office of Inspector General (2010). *The Performance of 287(g) Agreements*. Washington, DC: Department of Homeland Security Office of Inspector General.

⁸³ <https://www.policechiefmagazine.org/secure-communities-program-mandatory-or-optional/>

⁸⁴ http://media.oregonlive.com/clackamascounty_impact/other/Miranda%20Olivares%20MSJ%20decision.140411.pdf

⁸⁵ <http://www2.ca3.uscourts.gov/opinarch/123991p.pdf>

whether the federal government had ultimate authority to mandate local participation. No legal guidance has been provided to local and state law enforcement agencies (Mayer; IACP, 2013).⁸⁶

In December 2012, PERF hosted a Police Chiefs roundtable in partnership with the Ford Foundation. Chiefs from Alabama, Arizona, California, Georgia, South Carolina, Texas and Virginia were in attendance. The chiefs discussed commonalities and differences in immigration policies, along with the challenges state immigration laws posed on local law enforcement agencies. Police chiefs once again expressed their concerns over immigration enforcement and the impact it would have on their community policing efforts (PERF, p.2, 2014).⁸⁷ Police chiefs oppose any new laws that would adversely impact law enforcement and the community relationships, due to the possibility of pervasive fear and mistrust (PERF, pp.4-5, 2014). During the forum, the police chiefs discussed pressing challenges: How could they balance immigration enforcement with community policing efforts?

During the roundtable discussion, several police chiefs also expressed concerns that engaging in immigration enforcement would affect the relationships that they have worked so hard to build over the last few decades. Houston Police's Assistant Chief Daniel Perales indicated that his department is committed to the principle that effective law enforcement depends upon good relationships between the department and the community it serves; that officers must rely upon the cooperation of all persons – including documented and undocumented immigrants – to maintain order; and it is essential to repair deteriorating relationships (PERF, p.14, 2014). Some chiefs indicated that officers cannot maintain focus on

⁸⁶ <https://www.policechiefmagazine.org/secure-communities-program-mandatory-or-optional/>

⁸⁷ https://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/local%20police%20perspectives%20on%20state%20immigration%20policies.pdf

violent crimes and regular duties if they are engaged in immigration enforcement (PERF, p.16, 2014). They emphasize that local law enforcement should instead focus on people committing crimes (PERF, p.17, 2014). Several police chiefs, including Arizona's chief, believes that immigration enforcement is the responsibility of the federal government and not local law enforcement (PERF, 2014).⁸⁸

Due to Arizona legislators introducing Senate Bill 1070 (2010), which mandated that local law enforcement officers enforce immigration laws, the Arizona Association of Chiefs of Police (AACOP) along with many police executives, expressed opposition to Arizona SB1070. As a result of not being heard at the state level, AACOP decided to address its concerns at the federal level. AACOP cited that SB1070 resulted in negative reactions from the public and that it had an economic impact for the city – sports leagues and others boycotted the city. There were concerns about constitutionality and law enforcement's ability to enforce the law, which could lead to civil rights violations and racial profiling (PERF, p.13, 2014). U.S. Homeland Security Secretary Janet Napolitano also expressed concerns over Arizona SB1070. Her concerns were that the bill would divert law enforcement's resources from fighting violent crime (PERF, pp. 5, 11, 2014).

In 2010, ten police chiefs met with Attorney General Eric Holder to express concerns about SB1070.⁸⁹ The Attorney General and police chiefs held a press conference in opposition to the bill, and the DOJ filed an injunction against it. This injunction led to a repeal of most parts of SB1070; however, some portions were still enacted. As a result of some segments of SB1070 being enacted, a few other states, such as Alabama, Georgia and South Carolina, passed similar

⁸⁸ https://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/local%20police%20perspectives%20on%20state%20immigration%20policies.pdf

⁸⁹ <https://abcnews.go.com/Politics/police-chiefs-arizona-immigration-law-divisive-reduce-trust/story?id=10748847>

laws. South Carolina’s Executive Director of Department of Public Safety Tony Fisher worried that the state’s SB20 would create many problems for local police officers. It should be noted that passage of an immigration enforcement law by Prince William County, Virginia’s County Board served as a precursor to Arizona’s SB1070. Virginia’s Republican Attorney General Ken Cuccinelli and some Republican members of the Virginia General Assembly attempted to enact new laws statewide to no avail (PERF, p.11, 2014).⁹⁰

Conversely, in 2013, California enacted new laws that granted more rights to immigrants than anywhere else. California reformed the Transparency and Responsibility Using State Tools, which is known as the Trust Act. The Trust Act targeted the most serious offenders and not those individuals who have lived and worked in California for 20 years and who committed a minor charge. In addition, LAPD’s Chief Charlie Beck instituted policy that stated that officers cannot arrest individuals for traffic violations (PERF, p.13, 2014). Trust Act Officials indicated that the California Trust Act increased relationships with immigrants. (PERF, 2014).

The article highlighted other groups that expressed concern over SB1070. The Mexican American Defense and Education Fund weighed in and stated that SB1070 launches pervasive fear, community distrust, increased crime, and costly litigation (PERF, p.17, 2014). The chiefs at the roundtable pointed out a common set of concerns and challenges that immigration laws pose for local law enforcement (see Table 35).

TABLE 35 – LAW ENFORCEMENT CONCERNS ON IMMIGRATION ENFORCEMENT (PERF, 2014)

Effective implementation

⁹⁰https://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/local%20police%20perspectives%20on%20state%20immigration%20policies.pdf

Immigration enforcement threatens and undermines relationships between the police and the community
Laws are difficult to apply
Concerns of racial profiling
Laws are hard to enforce
Elected officials did not listen to the concerns of those who have to go out and enforce the law
Threats to community-police relationships
Leads to fear and distrust of police
Threatens to undermine important relationships and community policing efforts
How long to hold for inquiry – what is reasonable waiting for ICE response
Training and costs of detention
Police cannot do their jobs if they do not have cooperation of victims and witnesses
Several chiefs express concern that it undermines the theory of policing – it threatens the trust that police have worked together for years to build
Contradicts public safety and community policing priorities
Damages relationships and conflicts with law enforcement priorities
Law enforcement have to balance enforcement and relationships
Law enforcement cannot arrest their way out of the problem
Immigrants express concern
Threatens to undo years of community policing efforts
Fear that the law will unfairly target immigrants
Crime in immigrant communities will go unreported - Police rely upon citizen reporting because they use crime stats to allocate personnel and resources (CompStat)
Harassment
Racial profiling
Fear
Immigrants being stopped for minor traffic offenses or for no reason at all - pretext stops

Several of the concerns expressed during the PERF round-table discussion were expressed by the chief executive officers interviewed for this research and coincide with concerns expressed by law enforcement professionals in the IACP articles.

As a result of such concerns, most chiefs have directed their officers to refrain from checking immigration status, although they cannot announce it publicly, for fear of repercussions

from elected officials and some of their citizens (PERF, p.16, 2014).⁹¹ The police chiefs indicated that SB1070 was a political decision, and legislators did not listen to police chiefs about how difficult it will be to develop and determine reasonable suspicion, which can lead to racial profiling. No guidance has been given on what defines reasonable suspicion (PERF, 2014).

The aforementioned concerns are consistent with my hypothesis that immigration enforcement may lead to, for example, adverse impacts to community policing efforts, a lack of crime reporting by immigrant communities, and a loss of confidence, trust, and legitimacy in police.

Several promising practices were discussed to help improve relationships with the immigrant community. Some practices include:

Transparency – posting policies online
Meeting with community groups regularly
Requesting in-car cameras and body cameras to document encounters
Keep accurate records – collect data
Immigration checks after arrest to alleviate fear, as opposed to pre-arrest

Similar to prior law enforcement discussions, the members of the roundtable concluded that immigration enforcement will lead to several challenges for law enforcement, including:

The new role conflicts with law enforcement priorities
Increased Fear – Directed at local police
Damage strong relationships that they have worked for years to achieve
Contradicts community policing and public safety (difficult to measure)
Police have made a concerted effort to engage community to lessen the impact
The majority of chief executive officers believe it’s imperative to treat all with fairness and respect, regardless of their immigration status (PERF, 2014) ⁹²

⁹¹https://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/local%20police%20perspectives%20on%20state%20immigrati on%20policies.pdf

⁹²https://www.policeforum.org/assets/docs/Free_Online_Documents/Immigration/local%20police%20perspectives%20on%20state%20immigrati on%20policies.pdf

The lessons learned and recommendations are consistent with the opinions of the law enforcement executives interviewed for this study. Similar takeaways from the PERF (2014) article include that it is important to protect and serve all members of the community; engage and educate the community; protect victims and witnesses; develop policies; provide training to officers; and collect data. Two lessons learned/recommendations cited in the PERF (2014) article that did not emerge in the interviews I conducted are conducting evaluations of the impact of immigration laws and engaging policymakers to provide a voice for law enforcement. It should be noted that in the instances where elected officials were involved, they opposed law enforcement. The chiefs did speak to elected officials, but it was to convince them not to have an aggressive approach. In one instance, elected officials were not receptive to the suggestions of the chief and initially passed an aggressive policy; however, they had to later rescind and revise the policy to be less stringent (see Table 36).

Table 36- LESSONS LEARNED FROM PROFESSIONAL LAW ENFORCEMENT ORGANIZATIONS (PERF 2014)

Make clear that a police department’s central mission is to protect and serve all members of the community
Engage immigrant communities in open dialogue
Educate the public about the laws and department’s immigration policies
Use discretion when dealing with crime victims and witnesses
Develop policies and training that provide strong guidance to officers on how to enforce the laws
Collect enforcement data and conduct evaluations concerning the impact of the laws
Engage policymakers to provide a voice for law enforcement

In the PERF (2010) study, similarities include the importance of being transparent, participating in community outreach, utilizing community-based resources, having a consistent message, participating in community policing, controlling law enforcement’s message and telling its story, treating all individuals the same, clarifying misinformation, and using the media. Items

that were not cited included making leaders accessible and ensuring that their departments have maturity when faced with challenges such as immigration enforcement. The PERF (2012) participants indicated that if a department is under a consent decree or has a history of profiling complaints, it should not undertake this endeavor (see Table 37).

Table 37 - LESSONS LEARNED FROM PROFESSIONAL LAW ENFORCEMENT ORGANIZATIONS (PERF, 2012)

Ensure your department has a level of maturity when facing challenges like immigration enforcement
Be transparent with community outreach/policies
Use resources to assist – faith-based community/schools, community centers.
Have a consistent message (2)
Officers must know how to engage the community/have skilled officers in community policing
Control your message/tell your story
Department leaders must be accessible
Treat individuals as individuals
Engage your community/explain policies/clarify misinformation (3)
Utilize news media

Similar recommendations from PERF (2012) include engaging the entire community; speaking with one voice/one message; training officers; prioritizing serious offenders who commit crime; and utilizing community policing methods. Among the few important items the chief executive officers did not discuss were that immigration laws should be fair, lawful, and reasonable; that a wide range of stakeholders should participate in developing policies; and that departments should be proactive on immigration issues (see Table 38).

Table 38 - RECOMMENDATIONS FROM PROFESSIONAL LAW ENFORCEMENT ORGANIZATIONS (PERF, 2012)

Use the percepts of community policing/legitimacy, and procedural justice
Prioritize attention on illegal immigrants who commit serious crimes
If community is debating immigration policy, police leaders have to engage and emphasize clear, sensible messages

Immigration policy should be fair, lawful, and reasonable
Include a wide range of stakeholders in developing policies
Speak with one voice
Remember illegal immigrants are often victims of crime
Engage the immigrant community
Take a comprehensive approach to training officers
Engage the entire community
Be proactive on the immigration issue

In January 2015, IACP held a National Policy Summit on Community-Police Relations: Advancing a Culture of Cohesion and Community Trust. During the Policy Summit, law enforcement executives recognized the importance of maintaining strong ties with all segments of their communities. Many law enforcement executives have invested immeasurable energy and resources in building relationships through community policing efforts. Law enforcement executives indicated that it has been 40 years since community policing philosophies had been introduced. They recognized that regardless of the efforts, there is still work to be done; officers must constantly review their relationships with the communities they serve, constantly renew their commitment to just and fair policing and create or enhance cultures of trust with local communities. Participants agreed that real or perceived mistreatment by police and the justice system have led to underlying fear, resentment, and anger culminating in mistrust; the history of tensions led to clashes with police, further intensifying the community’s feelings of marginalization and mistreatment by police and government entities, including the entire criminal justice system (IACP, 2015).⁹³

The IACP Policy Summit participants recognized the importance of building trusting relationships with the community. They agreed that a large part of building trusting community-

⁹³ https://www.theiacp.org/sites/default/files/content/CommunityPoliceRelationsSummitReport_web.pdf

police relations rely on making progress in all social systems, including criminal justice, and mitigating issues of systemic disparity (education, economic challenges, wealth distribution, housing, deficits in resource and service allocation) (IACP, 2015).

Law enforcement executives recognize that one of their main priorities is to reduce crime. In an effort to reduce crime while building trusting relationships with their community, policies were developed that were intended to reduce crime. Unfortunately, some of the policies led to unintended consequences that have led to the reduction in perceptions of police fairness, legitimacy, and effectiveness, such as NYPD's Stop and Frisk policy (IACP, 2015).

The IACP (2015) indicates that given the challenges faced by police, law enforcement executives must determine how officers can protect themselves and others, while building relationships with their communities, particularly those who feel mistreated or misunderstood by police. The overarching questions for police are: Can there be vigilance without fear and bias? Can community trust be built while decreasing crime rates? (IACP, 2015)

Law enforcement executives believe that progress has been made in policing, particularly on refocusing policing efforts on community-centered philosophies and ideals. Nonetheless, communities continue to call for more meaningful relationships with their police. This will require an ongoing effort to re-evaluate and adjust policing practices in order to address the needs of the communities they serve. This will take true inclusion of all and appreciation for diversity, which will only happen when trust exists between the public officials and all segments of the community (IACP, 2015).

IACP (2015) points out the importance of building community-police relationships throughout the country and at all levels of government and that it is imperative that police

executives take a leadership role in moving these efforts forward. The report is intended to serve as a roadmap for law enforcement, communities, and all stakeholders to build meaningful, sustainable, trusting, and effective working relationships. The recommendations serve as the foundation from which to continue efforts to assist law enforcement executives as they strive to improve ties with every citizen and community they serve (IACP, 2015).⁹⁴

Recognizing the challenges and concerns of immigration enforcement at the local level, immigration policies were revised. Sara Saladana, the Director of Immigration and Customs Enforcement, believes that their ability to build effective relationships with local law enforcement is critical to their success (IACP, 2015).⁹⁵ In IACP (2015), Director Saladana wanted to strengthen relationships with local law enforcement through a new collaborative effort, known as the Priority Enforcement Program (PEP). Through PEP, ICE sought to develop policies and procedures that supported community policing while ensuring that ICE took custody of dangerous criminals before they are released into the community. The Director describes PEP as a balanced, commonsense approach that places the focus where it should be on criminals and individuals who threaten public safety. PEP begins at the state and local level when an individual is arrested and booked by a law enforcement officer (LEO) for a criminal violation, and his or her fingerprints are submitted to the FBI for criminal history and warrant checks. The same biometric data are then sent to ICE so that their officers can determine whether the individual is a priority for removal, consistent with a clearly defined set of enforcement priorities (Saladana, IACP, 2015).⁹⁶

⁹⁴ https://www.theiacp.org/sites/default/files/content/CommunityPoliceRelationsSummitReport_web.pdf

⁹⁵ <https://www.policechiefmagazine.org/the-priority-enforcement-program/>

⁹⁶ <https://www.policechiefmagazine.org/the-priority-enforcement-program/>

The article discusses the evolution of the 287(g) immigration enforcement programs: (TFM, JEM, SC, PEP) and what has changed. One change is that ICE now recognizes that an administrative detainer is a request and not legally binding. They are now replacing its current detainer with a “request for voluntary notification of release of suspecting priority aliens” and recognizes that an immigration detainer is a request for voluntary action. Basically, they now seek the transfer of a removable individual who has been convicted of a serious crime or wish to receive notification that a priority undocumented person is going to be released from the local jurisdiction (Saladana; IACP, 2015).

ICE emphasizes the shared overarching goal is public safety. The purpose of the PEP is to remove individuals who are considered high enforcement priorities, which include individuals who have been convicted of serious crimes, those actively and intentionally engaged in gang activity, and those who pose a threat to U.S. National Security. PEP enables law enforcement officials to work together to take custody of such individuals before they are released from prisons or jails and placed directly back into the community (Saladana; IACP, 2015).⁹⁷

In order to ensure law enforcement’s voice is heard, IACP seeks a voice at the national level. At the beginning of each new congressional session, IACP releases its law enforcement agenda, providing an overview of IACP’s position on critical issues facing law enforcement. In 2015, it was IACP’s position any laws related to immigration enforcement must be voluntary. Local and state police departments should have the ability to make the decision to participate or not and that decision should be made by the police chief. In regard to immigration enforcement, IACP also noted the importance of local police receiving clear authority and guidance from the federal government; it must include an incentive-based approach; include immunity for state,

⁹⁷ <https://www.policechiefmagazine.org/the-priority-enforcement-program/>

local and tribal law enforcement agencies and officials; and provide training resources for those agencies (IACP, 2015).⁹⁸

In an IACP (2016) article, Craig Ferrell, Jr., Assistant Professor of Law and Criminal Justice at Houston Baptist University and Deputy Director/General Counsel of the Houston Police Department (Ret), emphasized that the primary mission of state and local law enforcement is to enforce criminal laws, which is what their local communities expect of them. However, for the most part, local law enforcement has worked with and continues to work with federal agencies to protect the U.S. when possible and to the extent allowable by law (state criminal law). There are 11 to 20 million undocumented immigrants in the U.S. and the federal government is not equipped to handle them. Police departments often work with federal authorities to address human trafficking and gang violence in their communities, which can have a nexus to illegal immigration. The IACP (2015) article points out that how local agencies decide to respond to the call to enforce immigration law can fundamentally change the way they police and serve their communities (Ferrell; IACP, 2016).⁹⁹ Farrell (IACP, 2016) states that local departments enforcing federal immigration laws raises many daunting and complex legal, logistical and resource issues for themselves and the diverse communities they serve (Ferrell; IACP, 2016).

Law enforcement representatives believe lawmakers have overlooked the issue of civil liability when it comes to state and local law enforcement participating in immigration enforcement. In the past, local law enforcement faced civil liability and litigation for their involvement in immigration enforcement in Katy, Texas. The civil liability laws have not

⁹⁸ <https://www.policechiefmagazine.org/iacp-preparing-legislative-agenda-for-the-114th-u-s-congress/>

⁹⁹ <https://www.policechiefmagazine.org/chiefs-counsel-united-states-v-texas-immigration-enforcement-local-or-federal-issue/>

significantly changed since that event, which suggests that these laws may warrant closer examination (or revision) if local police are called upon to be more active participants in immigration enforcement. Because local agencies lack clear authority to enforce immigration laws, it is likely that local law enforcement will face the risk of civil liability and litigation if they choose to enforce federal immigration laws, and therefore should consult local city attorneys prior to taking action (Ferrell; IACP, 2016).

Local agencies have a clear need to protect U.S. residents while continuing to foster trust and cooperation with everyone in their communities. Assistance and cooperation from immigrant communities is especially important when an immigrant, whether documented or not, is the victim of or a witness to a crime. These persons must be encouraged to file reports and come forward with information. Their cooperation is needed to prevent and solve crimes and maintain public order, safety, and security in the community (Ferrell; IACP, 2016).¹⁰⁰

Local law enforcement should remain united in its commitment to arresting anyone who violates the criminal laws of its jurisdiction, regardless of the immigration status of the individual. That is the path forward that will ensure that local agencies who have worked very hard to build trust and a spirit of cooperation with their immigrant groups through community-based policing and outreach program can maintain that success while simultaneously helping to keep communities safe (Ferrell; IACP, 2016).¹⁰¹

Federal priorities for local law enforcement's participation in immigration enforcement has changed with each administration. In response to President Donald Trump's Executive Order #13768: Enhancing Public Safety from the Interior of the United States, Police One reports that

¹⁰⁰ <https://www.policechiefmagazine.org/chiefs-counsel-united-states-v-texas-immigration-enforcement-local-or-federal-issue/>

¹⁰¹ <https://www.policechiefmagazine.org/chiefs-counsel-united-states-v-texas-immigration-enforcement-local-or-federal-issue/>

IACP released a statement that opposed President Trump’s mandatory immigration measures. IACP opposes any measure that requires local law enforcement to participate in mandatory immigration enforcement. It contended that DHS should continue voluntary participation in the establishment of Memoranda of Agreement (MOA) in their 287(g) program and that any cooperation from local law enforcement should continue to be voluntary (Police 1; IACP, 2017)¹⁰²

As indicated, the debate over state and local law enforcement’s participation in immigration enforcement has continued for almost two decades, and law enforcement’s concerns have not changed. An IACP (2019) article discusses concerns of law enforcement and recommendations for participants. The main concern highlighted in the article is once again the “chilling effect” that may occur as a result of immigration enforcement. There is a concern that immigrants will not come forward to report heinous crimes, lending to continued victimization and predatory environments (IACP, 2019).¹⁰³ The publications also focus on policies, outreach, challenges, implementation strategies and promising practices.

All respondents -- from 287(g) participating agencies, non-participating agencies, and those in the PERF and IACP articles -- share common values. They believe that, in order to be viewed as legitimate, it is imperative that members of the police department treat everyone in accordance with the principles of procedural justice – respect, voice, trustworthiness, and neutrality. Law enforcement agencies should treat all individuals with respect and dignity (fairness); convey trustworthy motives to those impacted by the decision (impartiality); provide

¹⁰² <https://www.police1.com/iacp/articles/iacp-strongly-opposes-use-of-local-state-police-to-enforce-trump-immigration-mandate-cUjnWzX2A8wYd50T/>

¹⁰³ <https://www.policechiefmagazine.org/enforcing-immigration-lawthe-role/>

individuals with an opportunity to be heard (voice); and the decision maker should be neutral and transparent (transparency/neutrality) (Tyler et al., 2018).

Summary

The lessons and recommendations of national professional law enforcement organizations are consistent with the responses of the law enforcement executives interviewed for this study and validate my expectations. Some law enforcement officials, mainly sheriffs, believe that local law enforcement should participate in immigration enforcement, mainly because they think that there are not enough federal law enforcement officials to handle the significant influx of undocumented individuals entering the country. The opinion of law enforcement officials opposed to local law enforcement's participation in immigration enforcement has remained consistent for almost two decades. This chapter has focused on lessons learned and recommendations from law enforcement officials who decided to participate in immigration enforcement and those that did not. The consensus of law enforcement professional organizations is that participation in immigration enforcement should be a local decision, and it should be voluntary. Chapter 6 will highlight conclusions and recommendations of the research from the viewpoint of law enforcement professionals.

Chapter 6 – Conclusion and Recommendations

Unlike prior research in this area, this study examines the issue of immigration enforcement by local law enforcement from the viewpoint of law enforcement. The research contributes to and examines the effectiveness of immigration enforcement by local police departments, as authorized under section 287(g) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Through the lens of procedural justice, the research explores the impact of immigration enforcement on trust, legitimacy, community engagement, and transparency of law enforcement, provides insight on lessons and recommendations from law enforcement's engagement in immigration enforcement, examines whether federal mandates and immigration enforcement impacted the advancement of community policing and procedural justice, and contributes to the research on the immigration-crime nexus.

A review of the 287(g) program by the Department of Homeland Security Office of Inspector General identified several aspects that were accomplishing the program's objectives as well as challenges that may have reduced its effectiveness. During the review, the OIG found that some practices were not in compliance with the MOA, which led to reform of the program (OIG, 2010). The OIG report found that the 287(g) program lacked overall policy objectives, encouraged non-uniform applications, and had unclear federal supervision (Coleman, 2012). In order to ensure proper execution, it became clear that reform of the 287(g) program was essential.

287(g) Actual Practices

The 287(g) agreements set general parameters for program activities and established a process for ICE to supervise program activity; however, the OIG observed instances in which ICE and participating law enforcement agencies were not operating in compliance with the terms of the agreements (OIG, 2010). Local law enforcement officers were supposed to prioritize

illegal immigration arrests and detentions. ICE identified three categories, with the highest being Level 1 Undocumented. Level 1 Undocumented consisted of those who have been convicted of major drug offenses and violent offenses such as murder, manslaughter, rape, robbery, and kidnapping. Level 2 Undocumented were those who have been convicted of minor drug offenses and property offenses such as burglary, larceny, fraud, and money laundering. Level 3 included undocumented immigrants who have been convicted of other offenses. Although these categories were identified, the OIG stated that ICE did not establish a process to ensure that the highest priority was placed on Level 1 offenders. Four unidentified jurisdictions were visited by the OIG, based on the arresting offense; 263 (94%), were within one of the three priority levels, but only 26, (9%) were in Level 1, and 122 (44%) were in Level 2. The statistics indicate that a little less than half of the detainees fell in the Level 3 category. The OIG report states that these results do not show that 287(g) resources have been focused on immigrants who pose the greatest risk to the public as ICE's intended purpose stated (OIG, 2010). Only two of the 18 chief executives in my study indicated that this was the focus or priority of the program. The OIG report did not identify specific jurisdictions that were out of compliance.

Law Enforcement Concerns

All but two of the 18 law enforcement executives with whom I spoke expressed concerns about local law enforcement's participation in immigration enforcement. Three of the four professional law enforcement organizations also expressed concerns about local law enforcement's participation in immigration enforcement. Some of the shared concerns include: immigration enforcement undermines trust between law enforcement and immigrant communities; there is insufficient funding and other resources for law enforcement personnel; it distracts from law enforcement's core mission for fighting crime; there can be a chilling effect in immigrant communities that limits cooperation in crime reporting and solving crimes; it creates

fear in local communities; and it impacts law enforcements' community policing and public safety efforts by driving a wedge between the community and law enforcement.

By contrast, two law enforcement executives believed that immigration enforcement improved the quality of law enforcement activities in investigating, detaining, and removing immigrants involved in law violations and serious violent criminal offenses. One professional law enforcement organization expressed support of comprehensive immigration reform, which includes increased border security, workplace certification, and a pathway to legal employment and legal status.

Law Enforcement Recommendations

Chapter 5 outlines several recommendations presented by law enforcement executives and professional law enforcement organizations. All of the chief executive officers who participated in the 287(g) program stated that departments should build trust through community engagement activities and community policing; 10 of 11 stressed the importance of building trust and satisfaction (legitimacy) through citizen input, citizen satisfaction surveys, and cooperation with police. All of the chief executives highlighted the importance of transparency through sharing information such as policies, survey results, and program evaluation on the website; establishing a Hispanic liaison; establishing a social media platform; or translating all pertinent documents in various languages. Two other leading recommendations from law enforcement executives who participated in the 287(g) immigration enforcement programs were, first, that law enforcement should not participate in immigration enforcement (recommended by four of the 11 chief executive officers interviewed) and, second, that departments should have an immigrant policy and be transparent with the community (indicated by four executives). It was the consensus of the chief executive officers interviewed that if immigration enforcement was

left to local authorities, it should occur after an arrest and in the jail/detention facility. The law enforcement executives interviewed for this study also recommended that departments use community engagement/community policing to build trusting relationships with the community. Community policing has been used by police departments since the 1980s to build trust and alleviate fear in the community. In an effort to maintain community trust, one chief executive officer observed that immigration enforcement should be used as a tool that is available to officers, if needed, and not as a department-wide program. It was also recommended that instead of officers assuming what the community's concerns are, they should listen to their communities to determine their priorities and focus on working on solutions together. Another important recommendation was to remember immigrants have become a large part of the community and are often victims of crime. Immigration enforcement can increase fear and contribute to a decrease in crime reporting, and immigrants should be treated with the respect and dignity that every other member of the community deserves. The chief executive officers of agencies not participating in 287(g) also recommend that law enforcement focus on initiatives to build trust and legitimacy through community engagement/community policing, and transparency.

Law enforcement professional organizations recommended that law enforcement prioritize undocumented immigrants who have committed serious crimes. This would ensure that individuals being subjected to immigration inquiries would be those who have been accused of committing a crime and not arbitrarily selecting immigrants for immigration checks. The law enforcement professional organizations recommend that immigration policies be fair, lawful, and reasonable. One law enforcement professional organization also recommended using the precepts of community policing, legitimacy, and procedural justice with community members. The recommendations also included engaging the community, including youth and immigrants.

Overall Findings

Actions taken by local law enforcement are illustrative of some of the unintended consequences identified in the OIG report. Specifically, 287(g) officers have used their authority during large-scale street operations to detain individuals for minor offenses and violations of local ordinances, even though the 287(g) program was not designed to allow law enforcement agents the capacity to perform random street operations, impact issues of excessive occupancy, and day laborer activities. Informants affiliated with two jurisdictions in my study indicated that the activity at the day laborer site and immigrant overcrowding was the impetus for engaging in the program, which was not ICE's intent. The OIG report indicates that in certain situations, participating in the 287(g) program may have led officers to make a custodial arrest of individuals for misdemeanor and traffic offenses when they would have normally been released on a summons. The OIG found an example where a state trooper transported an accident victim to a participating county jail in order to determine the victim's immigration status (OIG, 2010).

The allegation that officers increased custodial arrests for minor crimes in order to check immigration status is the premise for the Coleman and Stuesse (2014) article. These authors stated that agencies have engaged in questionable policing practices not intended by ICE, including increased custodial arrests for minor crimes and traffic offenses, which may have resulted in immigration checks (Coleman 2012; Stuesse & Coleman, 2014). The current study looked at whether Virginia localities also participated in similar enforcement practices. Two jurisdictions indicated a slight increase in custodial arrests and other jurisdictions indicated that arrest rates varied. One jurisdiction reported that all traffic violators were automatically checked against the illegal alien query as a matter of protocol, which was not ICE's intent. Furthermore, Coleman (2012) suggests that non-enrolled agencies with access to Secure Communities sites

may have engaged in policing practices, which they may have reasonably expected to result in an immigration check at a local detention center (Coleman, 2012).

After further assessment, the federal government ended the 287(g) Task Force Model (TFM) for local jurisdictions at the end of 2012. Subsequently, all TFM MOAs with local and state jurisdictions were cancelled. One jurisdiction in the study indicated that although the TFM ended in 2012 for their agency, their local detention center continued to participate in the JEM. Consequently, the police department's policies and practices developed under the TFM continued until the legislative body decided not to renew the detention center's MOA in 2020.

Some researchers have suggested that immigration enforcement improves the quality of life within immigrant communities by reducing violent and property crimes (Davis and Fagan, 2012; Jackson, 2018). For instance, Jackson (2018) found that counties applying for 287(g) and the Secure Communities programs experienced significant reductions in property and violent crimes. Following the terrorist attacks of September 2001, counties that implemented immigration enforcement programs witnessed declines in overall crime as well. Kirk and colleagues (2011) found that immigration enforcement served a protective role when enforcement was perceived by the immigrant community as being fairly applied and just, thus legitimizing immigration enforcement as an effective means of social control (Kirk et al., 2011).

However, researchers have underscored that immigration enforcement compromises the welfare and quality of life within immigrant communities by fostering social currents of fear and mistrust towards law enforcement and delegitimizing the police and the law (Capps et al., 2011; Kolodziej, 2013; Theodore & Habans, 2016). Consequently, weakening mechanisms of social control and creating an environment conducive to crime and victimization, such as violence and forms of human trafficking (Theodore, 2013; Armenta, 2016). For instance, in Costa Mesa,

California, much controversy surrounded the implementation of ICE's 287(g) program (Vidales et al., 2009). Prior to the implementation of ICE's 287(g) program, local law enforcement established great rapport and engaged in community policing that strengthened relationships between law enforcement and the Latine community and generated trust (Vidales et al., 2009). However, following the implementation of ICE's 287(g) program, Vidales et al. (2009) noted that Latine residents' willingness to involve themselves in the community policing efforts within Costa Mesa, California diminished, as did their perceptions of police legitimacy. Such occurrences are not localized to Costa Mesa; other communities implementing ICE's 287(g) program, such as Frederick County, Maryland, and Prince William County, Virginia, further accentuated the crippling effects of immigration enforcement on immigrant communities (Koper, Guterbock, Woods, Taylor, Carter, 2013).

Results from this research are consistent with previous research findings of no discernable relationship between immigration and crime (Coleman, 2012; Ferrero, 2010; OIG, 2010; Nunziata, 2015; Ozden et al., 2016). Hence, the current research was designed to examine the impact of the implementation of 287(g) program on crime reduction and immigrant communities within the seven Virginia jurisdictions that participated in the 287(g) program.

Accordingly, findings from the current study are consistent with the non-significant results in the available research literature. Specifically, all but one of the law enforcement agencies indicated that immigration enforcement had a negative impact on the community at large while the other law enforcement agency indicated that the adoption of ICE's 287(g) program improved community relations with the immigrant community. For this agency, the chief executive officers indicated that getting buy-in from the community prior to the implementation of ICE's 287(g) program was the key to their success. This emphasis on

educating the community, including immigrant communities, about ICE's 287(g) program and the implementation of the program with local law enforcement coincides with findings from Kirk et al. (2011) and Armenta (2016) that reinforce the importance of informing the wider community on the implementation of the 287(g) program, including soliciting community member input, and ensuring that enforcement is just and fairly applied.

Elected officials in every jurisdiction wanted to dictate enforcement efforts, which may not have gone over well with the police officers in the areas, but they are subject to the direction of civilian elected representatives. Nonetheless, police departments may have channeled their concerns into their implementation practices. For instance, although it appears all of the agencies expressed concerns about the way elected officials or their appointees wanted the program implemented, including detaining any individual suspected of being an undocumented immigrant, two agencies succeeded in implementing the policy in alignment with their community policing philosophy. In particular, one agency believed that its community relations were enhanced because of its determination to implement ICE's 287(g) program the "right way". For instance, although the agency had specific officers trained as immigration enforcement agents, their main responsibility was to ensure the process was expedient and efficient for other officers. The department did not have special teams or assignments; all officers were instructed to continue their normal course of work. Instead, if officers encountered a habitual offender or an offender involved in criminal activity, they would have the trained LEA engage in checking the individual's immigration status. In comparison, another agency had to discontinue their original plan of engagement within a month of implementation due to controversy. The agency's original policy, as mandated by elected officials, required officers to stop all individuals suspected of being undocumented. This mandate resulted in not only outrage from some community

members, but opposition from the police chief and officers. Prior to the implementation of the initial policy, efforts by the Chief of Police were made in order to inform city officials of the potential consequences of the original plan. The initial policy was rescinded within months of implementation due to strong opposition, revised, and re-implemented the following year.

Consistent with Coleman (2012), the current study amplifies the claim that the implementation of immigration enforcement warrants attention to geopolitical context. For instance, an emphasis on safeguarding the Latine community from social and economic marginalization and the prioritization of suppressing gangs and violent crimes necessitated the use of deportation under a Task Force Model in Durham, N.C., while Wake County, N.C., emphasized the expediency of investigating immigration status during the general booking procedure, warranting the Jail Enforcement Model. Similarly, the current study found that the geopolitical context of one agency ensured that all officers engaged in the normal course of work and that only those offenders deemed as habitual or engaged in criminal activity were subjected to immigration status checks. This suggests that this agency aimed to align immigration enforcement with the philosophy of community policing (Kirk et al., 2011).

Despite the last three decades of law enforcement agencies building trust and alleviating fears of deportation through community policing efforts, participation in the 287(g) program engendered unintended consequences on the community at large, such as heightened fears and a mistrust towards the police. Hence, it is imperative that law enforcement agencies evaluate the ramifications and benefits of engaging in immigration enforcement on the community. Accordingly, the chief executive officers interviewed in this study overwhelmingly believe that police departments should not engage in immigration enforcement. However, if law enforcement

agencies elect to engage in immigration enforcement, the Jail Enforcement Model has become the preferred method of enforcing immigration laws by local law enforcement agencies.

Policy Considerations

This review of law enforcement's participation in immigration enforcement surfaced a number of policy issues. First, law enforcement would like to have a seat at the table when national policies and/or mandates are developed. A consensus of police chiefs in this study is that participation in immigration enforcement by local law enforcement should be voluntary and not mandatory. If local law enforcement decides not to participate in immigration, they should not be penalized through reduced grant funding. If local law enforcement chooses to participate, they should be provided funding and resources to accommodate this additional responsibility. Law enforcement should be provided clarity on their authority and limitation of liability, and immigration enforcement and deportation should focus on those individuals who are serious violent offenders or pose a threat to national security.

In addition to these considerations, the constitutionality of holding an immigrant on an immigration detainer has come into question, as mentioned in the *Maria Miranda-Olivares v. Clackamas County* case. ICE has attempted to address this concern by stating that immigration detainees are an administrative request; however, this interpretation is still not widely known among law enforcement and corrections personnel. In order to alleviate confusion, law enforcement professional organizations have requested that immigration detainees be removed from N.C.I.C's national database. Based on the lessons learned and recommendations set forth by the chief executive officers and law enforcement professional organizations, the findings suggest that local law enforcement agencies should not be mandated to participate in immigration enforcement and that it should remain the primary responsibility of the federal

government. If immigration enforcement becomes the responsibility of local law enforcement, the recommendation is that immigration checks only occur after an arrest and the individual is taken into custody.

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Appendix A – Survey Interview Questions

Appendix A -Table 1- Initial Interview Questions

Category	Questions
Agency Goals & Implementation	<ol style="list-style-type: none">1. What were your agency's goals/objectives in participating in the 287(g) program? Were the goals met and how were they measured?2. Do you consider the program to have been successful?3. What were your agencies' obstacles/challenges?4. Describe the implementation process. What worked best and what would you do differently?5. What was the political position on the department's participation in the program?
Crime Reduction	<ol style="list-style-type: none">6. Was the program used as a crime reduction tool? If so, explain why?7. Was there a change in crime rates prior to, during, or after implementation?8. If your agency experienced crime reductions during this time, can the reductions be attributed solely to immigration enforcement? What were other contributing factors?9. Prior to implementation, was there documented evidence that the crime was attributed to a certain demographic population?10. Did crime rates change in immigrant communities?
Community Impact	<ol style="list-style-type: none">11. What was the community's position on the department's participation in the program?12. What were your community outreach initiatives?13. Does your department participate in community policing? Explain the structure.14. Has community policing been an effective crime reduction tool? How is it measured?15. Did the 287(g) program impact the community or your community policing initiatives?16. Did your jurisdiction see a decrease in the immigrant population after implementation and what impact did it have on the community?
Unintended Consequences	<ol style="list-style-type: none">18. Were there unintended consequences as a result of participating in the 287(g) program?<ol style="list-style-type: none">a. Did the number of custodial arrests for misdemeanor or traffic offenses change

- during and after the program?
- b. Was there a change in police perception by the immigrant community?
 - c. Was there a change in immigrants reporting crime?
 - d. Was there a change in racial profiling complaints?

Miscellaneous

- 19. What dates did your department participate in the 287(g) program? If DHS had not discontinued the program, would you have continued participation?
- 20. Would you recommend the TFM be reinstated in Virginia?
- 21. Does/did your department have an immigration enforcement policy? How do your officers currently handle situations involving illegal immigrants?
- 22. Does your department conduct community surveys? How often?
- 23. Is there anything you would like to share that was not covered in the interview?

Appendix A - Table 2 – 287(g) Participating Agencies Updated Interview Questions

Category	Questions
Agency Goals & Building Trust and Legitimacy	<ol style="list-style-type: none">1. What were your agency’s goals/objectives in participating in the 287(g) program?<ol style="list-style-type: none">a. Were the goals met?b. What were the department’s measured outcomes?2. Have there been challenges with building trust and legitimacy with the immigrant community?<ol style="list-style-type: none">a. How have the challenges posed by these interactions impacted the goal of building trust and legitimacy with the community?b. What have been the department’s responses to those challenges?c. What have been the lessons learned to address the challenges?d. How have these challenges varied with each iteration of the 287(g) IEP?3. Describe the actions taken when implementing the 287(g) program. What worked best and what would you do differently?
Community Engagement	<ol style="list-style-type: none">4. What was the community’s position on the department’s participation in the program?5. What were your community outreach initiatives?6. Does your department participate in community policing? Explain the structure.7. Has community policing been an effective crime reduction tool? How is it measured?8. Have there been challenges with community engagement as a result of your department’s participation in immigration enforcement?<ol style="list-style-type: none">a. What were the challenges?b. How have the challenges posed by these interactions impacted community engagement?c. What have been the department’s responses to those challenges?d. What have been the lessons learned to address the challenges?e. How have these challenges varied with each iteration of the 287(g) IEP?

Transparency

9. Did the 287(g) program impact the community or your community policing initiatives?
10. Have there been challenges with the department's attempt to enhance transparency with the community?
 - a. What were the challenges?
 - b. How have the challenges posed by these interactions impacted transparency?
 - c. What have been the department's responses to those challenges?
 - d. What have been the lessons learned to address the challenges?
 - e. How have these challenges varied with each iteration of the 287(g) IEP?

Unintended Consequences

11. Were there any unintended consequences as a result of participating in the 287(g) program? (e.g., increased fear, lack of cooperation, etc.)
 - a. Did the number of custodial arrests for misdemeanor or traffic offenses change during or after the program?
 - b. Was there a change in police perception by the immigrant community?
 - c. Was there a change in immigrants reporting crime?

Crime Reduction

12. Was the program used as a crime reduction tool? If so, explain why?
13. Was there a change in crime rates prior to, during, or after implementation?
14. If your agency experienced crime reductions during this time, can the reductions be attributed solely to immigration enforcement?
 - a. What were other contributing factors?
15. Prior to implementation, was there documented evidence that the crime was attributed to a certain demographic population?
16. Did crime rates change in immigrant communities?

Miscellaneous

17. What dates did your department participate in the 287(g) program?
 - a. If DHS had not discontinued the program, would you have continued participation?
18. Would you recommend any of the IEPs be reinstated in Virginia?
19. Does/did your department have an immigration enforcement policy?
 - a. How do your officers currently handle situations involving illegal immigrants?

20. Does your department conduct community surveys? If so, how often?
21. Is there anything you would like to share that was not covered in the interview?

Appendix A - Table 3 – Non 287(g) Participating Agency Interview Questions

Agency's Goals - Building Trust and Legitimacy

1. Did your agency participate in ICE's 287(g) immigration enforcement programs? If not, why not?
2. Did an adjoining agency participate in ICE's 287(g) immigration enforcement program? If so, how did it impact your agency?
3. What method/practice did your department use to build trust and legitimacy with the immigrant community?
4. Through the lens of procedural justice, have there been challenges with building trust and legitimacy with the immigrant community?
 - a. How have the challenges posed by these interactions impacted the goal of building trust and legitimacy with the community?
 - b. What have been the department's responses to those challenges?
 - c. What have been the lessons learned to address the challenges?

Community Engagement

5. What are your community outreach initiatives?
6. Does your department participate in community policing? Explain the structure.
7. Is community policing used as a crime reduction tool? How is it measured?
8. Have there been challenges with community engagement?
 - a. What were the challenges?
 - b. How have the challenges posed impacted community engagement?
 - c. What have been the department's responses to those challenges?
 - d. What have been the lessons learned to address the challenges?
9. Did the 287(g) program impact the community or your community policing initiatives?

Transparency

10. Is your department transparent with the community? If so, how is this accomplished?
11. Have there been challenges with the department's attempt to enhance transparency with the community?
 - a. What were the challenges?

- b. How have the challenges posed impacted transparency?
- c. What have been the department's responses to those challenges?
- d. What have been the lessons learned to address the challenges?

Unintended Consequences

- 12. Were there unintended consequences as a result of the 287(g) initiative?
 - a. Did the number of custodial arrests for misdemeanor or traffic offenses change in your jurisdiction as a result of the initiative?
 - b. Was there a change in police perception by the immigrant community?
 - c. Was there a change in immigrants reporting crime?

Crime Reduction

- 13. Was any of your programs used as a crime reduction tool? If so, explain?
- 14. Was there a change in crime rates prior to, during, or after implementation of your program?

Miscellaneous

- 15. Does/did your department have an immigration enforcement policy?
 - a. How do your officers currently handle situations involving undocumented immigrants?
- 16. Does your department conduct community surveys?
- 17. Is there anything you would like to share that was not covered in the interview?

Appendix A - Table 4 – IRB Progress Report 2020



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MEMORANDUM

DATE: December 7, 2020
TO: Matthew Martin Dull, Tonya Chapman
FROM: Virginia Tech Institutional Review Board (FWA00000572, expires October 29, 2024)
PROTOCOL TITLE: What was the impact of Immigration Enforcement on Community Policing
IRB NUMBER: 14-682

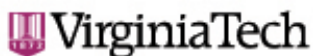
Thank you for your submission. The Virginia Tech Human Research Protection Program (HRPP), has received and reviewed your Progress Report.

Your next Progress Report will be due on Dec 17, 2023. You will receive automated reminders through the IRB Protocol Management online system.

If your study is complete before then and is eligible to be reported as Closed, please proceed to close the study by accessing the appropriate link in Virginia Tech's IRB Protocol Management online system. If you have any questions or require any additional information, please contact the protocol coordinator that has been assigned to the protocol. If a coordinator has not been assigned, please contact irb@vt.edu for assistance.

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VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY
An equal opportunity, affirmative action institution



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MEMORANDUM

DATE: December 17, 2014
TO: Matthew Martin Dull, Tonya Vincent
FROM: Virginia Tech Institutional Review Board (FWA00000572, expires April 25, 2018)
PROTOCOL TITLE: What was the impact of Immigration Enforcement on Community Policing
IRB NUMBER: 14-682

Effective December 17, 2014, the Virginia Tech Institution Review Board (IRB) Chair, David M Moore, approved the New Application request for the above-mentioned research protocol.

This approval provides permission to begin the human subject activities outlined in the IRB-approved protocol and supporting documents.

Plans to deviate from the approved protocol and/or supporting documents must be submitted to the IRB as an amendment request and approved by the IRB prior to the implementation of any changes, regardless of how minor, except where necessary to eliminate apparent immediate hazards to the subjects. Report within 5 business days to the IRB any injuries or other unanticipated or adverse events involving risks or harms to human research subjects or others.

All investigators (listed above) are required to comply with the researcher requirements outlined at:

<http://www.irb.vt.edu/pages/responsibilities.htm>

(Please review responsibilities before the commencement of your research.)

PROTOCOL INFORMATION:

Approved As: **Exempt, under 45 CFR 46.110 category(ies) 2,4**
Protocol Approval Date: **December 17, 2014**
Protocol Expiration Date: **N/A**
Continuing Review Due Date*: **N/A**

*Date a Continuing Review application is due to the IRB office if human subject activities covered under this protocol, including data analysis, are to continue beyond the Protocol Expiration Date.

FEDERALLY FUNDED RESEARCH REQUIREMENTS:

Per federal regulations, 45 CFR 46.103(f), the IRB is required to compare all federally funded grant proposals/work statements to the IRB protocol(s) which cover the human research activities included in the proposal / work statement before funds are released. Note that this requirement does not apply to Exempt and Interim IRB protocols, or grants for which VT is not the primary awardee.

The table on the following page indicates whether grant proposals are related to this IRB protocol, and which of the listed proposals, if any, have been compared to this IRB protocol, if required.

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Appendix B – Agencies Participating in This Study

Appendix B - Table 1 – 287(g) Participating Agencies

<u>287(g) Participating Agencies</u>
Prince William, VA
Manassas, VA
Herndon, VA
Loudoun, VA
Durham, NC
Gastonia, NC
Charlotte-Mecklenburg, NC
Sandy Springs, GA

Appendix B - Table 2 – 287(g) Informal Participating Agencies

<u>287(g) Informal Participating Agencies</u>
New Haven, CT
Bridgeport, CT
Portsmouth, VA

Appendix B - Table 3 – Non 287(g) Participating Agencies

<u>287(g) Non-Participating Agencies</u>
Arlington, VA
Harrisonburg, VA
Richmond, VA
Petersburg, VA
Newport News, VA
Colorado Springs, CO
Appleton, WI
Sandford, FL
Hampton, VA

Appendix C - Definitions of Key Terminology

Immigration and Reform Control Act of 1986 (IRCA)

The Immigration and Reform Control Act of 1986 (IRCA) controls and deters illegal immigration to the United States. The major provisions of the IRCA of 1986 stipulate the legalization of undocumented immigrants who had been continuously unlawfully present since 1982, the legalization of certain agricultural workers, sanctions for employers who knowingly hire undocumented workers, and increased enforcement at the U.S. border.

Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRIRA)

The Illegal Immigration Reform and Immigration Responsibility Act of 1996 strengthened U.S. immigration laws by enhancing penalties for undocumented immigrants who commit crimes while in the United States or who stay in the United States for statutorily defined periods of time. Specifically, the Illegal Immigration Reform and Immigration Responsibility Act of 1996 was designed to improve border control by imposing criminal penalties for racketeering, alien smuggling, the use or creation of fraudulent immigration-related documents, and increasing interior enforcement by agencies charged with monitoring visa applications and visa abusers. Under the Act, undocumented immigrants who commit a misdemeanor or a felony are subject to deportation.

The Act further mandates that immigrants who are unlawfully present in the U.S. for 180 days, but under 365 days must remain outside the United States for three years unless pardoned. If they remain in the United States for 365 days or more, they must stay outside the United States for ten years unless they obtain a waiver. However, if they return to the U.S. without the pardon, they must wait 10 years until they may apply for a waiver.

Immigration and Customs Enforcement (ICE)

U.S. Immigration and Customs Enforcement (ICE) is the largest agency within the Department of Homeland Security and is the federal government's second largest investigative agency-responsible for the enforcement of more than 400 statutes pertaining to immigration and the traffic of goods across national borders.

Memorandum of Agreement (MOA)

The official agreement negotiated by ICE with state or local authorities that delineates the powers and responsibilities of state and local law enforcement under the 287(g) program. Accordingly, the Assistant Secretary for ICE and certain state or local elected officials in participating jurisdictions (e.g., governors, county supervisors, or mayors) must sign the agreements.

The 287(g) Program

The 287(g) program is named after a section of the Immigration and Nationality Act (INA) amended by the 1996 IIRIRA, which allows state and local law enforcement agencies to investigate immigration cases, make immigration arrests, take custody of noncitizens for federal immigration authorities, transport detainees, and put together immigration cases for prosecution in the courts. The 287(g) program consists of the Task Force Model (TFM), Jail Enforcement

Model (JEM), Hybrid Model (combination of TFM and JEM), Secure Communities (SC), Priority Enforcement Program (PEP), and Warrant Service Officer Model (WSO). A discussion and timelines of each follow:

Task Force Model (TFM) (1996-2012) (Virginia jurisdictions 2007-2012)

The 287(g) program was initially implemented as a part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Under 287(g), state or local law enforcement agencies, through a Memorandum of Agreement, establish partnership with ICE, which delegate authority to the agencies to enforce federal immigration laws within their jurisdictions.

Jail Enforcement Model (JEM) (2005-current)

The Jail Enforcement Model was first implemented in the Los Angeles County Sheriff's Office, where custody assistants were trained to check the immigration status of individuals after they were convicted of a crime (p.9).¹⁰⁴ The JEM is similar to the TFM; however, the difference is that JEM officers only interview suspected undocumented immigrants after an arrest has taken place. JEM officers have access to the same ICE resources as the TFM officers. The JEM has undergone numerous iterations over the years. As of November 2021, ICE had current 287(g) MOAs with 66 law enforcement agencies in 19 states.¹⁰⁵ Some agencies have also participated in the Hybrid Model, which is a combination of both the TFM and JEM.

Secure Communities Model (SC) (2008-2014) (2017)

The Secure Communities (SC) program is administered in the local and regional jails. Under the Secure Communities program, after an individual has been taken into custody and fingerprinted, the fingerprint is checked against the Federal Bureau of Investigations (FBI) database. The FBI entered an information-sharing partnership with the Department of Homeland Security (DHS)/ICE, allowing the fingerprints to be sent to DHS/ICE to check against their immigration databases. If a subject is determined to be in the country illegally and meets one of the criteria for deportation, then ICE can take enforcement action. According to ICE, prioritization for removal of an individual is based on those who present the most significant threat to public safety as determined by the severity of the crime, their criminal history and risk to public safety, as well as those who have violated the nation's immigration laws.¹⁰⁶ SC initially ended in 2014 under President Obama and was reactivated as a result of President Trump's Executive Order No. 13768, entitled *Enhancing Public Safety in the Interior of the United States*; however it was only in effect through the end of FY2017.

Priority Enforcement Program (PEP) (2015-2017)

The Priority Enforcement Program begins at the state and local level when an individual is arrested and booked by a law enforcement officer for a criminal violation and his or her fingerprints are submitted to the FBI for criminal history and warrant checks. This same biometric data is also sent to U.S. Immigration and Customs Enforcement (ICE) so that ICE can determine whether the individual is a priority for removal, consistent with the DHS enforcement priorities described in former Secretary Johnson's November 20, 2014, Secure Communities

¹⁰⁴ <https://www.migrationpolicy.org/pubs/287g-divergence.pdf>

¹⁰⁵ <https://www.ice.gov/identify-and-arrest/287g>

¹⁰⁶ <https://www.ice.gov/secure-communities>

memorandum. Under PEP, ICE will seek the transfer of a removable individual when that individual has been convicted of an offense listed under the DHS civil immigration enforcement priorities, has intentionally participated in an organized criminal gang to further the illegal activity of the gang, or poses a danger to national security.¹⁰⁷

Warrant Service Officer Model (WSO) (2019-current)

The Warrant Service Officer model provides jurisdictions an opportunity to participate in a narrower cooperative agreement than the JEM with ICE. According to ICE, the creation of a new collaborative program was intended for local law-enforcement that wish to honor immigration detainees but are prohibited due to state and local policies that limit cooperation with the agency.¹⁰⁸ Under the WSO model, state and local law enforcement officers are trained, certified and authorized by ICE to perform limited functions of an immigration officer within the jail and/or correctional facilities. As of November 2021, ICE has 287(g) WSO agreements with 76 agencies in 11 states.¹⁰⁹ As of July 2022, Virginia does not have any agencies participating in WSO.

Procedural Justice

Tom Tyler's (2011, p. 73) definition of procedural justice reflects an individual's "evaluation of the fairness of decision making (neutrality, transparency, factuality, allowing opportunities for input) and of interpersonal treatment (treatment with respect or dignity, respect for rights)." Tyler and colleagues' theory of procedural justice begins with agents of the criminal justice system acting in a trustworthy and neutral manner, treating citizens with dignity, and providing citizens with the opportunity to explain their actions (voice). The theory of procedural justice suggests that if citizens are treated in a procedurally just way, citizens will perceive that they have been treated fairly, and such perceptions increase citizens' perception of legitimacy (Nagin and Telep, 2017, p. 8).

Community Policing

Community policing is generally defined as a law enforcement philosophy that allows officers to continuously operate in the same area in order to create a stronger bond with the citizens living and working in that area. As a result, this allows public safety officers to engage with local residents and prevent crimes from happening.

¹⁰⁷ <https://www.ice.gov/pep>

¹⁰⁸ <https://www.ice.gov/news/releases/ice-launches-program-strengthen-immigration-enforcement>

¹⁰⁹ <https://www.ice.gov/identify-and-arrest/287g>

Appendix D – Resources

Evaluative Standards

Evaluative Standards	Operational definition (How might each of these be measured? What are possible indicators?)	Data sources	What will it tell you? Sample codes?
Trustworthy motives (impartiality) (satisfaction)	<p>Definition: Beliefs about the degree to which the police are honest and care for the members of the community they police</p> <p>Measures: Community surveys, media reports, other periodicals</p> <p>Indicators: Positive feedback from the community</p>	<p>Citizen satisfaction surveys</p> <p>Periodicals, media reports</p> <p>Citizen cooperation and involvement</p> <p>Community groups' perception</p> <p>Law enforcement executive interviews</p> <p>Policies and procedures</p>	<p>The information from the various sources will provide an indication of satisfaction between the community and law enforcement.</p>
Legitimacy	<p>Definition: According to Tyler, a psychological property of an authority, institution, or social arrangement that leads those connected to it to believe that it is appropriate, proper, and just.</p> <p>Measures: Community surveys and media reports</p>	<p>Citizen satisfaction surveys</p> <p>Periodicals, media reports</p> <p>Citizen cooperation and involvement</p> <p>Community groups' perception</p> <p>Law enforcement executive interviews</p> <p>Policies and procedures</p>	<p>The information from the various sources will provide an indication of the level of legitimacy law enforcement has in their particular communities.</p>

	Indicators: Positive feedback from the community and cooperation with police.		
Community engagement (voice)	<p>Definition: Develop and engage in programs that create opportunities for patrol officers to interact regularly with neighborhood residents, give officers greater opportunity to build relationships and demonstrate their commitment to serving those communities fairly.</p> <p>Measures: Number of programs a department has and how often they participate in activities with the community.</p> <p>Indicators: The department can show a positive return on investment through participation by the community and demonstrated outcomes.</p>	<p>Citizen satisfaction surveys</p> <p>Periodicals, media reports</p> <p>Citizen cooperation and involvement</p> <p>Community groups' perception</p> <p>Law enforcement executive interviews</p> <p>List of community engagement activities, number of participants and measurable outcomes</p> <p>Policies and procedures</p>	The information from the various sources will help to determine the level of community engagement and how successful their efforts are in the community.
Transparency (neutrality)	Definition: The degree to which policies, procedures and practices are available to the	<p>Law enforcement executive interviews</p> <p>Citizen cooperation and involvement</p>	<p>Citizens' direct access to members of the command staff.</p> <p>Policies are easily accessible.</p>

	<p>public.</p> <p>Measures: Are policies available online?</p> <p>Are citizens included in the decision-making process?</p> <p>Indicators: Citizens were included in policy development and the policies are easily accessible and open to the public.</p>	<p>Community groups' perception</p> <p>List of community engagement activities, number of participants and measurable outcomes</p> <p>Policies readily accessible to the public</p>	
<p>Crime (relying on more "objective" measures drawn from crime reports and/or law enforcement executives'/community members' perceptions of impact on crimes)</p>	<p>Measures: Crime data</p> <p>Indicators: Whether crime increased, decreased or had not impact during the immigration enforcement initiative.</p>	<p>FBI/ DCJS crime data</p> <p>Citizen satisfaction surveys</p> <p>Periodicals, media reports</p> <p>Citizen cooperation and involvement</p> <p>Community groups' perception</p> <p>Law enforcement executive interviews</p>	<p>It will add to the literature on the immigration-crime nexus.</p> <p>The data will determine if there was an impact on crime during the specified time span.</p>

Appendix E – Crime Data for Virginia 287(g) Participating and Non-Participating agencies 2007-2012

Data were collected on the seven Virginia jurisdictions that participated in the Task Force Model (TFM) of the 287(g) program and for seven non-participating agencies for comparison on crime data and reductions during 2007-2012. It is important to note that all agencies participated in the 287(g) Secure Communities program starting in 2013. The basis for selecting the seven participating law enforcement agencies was that the municipalities in which these police departments operate experienced an influx of Hispanic immigrants from 2000-2006. According to DCJS, prior to the implementation of the 287(g) program, the overall population of foreign-born persons within these jurisdictions increased between 19% and 29%. Accordingly, each of these police departments entered into a Memorandum of Agreement (MOA) to participate in ICE's 287(g) Task Force model (TFM) program. Three factors guided the selection of the comparison law enforcement agencies. First, each jurisdiction experienced a significant increase in immigrants in the 2000s (see Figure 2). Second, based on the 2010 Census, the localities served by the 287(g) program had a generally similar proportion of immigrant population as the localities in the corresponding participating agency (see Figure 3).

Figure 3 – Total Immigrant Population: Comparison Localities, 2010

Jurisdiction	2010 Immigrant Population	2010 Total Population
Virginia	18.1%	8,001,024
Herndon	53.6%	23,292
Leesburg	27.8%	42,616
Loudoun County	36.3%	312,311
Arlington County	27.5%	207,621
Manassas City	47.8%	37,821
Harrisonburg City	21.7%	49,914
Manassas Park	54.5%	14,273
Winchester City	28.1%	26,203
Prince William County	36.9%	402,002
Fairfax County	37.9%	1,081,726
Rockingham County	10%	76,314
Albemarle County	12.2%	98,970
Shenandoah County	9.9%	41,993
Frederick County	12.8%	78,305

Source: U.S. Census Bureau

Third, the paired agencies are generally located in a similar region of the state. The 287(g) participating agencies entered into MOAs with ICE during 2007 or 2008. The law enforcement agencies and their 287(g) participation dates are as follows:

287(g) Agencies	Non-287(g) Agencies	Dates 287(g) Programs
<u>Participating Agency</u>	<u>Comparison Agency</u>	<u>Signed and Rescinded</u>
Herndon PD	Leesburg PD	March 2007 / 2012

Loudon Co SO	Arlington Co PD	June 2008 / 2012
Manassas City PD	Harrisonburg City PD	March 2008 / 2012
Manassas Park City PD	Winchester City PD	March 2008 / 2012
Prince William Co PD	Fairfax Co PD	February 2008 / 2012
Rockingham Co SO	Albemarle Co PD	April 2007 / 2012
Shenandoah Co SO	Frederick Co SO	May 2007 / 2012

The data provides crime and arrest counts for one year prior to the date the program was initiated, the four or five years during which the program was active, and the one year following the end of the program. Data was originally requested beginning in CY 2001; however, it was found that this many years of non-287(g) data added more noise to the data than it did information, and data issues existed with some of these earlier years. For each of the 287(g) – participating localities and the non-participating 287(g) localities, an analysis of the following areas were conducted for year-ending data from 2007-2019:¹¹⁰

- Number of violent crimes reported annually,
- Number of violent crime arrests reported annually,
- Number of property crimes reported annually,
- Number of property crime arrests reported annually,
- Number of DUI arrests reported annually,
- Number of drunkenness arrests, and
- All other offenses

¹¹⁰ Virginia Department of Criminal Justice Services (DCJS)

Appendix F – 287(g) Participating Agency Coding

Code	Indicators	Transcript Page	Number	Quote (if applicable)
Building trust	Community engagement activities/community policing	ALL	PW1A-10, PW1B-4,6, PW1C-3, H3A-6, L4-4,5, D5-4-5, G6-4, SS8-7, NH9-2,5, B10-2,5, P11-2, 3	We do so as an ingrained aspect of our patrol philosophy. So, our community policing is not separated into a unit or staff position. It's more of a philosophy [...]. D5- ...have individuals that are embedded in the community, that are working on community trust, especially with our Latin X community. And not just a person to say, 'Oh, this is the point of contact for the Hispanic community,' that doesn't go over well. They really need people in the community who are spending time with them, or helping them to understand everything that the police department is doing, just like we do with our English-speaking residents.

Building trust

Community meetings/education

PW1A, PW1B, PW1C, H3A, L4, G6

PW1A-2,4, PW1B-1,2, PW1C-2, PW1C-3, H3A-2,5, L4-2, G6-2-3,4, P11-2,3

PW1A-4...the biggest thing that we did was just hundreds of community meetings. We did meetings in every single school in the county; we met all that were available to us. We met with all the different advocacy groups. PW1B-2...we started doing this education campaign. And if I recall correctly, we did a couple of 100 meetings throughout the community. We visited churches, community centers, schools. PW1C - Chief [...] went everywhere and anywhere in the Hispanic Community to attempt to quell their fears about what this policy would be. In fact, the Chairman of the Board of County Supervisors was trying to get traction from the other Board members to remove Chief [...] because of his outreach, and the places he would go, to talk about his policy. L4- And we wanted to reassure the community that this was a tool of investigative measure to combat criminal gang activity. And that is it. And we were very strong on that message. And quite honestly, we never used it outside of that. And I never received any type of negative feedback, any complaints or anything of that nature.

Building trust

287g Implementation with citizen input

PW1A, PW1C, H3A

PW1A-2

Building trust (satisfaction/impartiality)	Citizen satisfaction surveys, cooperation, involvement, media reports, community perception, analysis of policy	PW1A, PW1B, PW1C; M2, H3A, L4, D5, G6, CM7, SS8, NH9, B10, P11	PW1A-10, PW1B -3, PW1C-6, M2-3, H3A-10, L4-9, D5-2, G6-13, CM7-13, SS8-13, NH9-10, B10-10, P11-4	PW1A -Yeah, we did a whole bunch of media stuff. We went out to all the regional Hispanic television and radio programs and I did outreach there as well. We did outreaches through some of the local consulates, both Mexican and El Salvadoran and involved them in some of the messaging to their constituency in the area. PW1B -3 And also, as part of the implementation, Chief [...] recommended that we have analysis of the policy, and its goals and outcomes, specifically. And so, UVA, James Madison University, and the Police Executive Research Forum (PERF) collaborated to do a study for the county to assess those things; what were the goals being met, and what were the outcomes, and they measured that.
Building trust	Only focused on criminal activity when responding to calls for service	L4	L4-3	L4...when we went into those situations and you know, we identified a gang member or individual who was here undocumented and involved in criminal activity, whether it be human trafficking or drugs, we went in - we would lead by example, so simply we would go in. And say the place had 20 people in it, we only focused on that one person.

Building trust	Established a Hispanic liaison for community	D5, NH9, B10	D5-3, Nh9-1, B10-1	I identified a Hispanic liaison here in the police department. And that is an official position here in our department now. And that person work with our Hispanic community, you know, five days a week, 40 hours a week. And that's all they do, is they are bilingual. They are of, you know, Hispanic origin, and they help to dispel rumors . They help to educate the community and sort of reinforce that the [...] Police Department isn't in the immigration business. And that has really helped us considerably. NH9,B10 - I created these liaisons for the communities that were native to the language. So, in [...] and [...] it was a high immigrant population from El Salvador and Central America. So Spanish speaking police officers, I would have them participate in outreach and forums and have them take leadership roles in the communities.
Building Trust	Published general orders	PW1A	PW1A-5-6	
Legitimacy (satisfaction/impartiality)	Citizen satisfaction surveys, cooperation, involvement, media reports, community perception	PW 1A, PW1B, PW1C, M2	PW1B-4, M2-4	

Legitimacy

Immigrants willing to
report crime and
complaints against officers

H3A

H3A-8

H3A- Yeah. And I was amazed at that, because I was expecting the opposite where, you know, they wouldn't trust us; they'd be scared to come to the police station. And the one complaint that stood out in my mind, that I felt was, 'Wow, they really trust us,' was one immigrant reported that during an arrest, an officer stole their money. Now, he was scared of the police and scared – and this person was an illegal immigrant, they call illegal alien, I guess. This person knew that, 'hey, we're 287g and he could possibly be deported. It didn't faze him at all. He came down and reported it; we investigated; turned out that the officer didn't steal his money. But I was just amazed that this guy had enough confidence in us to report that and have us look into it.

Legitimacy/Lesson Learned	Officers viewed as members of the community/visibility	L4	L4-9	<p>L4-My visibility is strictly from a lawman’s perspective; a peacekeeper. And they’ve got to see me. So you’ve got to be visible. Your folks have got to be visible. You have to be engaged. That disconnect from the community that occurred post or during war on drugs, during the warrior mentality, warrior invitation to our training, that is over; that is over. We are not occupiers. And although we carry a gun; we carry a badge and we’re in uniform, the lesson I learned is you’ve got to get people see you as a regular person. They’ve got to see your officers as regular people, as community members, as stakeholders in the community. They can’t see them just as occupiers or just police officers, because if they see them like that, you’re going to lose a level of effectiveness. So, my whole thing is, keep the pulse on your community, making sure that you have multiple sources of information coming in, so that way you can understand how you need to serve your particular jurisdiction, and ensuring that you’re visible. You are a visible and sincere and genuine stakeholder within the community that can see you, whether you wear a badge or whether you come into a room in a suit or in some jeans. That’s what’s important. You’ve got to establish social relationships and you’ve got to maintain them. The days of the chiefs only seen on hot scenes is over. It’s over. So, visibility is very important as well.</p>
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Goals	Reduce crime	PW1A, PW1B, M2, L4, NH9, B10	PW1A-1, PW1B-7, M2-5, L4-5, NH9-13, B10-13	PW1A-The resolution was passed by the Board of Supervisors – the police department was directed to participate in 287g. The goals were to reduce crime, increase safety, and reduce neighborhood problems. The PD wanted to be fair, lawful and reasonable.
Goals/Purpose	Increase perception of public safety	PW1B	PW1B-1,7	PW1B-As a police department, it wasn't something that we sought out to participate in; it was rather the county, and the Board of County Supervisors, our governing body, who adopted a resolution that directed us to do it.
Goals/Purpose	Reduce neighborhood problems	PW 1A	PW1A-1	
Goals/Purpose	Collecting immigration data to understand status	PW 1B	PW1B - 2,3	
Goals/Purpose	Address crimes committed by undocumented/illegal immigrants	PW1C, H3B, L4, M2, G6	PW1C-1, H3B-1, L4-1, M2-4, G6-2	PW1C -The [...] Police Department was mandated to participate in the 287(g) program by order of the Board Of County Supervisor's. Chief [...], the chief at the time of the mandate, goal was to focus on illegal aliens who commit crimes. We then reported the percentage of those arrested who were suspected illegal criminal aliens. H3B-1 - The primary goal of [...] was to use the federal immigration authority delegated to designated officers as a tool to detain and remove serious, violent and repeat offenders who were here illegally from the community.

Goals/Purpose	Increase efficiency/Enforce Civil ICE detainers	M2, H3A	M2-1, H3A-2	H3A- Again what we don't have to wait around in those cases that we needed immigration to help us because we had such a large immigrant community which often we'd make arrests and we couldn't figure out who the person was or anything. So having this ability to check files, immigrant files has really made us more efficient.
Goals/Purpose	Access to ICE database	M2	M2-1	
Goals/Purpose	Decrease immigrant population	H3A	H3A-1	
Goals/Purpose	Investigative tool to aid in criminal investigations	H3B, L4, P11	H3B-1, L4-1, P11-	H3B-1-We had a very large immigrant population there. I would say probably was 50% of immigrants in the town there...And we had a large day-laborer spot where every morning we'd have at least 200 or more men gather on a corner in a city looking for work.
Goals/Purpose	Frequently encountered individuals with ICE detainers	H3B	H3B-1	
Goals/Purpose	Increase crime reporting	G6	G6-4	The trust factor went up, and some of those measures were just anecdotal. But you could tell, if you went into a neighborhood, who would talk to you and who wouldn't. That, in my view has improved.

Goals/Purpose	Intercept illegal/gang activity	L4, D5, G6, CM7, SS8	L4-1, D5-2, CM7-1	D5...and there is, you know, so many issues surrounding immigration that the country is having to deal with right now. And even though some of these programs I think may have been implemented with good intentions to potentially intercept illegal activity, gang activity, and so on, I believe that the casting the wide net on communities had sort of a boomerang effect on what those intentions, you know, initially started out to be, and it just turned into anyone who is – who we run across that didn't have the appropriate papers who don't have citizenship, should be turned over to immigration. And that approach, to me, has caused so much damage, you know, in the Hispanic community because our Hispanic populations continue to grow. And many of the individuals that are in the country are law abiding citizens and working citizens, and members of our community that are not doing any harm.
Goals/Purpose	Remove serious violent offenders from the community	PW1C, H3B	PW1C-5, H3B-1	H3B-1 - The primary goal of [...] was to use the federal immigration authority delegated to designated officers as a tool to detain and remove serious, violent and repeat offenders who were here illegally from the community.
Goals/Purpose	Monitoring to build trust and reduce crime	NH9, B10	NH9-1, B10-1	B10-I was asked by the mayor and his team was to build trust in those communities and really help folks kind of positively immigrate, even though their status was alien status.

Goals/Purpose	Prevention of human trafficking and smuggling	P11	P11-1
Transparency	Established website with data	PW1B	PW1B-3, 8 PW1B-...every year we would report how many contacts we had, the suspected illegal immigrants.
Transparency	Independent evaluation of program	PW 1B	PW1B-3
Transparency	Citizen satisfaction survey results online	PW 1A, 1B, 1C	1A-3, 5, 17
Transparency	Citizen inclusion in decision making process/policy development		
Transparency	Policies are posted/accessible to the public/advertise enforcement	PW 1A, 1B, 1C, D5, CM7, NH9, B10	PW1A-4,5 -We published our general order, in terms of immigration enforcement, the only two general orders at that time that had ever been published online by our department. And the biggest piece of that, that we tried to emphasize with folks, is that we will not ever inquire of somebody's immigration status, unless they've been arrested. And we will never inquire of anybody's immigration status if they are a victim or a witness of a crime. And we kept repeating that mantra over and over again, trying to make sure that people understood that they can and should report crimes to us,

whether a victim or witness, and that they would be safe from any potential retribution as a result of their immigration status. Kind of what you saw over time is people began to learn that, not only were we saying it, but through their experiences, they could see that we were doing it. There are a number of good pieces, op eds and stuff, that were published locally that people were able to point to those examples and circumstances. And I think, over time, they just began to see that we really could be trusted for what we were telling them.

Transparency	Public comment and discussion of policy	PW1A, PW1C, H3B, D5	PW1C-4, H3B-1, D5-2,9
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Transparency	Create Hispanic liaison to communicate with community	D5, NH9, B10	D5-3, NH9, B10
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Transparency/Building trust	Translate documents in various languages	L4, D5	L4-6, D5	I think definitely the engagement and the education of the community was vital to us not having some of those consequences we were worried might materialize. So, had that not been done, I would have – I would worry that it would not have played out the way that it did. So, that’s very, very important for anyone who is new to it or considering a program.
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Transparency

Allow media ride
along/media statements

L4, G6

L4-10,
G6-2-3

G6-And so, there was a little education piece. And then we talked with the consulate; we talked with the Latino media and said, '287g is this; if we've got gang members out here that are preying on victims, if we've got people who have been reported before, if they are disorderly or they break the law, they're going to run into some problems with 287g. But, if you're out here working or just being a citizen and not getting into any trouble, then we're going to be there to support you. 'Oh, and by the way, you don't have to worry about us coming out and taking a report from you as being a victim. We're not going to check your status for that. We're going to actually work to clear the case.'

Transparency

Social Media platform

D5

D5-5

Community engagement (Trustworthy motives/impartiality)	Acknowledge the importance of community engagement	<p>PW1B, L4, PW1B-9, PW1B-9-I think definitely the engagement and the education of the community was vital to us not having some of those consequences we were worried might materialize. D5- I have spent considerable amount of time trying to build that relationship with my Hispanic community by personally being involved in some of the community discussions, you know. We were moving – before COVID-19, we were moving discussions from one church, one Hispanic congregation to the other, so that after church, on Sundays, the congregation was allowed to stick around if they wanted to be part of the community conversation between the police department and that particular congregation, to respond to questions, help dispel myths and rumors about ICE. And it took us really getting out there and having all of my bilingual officers to go with me. I brought by investigators that are bilingual. I brought, you know, other officers that are bilingual. I brought Hispanic officers and it was a surprise to them to see black officers are bilingual. White officers are bilingual. And so, when I hosted these events, we would do it at the church. And it really shocked the community members in the congregations that they have several people who are actually bilingual in the police department, who can speak our language, and I use them to communicate. D5-We want them to be a part of – whether they're, you know, legal citizens or not, we</p>
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want them to be stakeholders in what's happening in the city. Because some of my conversations in those communities is that people commit crimes, are committing crimes, not just in your community, they're committing crimes all over the city. So if you're a victim, I need to communicate with you effectively. I need you to help me identify who it is that committed the offense... CM7- Because a lot of countries you come from, there aren't services. They're not aware of services. And so, being able to make that connection and just helping make connections and giving them a face to recognize, that they can ask, even if it's just about how to live in the United States, is extremely important.

Community engagement (Trustworthy motives/impartiality)	Participated in community programs	L4, D5, NH9, B10, 5, SS8-7, P11 L4-7, D5- NH9-3, B10-3, P11-2
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Community engagement (Trustworthy motives/impartiality)	Developed programs for the community	D5, G6, NH9, B10	D5-5, G6-2, NH9-1,2,5, B10-1,2,5,	<p>D5-If I have a Citizens Police Academy, now I have a Hispanic Citizens Police Academy. So, you know, they get the exact same instruction as my regular Citizens Police Academy does, except for I made sure that there are individuals that are instructing that are translating, and providing that information in their language. G6- We engaged with the Mexican community. And then, the interesting part we engaged with the Mexican Consulate. We'd take a mobile command post out there. We had military grade satellite uplinks. We would literally work with the consulate and do pre-notifications, get the forms out. And then, the consulate would work, bring them in and we would have like – you probably remember the days when – and there still occurs some now, immigrants wouldn't have bank accounts, so they'd go out with cash, and we'd end up with robberies and home invasions and stuff associated with that. So, what did when we set this up is, first learned what the process was to get a matricular card. And then, what is the process to become documented in the United States? Can you get a Visa? Can you get this or that? So long story short, we literally set up background checks and all of that, through the Mexican Consulate, so there was a level of trust there.</p>
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Community engagement (Trustworthy motives/impartiality)	Community policing	L4, D5, L4-7,9, G6, CM7, D5-5, SS8, NH9, G6-2, B10, P11 SS8-7, NH9- 1,2,3,5, B10- 1,2,3,5, PW1A-4, H3A-9	L4-...community policing is not a unit; it's not a person; it's a philosophy. And in order for community policing to be effective, that philosophy has to be organizational. PW1A...an engrained aspect of our patrol philosophy so our community policing is not separated into a unit or staff position. H3A - That's my specialty, community policing. I believe in having the entire department involved, including investigators, everybody and what we did was we broke our city up or our town in community policing districts [...]. I'm talking about major geographical areas. A team of officers to be experts for that particular geographical area so he should know all the criminals in that area, sex offenders in that area, you should know all that. I know all of them and know what is going on, so if the Board or someone calls me, I can pretty much be assured that we were already aware of it and we're already working on it. It really works well because they took the challenge that we need to know and have a plan going before the chief has to tell us. ...it entails a lot of foot patrol, an awful lot of bike patrol because [...] is very conducive to riding a bike, and a lot of community meetings, a lot of neighborhood watch, anything we can do to reach out to the community. And then involve the community in the police department because community policing is really that, community doing the policing. [...] That worked
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really well and the community loved it, the citizens loved participating in it.

Community engagement (voice)	Citizens involved in decision making/community and/or council meetings	PW1A, PW1B, PW1C, M2, H3, P11	H3-1	H3-Prior to implementing the program in patrol, meetings were conducted in the community to answer questions from concerned citizens and to address the [...] plan [...].
Community engagement (voice)	Citizen Advisory Board (voice)	N/A	N/A	
Community engagement (voice)	Police attend civic meetings	PW1A, PW1C, PW1C, P11		

Community engagement (voice)	Limited community outreach initiatives for 287g	M2, L4	M2-2, L4-2
Crime reduction	Crime rate has declined for many years	PW1A, PW1B, PW1C, H3A	<p>PW1A-8, PW1A - We did have almost PW1B-5, consistently throughout that time PW1C-5, reductions in Part I crimes. But H3A-4 frankly, those have been going on for 25 years. You go back to '89-'90, we had crime rates pushing 40 per 1000, and they've been dropping steadily since then and we're now just over 16. So, I don't personally see anything that occurred in the '08 to say '11-'12 range, It is hard to attribute any causal factor to it. It could have been the economy or anything else. PW1A -We've always collected that ethnic demographic on arrests, just like everybody does. And we didn't see any increases in those kinds of involvement at all. We didn't track anything related to illegal immigration or people without status until post resolution, and that was when, over the next several years, we saw that percentage of crime you just described for violent and overall stayed very consistent from year to year. So, we saw no real decreases in that.</p>

Crime reduction

287g attributed to decline
in crime rates PW1A

PW1A-8 PW1A-8 -Well, according to the UVA study, it wasn't. I don't have any annual reports in front of me that predate '07, but they did see a marked decrease in aggravated assaults. But then I can tell you, later, aggravated assaults came back up. So how much of that is attributable to the resolution? How much of it is attributable to the economy? I don't know. But they pointed to both aggravated assault and hit and runs. I can tell you that hit and runs did come back again later to increase a little bit. So, I have agg assaults in front of me, to '09. And they did drop a little bit following the enacting policy and '08. They dropped, I forget, I want to say 20 or 30%. And then they bounced back again, in '10, came back up to our whole number was 224. And they dropped almost 40% in '11, dropped another little bit in '12 and went up again in '13. So, I didn't see any sustainable (inaudible) following the resolution, I guess is what I'm really trying to say. Yeah, it's awfully hard to attribute any single causal factor to it.

Crime reduction

287g used as a crime
reduction tool

PW1A, M2, L4, NH9, B10 PW1A-1, M2-4, L4-5, NH9-13, B10-13 L4 - We saw through our aggressive enforcement and investigations, being able to prosecute them effectively on the state level, as well as the federal level, using 287(g) as one of our tools of, course, along with our partnership with the Northern Virginia Task Force, we saw a substantial decrease in gang activity here in [...].

Crime reduction 287g NOT used as a crime reduction tool PW1C, M2, H3A, D5, NH9, BP10, P11 PW1C-5, M2-3, H3A-4, D5-2, NH9-9, BP10-9, P11-4 D5-2-My Hispanic crime rate here, as it relates to, you know, those individuals that are actually suspects, that percentage is so small compared to, you know, other individuals that end up in the criminal justice system. We're not arresting large groups of Hispanic gangs of drug dealers, of, you know, individuals committing violent crimes in the Hispanic community. It happens, but not to a point that immigration is a priority for me. So as a chief of police, I made some very public statements that immigration is not going to be the business of the [...] Police Department.

Crime reduction Community policing an effective crime reduction tool PW1A, M2, H3A, L4, NH9, B10 PW1A-10, M2-2, H3A-6, L4-4-5, NH9-3-4,9, B10-3-4,9 PW1A -Yeah, I certainly think it's been effective . The answer as to its measurement is really no; we don't have a specific measure on it, because we have never treated as a separate program in teaching and training it for well over 20 years. Had - probably going back to when I was on Academy staff, but it's not something that we can physically measure in terms of our overall impact because it's just been ingrained philosophy in our patrol structure.NH9, B10-...obviously, it's measured in part one crimes, right. So, in [...],[...] and [...], [...] being the kind of pinnacle of that reduction, part one crimes, I think at the end of the day, before I left [...] we dropped part ones like 34%, or something crazy, and we dropped homicides by half. Yeah, so the community policing has real positive ramifications. In [...], we had a pretty significant violent crime rate for a city of

100,000. I think we had - I know, we would end up with 40 – 30 to 40 homicides a year, which was per capita was pretty crazy. So, we were able to cut that in half my time I left [...]. It was all relationships stuff. It wasn't Forensics, I can tell you that. Those cases were all solved by somebody saying 'this is who - you know, Johnny did it.'

Crime reduction

Community policing NOT used as a crime reduction tool

N/A

N/A

Challenges

Fear of individuals not reporting crime/not willing to be a witness/not willing to come forward with anything

PW1A, PW1B

PW1A-3, PW1B-And so, we were very concerned about our victims, and PW1B-5, NH9-8,9, our witnesses still being BP10-8,9 cooperative with us, either in reporting, or giving testimony as witnesses. And, you know, I think anecdotally, our officers would say that they thought that that probably did happen a little bit. Or to some extent, I should say, and so we're unsure if some of our crime numbers changed, not because we were reducing the number of illegal immigrants, but because we, perhaps we could have been reducing the number of people reporting crimes. NH9, B10- I think initially a little less

reporting. But if that community policing model is adopted, then that quickly changes back to a positive, in terms of more reporting. But the reporting is done through non-traditional means. So, it's not a 911 call anymore. It's, 'Where's officer Garcia?' Right. 'Is she here today? I want to talk to her.' That's the kind of report we were getting.

Challenges

Retaining the trust of the community

PW1A, G6, CM7, SS8 PW1A-3, G6, CM7, SS8-So, I think that's the biggest challenge, is just getting to know the community. And understanding that, just because you got to know them today doesn't mean you know them tomorrow. You've got to nurture that all the way through. I think that's the biggest challenge.

Challenges

Building trust/lack of community participation in meetings

PW1C, M2, G6, NH9, B10
PW1C- 1,3,4, M2- , G6-5, NH9-1, BP10-1

PW1C- It was a complete barrier to getting the trust of the Hispanic community. Years after implementation when Chief [...] and I met with some community members after an officer involved shooting in which a 15 year old Hispanic boy was killed, we were told that as long as 287(g) existed in any form in Prince William County, it was only in the jail by this point, we would never have the trust of the Hispanic community. NH9, BP10 - Oh, absolutely. I had to find the right officers. They had to be almost indigenous to the community. That took quite a while and then the building of trust took years, because there's a high level of distrust in those communities for police officers and law enforcement. It just took longer than I think most people are willing to put in the time for. G6-it's almost like we were treating the Latino community like a 3rd world community within our own city. Very little interaction. When we did, there wasn't a lot of trusts. We weren't engaging very well, and when we did, it was enforcement oriented. And so, it was – and then, really, the catalyst, what kind of brought it to a head is 'Why are we seizing all these cars and we know we were locking up an awful lot of immigrants for this no operator's license.' Any other citizen out here, we get them without a license and that's it, we issue them a ticket and we let them go...

Challenges

Fear; division

PW1B, PW1B-2, And there was this fear when I first
PW1C, D5 PW1C- got here, especially under the new
4,D5-3, administration of Trump. The
PW1A-4 messaging that was sent by the
administration about the wall,
about increasing the numbers of
officers working for ICE, the threats
that were sent out to local law
enforcement, especially
Democratic cities, that if we were
labeled as sanctuary cities that we
wouldn't be eligible for grants.
PW1A - There were many folks in
the community, criminal type, who
would talk about what they call
walking ATMs. Illegal immigrants
did not trust banks and would
carry around cash and be targets of
robberies. Those kinds of things
occurred; those were very real.
The main challenge for us was to
attempt to regain trust of the
community that we serve across all
of the demographic breakdowns
and be sure that people
understood that we were not
going to change anything we were
doing, it was really meant to
impact people who were already
arrested for a criminal offense.

Challenges

Creating new issues
because of no tolerance
enforcement policies

NH9,
BP10

NH9-5,
BP10-5

NH9, B10- Yes, you have people
driving without licenses. You know,
if you're pulling people over for
cars that are not registered, and
you're just creating more
animosity. In [...], I had a group of
people that would help them get
to the DMV, and help them
understand what the DMV was. No
one - they didn't know. They
figured you get a car and drive it.
And so, he started having
conversations about that and even
created an appointment for just

the folks that had language issues.
 ...we had a whole lot full of cars.

Challenges	Main focus on high crime areas- not immigrant communities	P11	P11-1	
Challenges	Misinformation in the public	M2, P11	M2-1,2 , P11-3	M2- A belief that we still do it and we were going door to door- all misinformation.
Challenges	Time for training officers	PW1B, M2, H3A	PW1B-3,6,7, M2-4, H3A-2	
Challenges	Political environment/Federal mandates	H3A, D5	H3A-2,D5-3	D5-And there was this fear when I first got here, especially under the new administration of Trump. The messaging that was sent by the administration about the wall, about increasing the numbers of officers working for ICE, the threats that were sent out to local law enforcement, especially Democratic cities, that if we were labeled as sanctuary cities that we wouldn't be eligible for grants.
Challenges	Language barriers/communication	PW1, M2B, P11	PW1B-5-6, M2-2, P11-1	PW1B5-6-We found it a little bit more challenging to successfully educate. We thought our, our immigrants that did not speak English very well, although we would take translators and Spanish speaking officers to these education events, it just seemed

either they weren't necessarily attending, or the information wasn't getting, you know, digested fully by folks that did not speak English as well.

Response to challenges	Ease off some of the traffic offenses/educate	G6, NH9, B10	G6-4,5, NH9-4,5, B10-4,5	NH9, B10 -So, we had to kind of change our thinking. We had to provide people with some security before they would talk about prosecution.
Response to challenges	Community education/PIO	PW1B, P11	PW1B-2, 3, 5, P11-3	PW1B 2-3...so that's why we felt, as a police department, it's very important to go on educate, to help people to understand that it was only going to be if you were arrested. That we weren't, you know, doing round ups, we were not doing you know, workplace visits, we were not doing any of that kind of stuff. And that seemed to be helpful to us. We felt like, you know, eased the fear of the immigrant community...
Response to challenges/recommendation	Partner with state and federal agencies	P11	P11-1	P11- The [...] Police Department partnered with other organizations along with federal agencies to help address this underserved segment of society. The federal agencies serve as a force multiplier for agencies that lack the personnel and resources to deal with these issues.
Response to challenges	Better recruitment efforts around language skills	M2	M2-3	

Response to challenges	Enhance communication in English and Spanish	M2	M2-2
Response to challenges	Speaking/interacting directly with the community/Community forums/HOA meetings/ Getting officers familiar with the area	PW1B, PW1C, NH9, B10	PW1B-3, PW1C-2,3, NH9- 2, B10-2 PW1C-2-We continued to set up open forums to meet with community groups, all communities. We still set up chats with the Chief, that often had disappointingly low attendance, in all community groups. In fact, the day after the shooting involving the 15 year old, we had a chat with the chief scheduled in a predominantly Hispanic community at an elementary school. We were planning on using the small cafeteria but were concerned there would be large attendance due to the shooting. I believe a total of 5 people showed up and the OIS was not the focus of the conversation. We also sent staff to HOA and other neighborhood group meetings to attempt to build trust. 3-Keep providing opportunities for engagement, no matter how small the turnout, and say yes to most, obviously not political focused events, to send staff to engage.

Unintended consequences	Community Impact - loss of trust/damaged relations with immigrant community	PW1A, M2,L4, D5 15,	PW1A- PW1C-4- 5, M2- 4,L4-6, D5-2,8	<p>PW1A-I think it is where it belongs right now (in the jail). I'm very, very happy that we've been able to restore the trust of our minority community. But it really set us back for a few years and it created a ton of work to try to rebuild.</p> <p>PW1C- As I mentioned previously the immigrant community could not completely trust us. I experienced this firsthand soon after the policy went into effect when I came upon a crash where a car rear ended another. The at fault vehicle was operated by a Hispanic male who had his family in the passenger van. The look of fear, utter fear, everybody in that car had on their face brought tears to my eyes. Only one person in the car spoke Spanish, a teenage female, and I told her to tell her family that everything was going to be okay, it was just a car crash and there was nothing to worry about. She told them, they nodded their heads as if to say ok, but the look never left their eyes. As I type this 14 years later I still remember the look on their faces, it made my stomach turn. That was one of few days in my 29 year career that I wasn't proud. L4- ...they would wait outside of many of the clubs, you know, the mall areas where, you know, there was a Latino business that operated and serve alcohol. And they would wait, you know, deputies would wait, because it was an easy arrest. And, you know, that's not doing anything to help us establish a relationship with that community. And instead of trying to find a way</p>
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to get that individual home, which often - most often was the person lived within walking distance, there's no need for them to be put into the system. D5-And that approach, to me, has caused so much damage, you know, in the Hispanic community because our Hispanic populations continue to grow. And many of the individuals that are in the country are law abiding citizens and working citizens, and in members of our community that are not doing any harm. D5-8-We have spent decades trying to build a relationship with all members of the community. And this is going to hinder that relationship.

Unintended consequences	Community Impact - fear	PW1B, PW1C, M2, D5	PW1B- 2,4, PW1C-4, M2- 3,4,D5-3	M2 - Latino community had fear of the police officers. Victim/witnesses were concerned they were going to be deported. D5-And there was this fear when I first got here, especially under the new administration of Trump. The messaging that was sent by the administration about the wall, about increasing the numbers of officers working for ICE, the threats that were sent out to local law enforcements, especially Democratic cities, that if we were labeled as sanctuary cities that we
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wouldn't be eligible for grant funding.

Unintended consequences	Citizen perception of police - decrease in satisfaction/perception	PW1A, PW1B, PW1C, M2	PW1A-3- PW1A - Prior to the resolution, 4, PW1B- we've had very high overall marks 4, PW1C- in that question. And they were 1, M2-4 consistent, fairly close to each other in regard to white responses, black responses, Hispanic responses. And then there are other racial breakdowns in there as well. When we first started back in '06, before the resolution was passed, the responses of white and Hispanic were virtually identical. And the black demographic was just a couple points lower. After the resolution passed in '07, and then our policy was enacted in '08, the next survey went out summer, probably mid-June of '08, and those responses, especially in the black and Hispanic community, dropped significantly. Black demographic dropped about 15 points and Hispanic demographic dropped about 40 points. However, as our community outreach continued over the next couple of years, come around to 2010 when the next one was done, and the numbers had almost bounced back to pre-resolution levels. So, we saw an immediate downturn/ decrease in trust and affirmation that the police department treats everybody fairly. And then two years later, we
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saw that bounce back, almost all the way back. And by 2012, it was all the way back to where it was prior to the resolution. PW1C - Absolutely. Before the policy was even put into place in July of 2008, the citizen satisfaction rate specifically as it related to our Hispanic community plummeted, and the policy was only being spoken about when the survey was taken. M2- 4 The negative impression it left on our immigrants.

Unintended consequences Fear among legally present immigrants

PW1B

PW1B-2

PW1B-....among the Hispanic community, I would say mostly, there was a lot of fear. And that came, it seemed to be whether folks were illegal or, or were actually legally present; just if they were immigrants at all. Even if they did not have to be concerned about their legal presence, because they were here illegally, there was a lot of - it appeared to be there was a lot of concern that we were being directed by the board to, you know, start inquiring about their immigration status.

Unintended consequences	Citizen satisfactory survey declined (county and PD)	PW1A	PW1A 10-11,	<p>PW1A10-11-In the end, very little. In the short term, over the couple of years after the resolution was passed, it caused a lot of division, a lot of conflict; as we've already discussed, some breakdown in trust in the police department, the Criminal Justice Services as a whole and the county government as a whole. The same citizen satisfaction surveys that I referred to earlier, also have other questions related to county government, the Board of Supervisors, etc. We saw the demographic responses related to trust in those entities dropped significantly as well. I really have no idea whether those have bounced back as significantly as the police departments have. But clearly, because we have been able to kind of restore the trust and communication levels to where they were a part of the resolution, that's why I say in the end, I don't think it had a significant impact; but in the short term, over that, say, two to five years, it was a very significant impact. 11-I don't think the board desired to create a major conflict between demographic components of our population. I don't think they intended for folks' trust in the law enforcement bodies of their county to be reduced, or really damaged in the way that they were. Going back to what we talked about earlier, in terms of folks leaving the community, there were a number of folks; especially there were some references to this UVA study; there were a number</p>
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of circumstance responses and they weren't really data driven responses.

Unintended consequences	Change in immigrants reporting crime	PW1A, PW1B, H3A	PW1A-12, PW1B-9, PW1C-5, H3A-5	PW1A-We didn't find a quantifiable decrease in that area, although there was anecdotally that kind of information was coming through. PW1B - Now, I mean I did speak to whether or not we had less reporting of crime, but again, difficult to measure. It was difficult for us to measure whether or not that was the case. What you don't know, you don't know. But we did have concerns about that, and we did have officers, at that time, report. That was their feelings, was that folks were more hesitant to report crimes. But we felt generally that we were relatively successful in, you know, helping people not to be fearful of that. And I recall, at the time, that was something that we would tell folks, you know, our own calls for service. If we'd been called there, you know, don't be concerned about that, because that's not a question that we were asking the victims or witnesses. I think that was helpful, but again, we wouldn't know who didn't call us. PW1C- I don't have the ability to track crime reporting by immigrants. However, Dr. Guterbock with the University Of Virginia conducted a review of the policy and its effect in 2009. He reviewed weekly calls for service and there was a notable decrease
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in calls for service for crimes against person offenses (-9%), and property offenses (-9%). [...] is a majority minority community with Hispanic being the largest minority group in the county so it can be inferred that the Hispanic community was calling to report crimes less. H3A- I think a lot of crime goes unreported in the immigrant community. And one of the things that I think we did see out of this, which was a welcome surprise to me, is that the immigrant community would report - would tell on each other more, especially victims of rape and incest when they were aware that some of the provisions in 287g also protect victims. And I think that caused that, once that spread out through the community, that they – 'cause see, you know, before, they were molested or something, that they wouldn't because they thought they would be deported, because they were illegal. But once they found out that we had provisions under our authority to protect them and make sure that they don't get deported, I was really impressed.

Outcomes

Lingering misconceptions/continued M2 education needed

PW1B,

PW1B-4-5

PW2-4-5-And so, interestingly, this year, when I was part of some community engagement events, I had some young people ask questions and, you know, make some statements about the policy in the police department that were factually inaccurate. But I think because they were so - these young people, and when I say young, I, you know, like, early 20s. So, when this policy was enacted, they were very young children. And so, they, you know, were not clear on the facts of it and made some statements about, you know, like, 'hey, you know, you guys pertain to 287g, and you ask people for their papers,' things like that, and they just were not clear on what the facts of how that policy had evolved over the years. So, it's interesting to see over the years, you know, people that were not here in 2007, or were not old enough to understand it at the time, you know, I think maybe we - perhaps we considered we did not need to educate, continue to educate people as, as actively, especially following 2012. But it's interesting to see how people misunderstand even the current situation, or did you know, earlier this year when the jail still had 287g.

Outcomes

Community Impact- Mixed PW1A, PW1C, M2,D5, G6 PW1A-9, PW1A-Very mixed. Most surveys, PW1C-3, at that point, that the politicians were doing, were showing significant support for the board to do something to address illegal immigration. Most of the perception seemed to be centered around the fact that the Feds weren't doing anything, so the local government had to step in and do something. But it was still very mixed and very vocal on both extremes. A 15 hour Board meeting which lasted until 3:00 in the morning. PW1C-It was a split, passionate response on both sides of the debate. There were those who wanted all people who were not here legally gone, regardless if they were a criminal or not. And they were very passionate and vocal about that. And of course the Hispanic community who saw the policy was being directed at them, the largest minority community in [...] a predominantly majority minority community. PW1A - In the end, very little. In the short term, over the couple of years that the resolution was passed, it caused a lot of division, a lot of conflict, as we have already discussed some breakdown in trust in the police department, criminal justice services as a whole and the county government as a whole [...], I really have no idea whether those have bounced back as significantly as the police departments have but clearly because we have been able to kind of restore the trust in communication levels to where they were prior to the resolution. That's why I say in the end I don't

think it had a significant impact, but in the short term that, let's say, 2-5 years it was a very significant impact. H3A - Obviously, about 49% of them supported those who were elected and thought the immigrant population was a pain and some of the unsanitary conditions that they caused. Then you had 51% that felt that hey we should make them a part of our community.

Outcomes

Increase in custodial arrests (slight or none)

PW1A, PW1B, PW1C, H3A, G6

PW1A- 12, PW1B-8, PW1C-4, H3A-7, G6-5

PW1A- So, there were small increases in those numbers, but those were not specifically quantified, and they did not add to our overall arrest numbers for those years. We didn't find a quantifiable increase in that area although there was anecdotally that information was coming to us. PW1B- No, we didn't have complaints of such. I mean, we would – with the policy or without the policy, we would take someone into custody for something that could be released on a summons, if we were uncertain about their –

whether or not they would come to court. G6-...so we were arresting a disproportionate number of Latinos for the same charge we were letting somebody else go for; and oh, by the way, we tow their vehicle.

Outcomes	Increase in serious, violent HB3 offenders removed	H3B-1,2	H3B-The identification of <u>three subjects that were each wanted on active warrants</u> for murder and El Salvador (3 separate cases). Each subject was processed for immigration violations in the U.S. and successfully returned to El Salvador to face murder charges; 1 subject from Scotland identified was wanted on a warrant for outstanding statutory rape of a 14 year old victim; Numerous subjects convicted on child sex abuse, drug distribution and burglary charges in Herndon processed for removal; Numerous gang members process for removal; A major, long term, human smuggling/ trafficking operation identified which resulted in several federal prosecutions and large asset seizures.
Outcomes	Increase in investigations completed and number of detainers issued/served	M2	M2-1

Outcomes	287g impacted community policing efforts	PW1A, M2	PW1A-10, PW1B-6, M2-2	PW1A-No, I don't think so. I think, <u>if anything, it ramped it up.</u> Because it caused every one of our patrol officers to be very mindful of dealing with community groups, neighborhood advocacies, and trying to make sure that we had deeper conversations with people on an everyday basis to try to continue to rebuild the trust that had been lost by the public perception. M2- Yes, Latino community was <u>hesitant to interact with police</u> based upon their own countries policing and concern over the 287g program.
Outcomes	Decrease in immigrant population	PW1A, M2	PW1A-2, M2-4	PW1A- The actual reported population, according to some informal surveys that was down, yes, that number did drop. But I can't sit here and say to you that was a result of the resolution. Some people reported that that was why they left; other people reported that they left for economic reasons. So, it's really hard to attribute one to the other. M2- Yes, but downturn in the economy....
Outcomes	No increase in racial profiling complaints	PW1A, H3A	PW1A-5,12, 15-16, H3A-8	PW1A-5- I mean, you know how those situations go, you have an amazing level of vitriol on both sides, people trying to ramp up the debates, conversation. There were people that were claiming that we were going to be doing roadside checks, checking for immigration status, or we were going to be doing workplace checks, all this other stuff, and we just had to continue to reiterate, and even point out our policy, saying that this your immigration status is only

going to be checked if you've been physically arrested. So, over the next couple of years, they were able to see that that was actually the case. PW1A-15-16 - We fully expected there to be, we don't get a bunch of racial profiling complaints typically only a handful or less per year [...]. We really thought it was going to triple or worse, but it didn't. We also didn't get any additional lawsuits or anything like that.

Outcomes	Increased officer satisfaction - more efficient	H3A	H3A-2	I tell you, officers were happy. They thought it was a great benefit, again, because we didn't have to sit around and wait. We had officers with a phone number and some computer information that we could research folks and get the information that we need a lot quicker than we ever had the ability to do.
Outcomes	Citizens felt safer	PW1A	PW1A-3	

Outcomes

Decrease in citizen satisfaction survey

PW1A, PW1B, PW1C

PW1A-3,4

PW1A-3 - And there were decreases in a number of people expressing concern about overall neighborhood conditions, quality of life, that kind of thing. So, it appeared to us that all that was occurring at the same time. Again, whether that was attributable to the resolution or to the economy, I can't say. 4-We have another part of that citizen satisfaction survey I told you about. There are several questions that just deal with citizens' perceptions of police services. And one of them talks about whether the police department treats people fairly, regardless of ethnic, racial, faith, sex, any kind of background characteristic. And we break those responses down demographically as well. And we'd already - we previous to the resolution, we've had very high overall marks in that question. And they were consistent, fairly close to each other in regard to white responses, black responses, Hispanic responses. And then there are other racial breakdowns in there as well. When we first started back in '06, before the resolution was passed, the responses of white and Hispanic were virtually identical. And the black demographic was just a couple points lower. After the resolution passed in '07, and then our policy was enacted in '08, the next survey went out summer, probably mid-June of '08, and those responses, especially in the black and Hispanic community, dropped significantly.

Outcomes	Substantial decrease in gang activity	L4	L4-1-2,	L4-You remember the gang issue. So, here in [...] County, it's almost like they came out of nowhere. And they didn't come out of nowhere. We knew they were here. But you know, the political stance was Northern Virginia had gang problem. We had gang intelligence units. Thank goodness for Congressman Wolf at the time, who, you know, pushed forth legislation to help us be more effective, and prosecuting those individuals, and also our relationships with the federal authorities as well. So what we did see was a turnover. We saw what through our aggressive enforcement and investigations and being able to prosecute them effectively on the state level, as well as the federal level, using 287 g, as one of our tools, of course, along with our partnership with Northern Virginia Task Force, we saw a substantial decrease in gang activity here in [...] County, a substantial, but there's a 'but' there. They didn't go away. You know, as well as I do.
Outcomes	Displace gang activity	L4	L4-2	We displaced them unfortunately. We had the fleet that we were getting calls from Waldorf Maryland, from Howard County, Fairfax, Prince William, Hagerstown, oh my gosh, West Virginia as to why our guys were showing up there.
Outcomes	No change in crime rate	M2	M2-3,4	

Outcomes	Change in department policy	PW1A, PW1B, PW1C	<p>PW1A5- 6, PW1B- 4,7</p> <p>PW1A-The initial resolution was passed by the board in July of '07. The police department policy, after we had enacted the policy and then trained everybody on it, didn't go live until the beginning of March 2008. During all that time, as we were ramping up for the go live date, we were expressing to the Board of Supervisors a number of concerns about possible vulnerabilities, claims for racial profiling, etc., that could be raised by the probable cause standard. In the initial resolution, the standard driven by the board was that if we had PC to arrest anybody, whether we did arrest them or not, we had to inquire of their status at that point. So, during this entire time, up to the point that the policy went live in March, we were having continued conversation with them about our concerns about that standard. And we felt that it should be a post arrest standard, not a probable cause standard. We finally got them to reconsider that in April. We revamped the policy to post arrest standard and that revamped revised policy went live in July of 2008. So, the actual probable cause piece, that existed in the first resolution, only existed in policy for about three months.</p>
Outcomes	No decrease in community L4 policing efforts	L4-5	

Outcomes	More immigrant involvement/ enhanced officer involvement with the immigrant community	H3A	H3A-7	H3A - I think we got a whole lot more of our immigrant community to be a part. I think it may have even forced us to get more involved with our immigrant community, we got more involved in it
Outcomes	Only deported the worst offenders	H3A	H3A-3	We only would deport folks that would – what we would call the worst of the worst. We wouldn't deport you if we found that you were an illegal immigrant; we wouldn't do anything.
Outcomes	Excluded from receiving federal funding	D5	D5-3	
Outcomes (Built trust)	Increased crime reporting	G6	G6-4	The trust factor went up, and some of those measures were just anecdotal. But you could tell, if you went into a neighborhood, who would talk to you and who wouldn't. That, in my view have improved.

Outcomes	287g agreement terminated but still participated through the Detention Center	PW1A, PW1B	PW1A-14, PW1B-2	PW1A (2015)- The policy now calls for them to document cases on our - we have a booking form that we use for all physical arrests. And it has a very short, like 3-line area related to illegal immigration. So, if they physically arrest somebody, they still have to ask the screening questions of every person they arrest. And they have to report that response on the booking form. If it is somebody who is suspected to be in the country without status, that gets reported to our criminal alien unit analyst who records all that information and that data is turned over to ICE, either daily or weekly, depending on the volume. PW1B-(2020) But we still asked the mandated questions, because of the resolution all the way until this year. And the reason why it changed this year was because our jail, which is separate from the police department; it's run by the jail board; they still had 287g authority until a few months ago. And so, we were still asking the mandatory questions for those that we had taken into custody, even after 2012. And right now, we have suspended that policy based on the 287g no longer being a program at the jail.
Lessons learned	Importance of officer training	PW1B	PW1B-7	
Lessons learned	Resource and time intensive; Being aware of time and effort	PW1B, M2	PW1B-3,6,7, M2-4	PW1B-7-I would suggest to other law enforcement executives that they have to be very aware of the time and effort that it does take to measure those things. But also, that it is, it is very necessary and

valuable to understand how you're implementing the policy, but also, are the goals being achieved, whether they are the police departments, or like, in our case, the county's goals?

Lessons learned

Importance of community engagement/continuous outreach/ROI/Sympathetic officers PW1B, PW1C, CM7, SS8, 2,4, NH9, B10 PW1B-9, PW1C-2,4, CM7-6, SS8-7, NH9-2,6, B10-2,6 PW1B-I think definitely the engagement and the education of the community was vital to us not having some of those consequences we were worried might materialize. So, had that not been done, I would have – I would worry that it would not have played out the way that it did. So, that’s very, very important for anyone who is new to it or considering a program. PW1C-2 - I believe Chief [...] going out into the Hispanic community with community leaders at his side helped quell a lot, not all, of the community member’s fears. There were a lot of people from the Hispanic community that picked up and left. But you ask what worked best I would say it’s going out into the community at every opportunity, either the Chief or someone from command staff depending upon the stage, but as much as possible the Chief, to talk about the policy and how it will be enforced. PW1C-4 -Persevere despite how deflating it could feel. Once you stop trying people will notice and that would damage relationships already established in the community. NH9, B10 - so they call it the return on investment. ROI is really high. It's great and the lessons learned is you have to do that quickly. And so, you have to

get into those communities and spend the time up front in order to get some results. One of the things that we did to create some ownership on the part of the police department. And kind of unwittingly, those officers who were assigned to that task started really depending on people to give them the information. And so, they had to spend time with the bodegas and spend time in some of those neighborhoods to find out what some of the real issues were... CM7-I think a lot of times, what people fail to realize is that a community relationship within policing is just like any other friendship. If you don't nurture that, if you don't talk with them on a regular basis, and you don't keep that going over an extended period of time, it's just like a friend from high school that you haven't seen in 20 years, do you really trust them. I know them, but do I really trust them? And the more interaction you have with the community, particularly non-enforcement activities, the more trust there's gonna be. And then, when the problem comes up, if you truly are interested and vested in handling – working with them to mitigate the problem, that trust builds naturally. So, I'm a big fan of problem oriented policing. CM- It's hard to hate up close. It's easy to hate if you never see anybody. they just ride by in a patrol car and you black out the windows and you do all that other stuff; it's that person behind the – it's easy to hate like that.

Lessons learned	Communication and educating the public / continuous dialogue	PW1C, M2	PW1C-4, M2-2	PW1C -Keep providing opportunities for engagement, no matter how small the turnout, and say yes to most, obviously not political focused events, to send staff to engage. M2- We need to be transparent and do a better job of communicating to the public.
Lessons learned	Have clear and transparent policies (see below)	L4, D5	L4-7,D5-2,3	
Lessons learned	Chiefs should remain apolitical	G6, CM7, SS8	G6-11, CM7-11, SS8-11	G6, CM7, SS8-I don't think there's any room in the world for a politically activist chief. And we've got several of them on the national level. If you want to have a private opinion about that, fine. But if you're running a major organization, police organization, pushing a political agenda puts you at odds with the parts of the community that don't agree with that political agenda.
Lessons learned	Effective recruitment measures and competitive salaries	M2	M2-3	
Lessons learned	Leadership has to be connected to the community	L4	L4-7	L4- Start with leadership. I think that's the biggest lesson. If your leadership is disconnected from the communities that they serve, and you're solely relying on - you got to trust your command staff, I get it, you gotta trust your supervisor. But if you're solely relying on that feedback, you're

going to miss something. You have to lead by example.

Lessons learned	Get out in front of issue and message appropriately/Control your story	M2, P11	M2-2, P11-2	P11-Control your story. Be consistent, thorough and timely in the release of information. Be prompt in your responses to FOIA request and follow up on the stories you release to give them a closure.
Lessons learned	Hold employees accountable	L4	L4-7	
Lessons learned	Have authentic relationships with your community	L4	L4-8,9	L4-He became beyond a community resource deputy. He became a source and a conduit for information back to the agency and established those relationships. So, you know, when we talk about tools to measure I always tell folks, we are a non-revenue generating business. But we do have a type of revenue; and our revenue is compliance with the law from our community, and community relationships. That's what our revenue is, how positive they are. And we have to put into that. We have to invest into that in order to get that revenue back out again. So, you know, I look at it like from a business perspective, without relationships, we're not going to have – and that's respectful relationships. I got to make sure I drive that home; without respectful two-way symbiotic relationships, sincere relationships, we're always going

to have that disconnect from our communities.

Lessons learned	Don't use small infractions/misdemeanors as a gateway to other things	NH9, B10	NH9-5, B10-5	
Lessons learned	Chiefs have to share concerns with elected officials	PW1, H3A, D5	D5-8	D5-Silence is complicit. So, I think we all have to challenge them when we have an opportunity.
Lessons learned	Think outside of the box	G6	G6-5	G6-...don't think within your own sandbox; think broader. Don't think on the state – local, you know, on the state or local only. I think, internationally, there are resources out there.

Lessons learned

Police departments are here to serve every member of the community regardless of status

PW1B.
M2, D5

PW1B-9,
M2-4,
D5-4

PW1B - I mean this is an extremely diverse community. And that was one of Chief [...] biggest concerns and messages at the time was that the police department was here to serve every member of the community, whether they were legally present, citizens, visitors, etcetera. It's our job to provide public safety and prevent crimes for every person, regardless of their status. So, I think that drove a lot of the efforts of this police department in the beginning, because we did not want victims to go underground, or we did not want witnesses to be afraid to provide testimony. It didn't matter what their status was. So, that was the huge driver, in not only, I think, the effort to recommend changes to the resolution, initially, but also in how we implemented it as a police department. M2-Law Enforcement should focus on building trust, fair and impartial policing no matter what the status of the victim or offender. D5-...my recommendation is having a very candid conversation with the SAC or the local, you know, representative for ICE, to basically let them know what your philosophy is, as a police chief. And it's not that we do not want to work with our federal partners; it's that our responsibility is to the whole community.

Recommendations	Let someone else be the first agency to participate	L4	L4-11	L4-...let them work their bugs out first. See, that's why you don't buy the first I-phone that comes out. You've got to wait, wait a few weeks and let them work the bugs out... watching how he formed his explanations to the community; which I did have to do, to his board of supervisors, and just kind of mirroring that language, mirroring the justification for that kind of program at that particular time.
Recommendations	Know operational capacity	G6, CM7, SS8	G6-11, CM7-11, SS8-11	G6, CM7, SS8-The biggest one is understanding organizational capacity and the impact partnerships can have on that. It's like we do it naturally all the time, by working with the state or working with the FBI and that sort of thing, and that increases our capacity to enforce the law. But you've got to understand that partnerships are much, much broader than that.
Recommendations	Use 287g as a 'tool' and not a program	SS8	SS8-8	SS8-...from the 287g perspective, you've got to keep that in mind; it's a tool, not a program within itself. If you're just implementing it by itself, then you go out and you belong to a – I'm dating myself again, an INS task force, you're not going to get community support; you're not going to do that, because you're going to go out with the buses and the jackets and you're going to start rounding people up and that's not what we're about. That's really not our job. If they need to be deported, 287 – and they're involved in criminal activity, 287g will catch them. We just do our normal business and that'll take care of

itself. So, we don't have to engage in all this stuff.

Recommendations

Do not recommend police departments participate/engage in immigration enforcement - it should be left to the jails in order to protect police from profiling complaints

PW1A, PW1C, M2, CM7 PW1C-3, M2-4, CM7-1

PW1A7-We were actually voicing our opinion to that end, a year before the resolution was ever passed. Even as early as the fall of 2006. The chief and others were recommending to the board and if they did anything with 287g, they do it in the jails, where folks are already being incarcerated for offenses, and they've already been vetted with probable cause hearings before magistrate, just to try to protect all of us against profiling complaints. PW1A-14-I would not recommend it for police departments. *I would recommend it in the jails.* And that's been our consistent position. It's obviously a much more defensible model. PW1C- ... leaving it to the federal government to enforce... M2- (2020)Immigration enforcement does not and should not be done by local law enforcement. If enforcement measure warranted, it should be done at and by the detention/corrections facility. It should also focus on violent crimes or repeat offenders - NOT non-violent, low level offenses. (2015) ...we were a partner with adult detention center who has numerous staff members trained and checks the status of ALL

incoming arrestees. This is where the program belongs so we are only looking we are only looking at and charging those illegal immigrants that are breaking the law. It also removes the negative impact on PD because we are not in the community placing charges. We (PD) need to focus on fair and impartial policing.

Recommendations

Build trust by addressing the crimes that are concerning the community first

CM7, NH9, B10 6,9, NH9-4, B10-4

NH9-B10-...but you have to ignore some things. Right? So, we had to kind of change our thinking. We had to provide people with some security before they would talk about prosecution. CM7- So, you look at problems in the community, and when you're focusing on what's important, to what the definition of a problem is, the component is two or more interrelated incidents causing harm in a public expectation of action. But you really can't address the problem if you don't talk to the community and figure out what action they're expecting. CM7- ...our first priority, is to prevent crime; and when we fail to do that, we force the law, and I think we should enforce the law professionally; but I also think we should do it professionally and aggressively. Now, there runs a catch of why you get involved with community policing, because community policing builds trust in the neighborhoods. And you can only be as professionally aggressive as the community trusts you to be. They define how aggressively you go after the bad guys. And so, you have to build those relationships with that, and the first responsibility for preventing crime and enforcing the law and do it professionally, build the trust of the community, make sure you do that, and you do it through problem-solving partnerships, those are the other two schools, problem-solving and then partnerships. And it's very important to pick the important

problem to work on. And all too often in policing, if we work on the problems that are important to us, and we do it with the numbers and we do it with the crime analysts and all that, and we can tell you where these robberies are occurring and break-ins are occurring. But I'll tell you just like I told the staff in [...], I said my aha moment was a number of years ago, in [...], when we had a 9-block area. I was given 16 officers and we were given a 9-block area and we were to curb the crime in that area, because one street was a wide street. It was called 'the hole,' and it was 3 blocks long. It dealt explicitly heroin sales, and it had been that way for 20 years. And all the (inaudible) associated with it. And I mean buckets and buckets of used needles and all of that. 2 blocks over were the crack cocaine sales back in the late 80's and stuff. And we had 11 unsolved homicides, 11 unsolved homicides in a 10-month period on that street, 3 blocks long. So, just like the community had heard 100 times, we're the police and we're here to help you. And we'll be there for a little time and you leave. Well, that wasn't the plan here. So, we knew that, for every killing, we had an x number of robberies, shootings and everything else. It was a really violent place. And so, we go to this community meeting and Reverend [...] was there and I remember him standing there. We're introducing the 16 officers. And I'm ready for the questions; 'What about the

shootings? What about the stabbings? What about the drug dealers?' and all that. Do you know what the first question I got was? Traffic. All these bodies dropping and the question was traffic. We didn't take enough time to put ourselves in the mindset of the community. They knew better than we did what was going on. So, we had focused completely on the wrong thing. That wasn't – and no pun here intended; that wasn't even on our radar. And think about the trust that we automatically got, because we hit their number one priority...

Recommendations

Use a holistic approach

G6

G6-3,4

G6-So, we looked at it from a holistic approach. 287g wasn't the program. The program was much broader. And so, we weren't looking at that in an isolated fashion. And yeah, we took a lot of people from off the street with 287g, but they were convicts, convicted criminals, been across the boarder 3 or 4 times. We used it as the normal course of business. We didn't change our enforcement practices. We didn't zero in on this or that. If we had a robbery bad guy, we went after the robbery bad guy. If there wasn't, then we

didn't. And I think that was the beauty of the whole program. And we had a lot of backing with 287g.

Recommendations

Have to have policy/be transparent

L4, NH9, L4-9, B10, CM7 NH9-6, B10-6, CM7-13

BP-9...so there's this innate thing about policing, right? It's a secret. We have some secret sauce that we solve these crimes with and don't want to let anybody know. I even struggle with that here, with this agency. The truth is, there is no secret to this stuff. And the more you let people know, along the way, what you're trying to do, the more engaged they can be in helping you solve it. So, I think the biggest inhibition is our own right. We don't want to let people know how far we are in the case or what's causing us not to solve it, or we don't want to let people know our tactics. One of the biggest things I can tell you was, in [...], I told the commander of that special unit, I said, 'I want you to go out and tell people what you're going to do,' and he fought me. Like it was a knockdown drag out for months, I said, 'I want you to tell them what you're going to do, when you're going to do it and what they can expect to see.' And once he started to get the hang of it, it became much more engaging for the community, instead of like 12 people walking in a Hercules team and just starting to walk the beat, we had all these meetings

ahead of time. It really worked well.

Recommendations	Understand the depth and breadth of community /problem oriented policing	SS8	SS8-8
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Recommendations	Mobilize all bilingual officers in community conversations	D5	D5-5	D5-So, if there are agencies that have multiple officers that are bilingual, they need to mobilize all of them in these conversations.
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Miscellaneous	287g participation mandated by elected officials	PW1A, PW1B, PW1C, M2, H3A	PW1A, PW1b, PW1C, M2-4, H3A-1
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Miscellaneous	Dept. does not have written immigration enforcement policy	M2, H3A, NH9, B10	M2-4, H3A-13, H3A-9, NH9-9, B10-9	NH9, B10-I think those formal policies are - can be inherently trouble. when you take away officers' discretion, based upon a situation, you're going to create problems. In [...], we were taught that every beat officer has discretion- this is back in, like '92 – '91, was a chief. So, we were given the ability to solve problems at our level. We were told to do so. Like, there was this thought that making an arrest was a failure. That means you don't have the skills to solve the problem.
Miscellaneous	County executive/Chief reluctant to participate	PW1A, PW1B, PW1C, H3A	PW1A-7, H3A-4	PW1A-No, the county executive at the time was not in favor of it. Obviously, the police department was not in favor of it. It was completely coming from the elected members of the Board of Supervisors. There were probably two or three that pushed it most vocally. But in the end, every single vote on the resolution was unanimous.

Miscellaneous

No documented evidence that crime was attributed to a specific demographic population PW1A, PW1C, M2

PW1A-9, PW1A- No. And bear in mind, the folks who were pushing for the resolution, they would stay away from saying that it was, for example, related to the Hispanic demographic. They would say specifically, they thought it was related to illegal immigrants. We did not have data supporting the fact that there was an increase in Hispanic related crime. We've always collected that ethnic demographic on arrests, just like everybody does. And we didn't see any increases in those kinds of involvement at all. We didn't track anything related to illegal immigration or people without status until post resolution, and that was when, over the next several years, we saw that percentage of crime you just described for violent and overall stayed very consistent from year to year. So, we saw no real decreases in that. PW1C-No. But we did begin to track the percentage of crimes were committed by illegal immigrants and, particularly for violent crimes, illegal immigrants were a small percentage, less than 10%, of those arrested. M2 - (2020) indicated there was no evidence that crime was attributed to a certain demographic. (2015) There was a high rate of arrestees that were of Latino decent.

Miscellaneous	Chief executives not aware of which immigration enforcement model used	PW1B	PW1B-1	So, it's interesting you asked that, as I saw it on your list of printed questions. I've asked folks that are around here still, that were here then. And no one is familiar with these models, as you outlined them.
Miscellaneous	Proponent of 287g/Concerns with eliminating the 287g programs	HA3, HB3	H3A-9, H3B-2	H3A- ...even allow the police departments to use it just in a normal course of their duties, where they have the resources available to them, which they have for immigration officers, even when you get to a point where someone is the worst of the worst, and they need to be deported, your ICE or your homeland security officers are so busy that they can't get to it; and I can send my officers down to the office, and he could do the deportation papers and have it all done, which was kind of like a force multiplier for them. Everyone needs a force multiplier on the case. H3B- Secure Communities program has weaknesses, it did provide a level of checks on individuals brought into the jail system and assisted in removing some serious and repeat offenders from the community. With the elimination of this program as well I have significant concerns that dangerous felons will remain undetected in our community.

Miscellaneous

Strained relationships with L4 African American and Latino community already existed

L4-5,6

L4-So the relationship with the Latino community was simply because, you know, I think it's just that immediate environment in which we exist, where, you know, you are filled with – how can I say this politically correct? You're filled with particular biases.

Key Code

Prince William, VA- PW1A, PW1B, PW1C

Manassas, VA - M2

Herndon, VA - H3A, H3B

Loudoun, VA - L4

Durham, NC - D5

Gastonia, NC -G6

Charlotte-Mecklenburg, NC - CM7

Sandy Springs, GA - SS8

New Haven, CT - NH9

Bridgeport, CT - B10

Portsmouth, VA P11

Appendix G – Non-Participating Agency Coding

Code	Indicators	Transcript	Page Number	Quote (if applicable)
Building trust	Community discussions about IE/policy	A20A, H21	A20A-1, H21-1	A20A- And you know, so leveraging relationships, to get invites to meetings to talk about our policy to be very clear and explicit that we do not enforce federal immigration laws, and sharing our policy.
Building trust	Share policy with community/ be clear/website	A20A, H21	A20A-1,2, H21-1,6	A20A- And you know, so leveraging relationships, to get invites to meetings to talk about our policy to be very clear and explicit that we do not enforce federal immigration laws, and sharing our policy. Just being clear about what we do, what we're doing and what we're not doing is critical, and then having this liaison position to really be a resource and a bridge for folks to get their questions answered.

Building trust/community engagement

Host/Attend community events

A20A, A20B, H21, R22A, R22B-1, P23, NN24, CS25, A26, S27, H28B

A20A-1, A20B-5, H21-2,3, R22A, R22B-1, P23-1,2,3, NN24-2, CS25-2, A26-2, S27-2, H28B-2

P23-‘How were we able to be so successful reducing crime in the City of [...] because the first year we dropped violent crime about 60 percent. And what we did, we ingrained ourselves and wove ourselves within the community where we were out there every day. We were doing things other than locking people up. We started participating. We would get on the school buses. We had parents calling us because we would talk to the kids, and talk to them more than just about policing. We talked to them about growing up. We talked to them about being in the community. H28B-We have numerous community outreach initiatives. We are participants with Coffee with a Cop, Shop with a Cop, Teen Police Academy, Ministers Police Academy, Cops at Barbershops and numerous programs. We meet regularly with ministers to find ways for them to engage in the community. Our School Resource Officers are also involved in numerous programs with school-aged kids. Our officers do a lot of participation on their own. They are coaches, mentors and deeply engaged with our citizens.

Building trust	Partner with other agencies	H28B	H28B-1	H28B-We work closely with our Human Services Department and Catholic Charities to work with our immigrant community. There is an apartment complex where a number of immigrants reside when they first enter the country in our city. The abovementioned agencies will let us know their needs, language and cultural barriers and fear some may have with the police. The partnership has been very beneficial.
Building trust	Designate (Hispanic) liaison/intercultural liaison	A20A, H21, A26	A20A-1, H21-1-2, A26	A20A-...we actually designated a Hispanic liaison officer who - and really the goal is here, to continue this message and really be able to share what we do and what we don't do, and provide clarity and be a resource to folks who have concerns, or even if it's a third party calling for somebody, to hopefully bridge the gap and reduce the anxiety that people have of interacting with us, for folks that do have that, so that they can call on us when they need help or when something happens, that the police can be of service. So, I think that's a step in a real positive direction.
Building trust	Did not participate in 287(g)	ALL		

Building trust/community engagement	Formed citizen advisory committees	CS25	CS25-1	CS25- The committees were used to share information, get feedback from the community, review policy, and to get input on new policies.
Building trust/Community engagement	Created Hispanic Facebook page/social media	H21	H21-1	H21- We created a Hispanic Facebook Page that provided information to the Hispanic community all in Spanish. This page was created with the help of two Hispanic students from the community.
Building trust/Community Engagement	Formed Community Engagement Division/Community Policing Unit	A20A, A20B, H21, A26, S27, H28B	A20A-3, A20B-1,2,6, H21-3, A26-2, S27-2, H28B-2	H28B- Yes. We have a Community Engagement Unit that schedules speaking engagements and other community functions. Each of our Patrol Squads has a Community Liaison Sergeant that manages the Shift's community activities. The Chief of Police emphasizes the community policing philosophy along with relational policing. We view every encounter with a citizen as a way to have a positive outcome.
Building trust/community engagement	Built day laborer site/facilitated jobs	A20A, A20B	A20B-2	

Building trust/Community
Engagement/Transparency

Community participated
in policy development

A20A,
H21, A26,
CS25

A20A-4,
H21-1,
A26-1,
CS25-1

A20A- We have a Hispanic Parents Association blog called (inaudible). There's a lot of different groups, that it's important to make sure we have open and frequent dialogue with. We ask all the groups to weigh in our policy, give us their thoughts; give us their feedback, because if something happens in the community or in the region, that it's fear-building or creates anxiety for folks, having the ability to quickly get on the phone or get on email somebody and clarify what did happen, what didn't happen, what our position is, I think is important, because allowing the anxiety or the fear to continue to grow is not at all positive and it just creates more trouble. So, building the relationships and the partnerships to quickly get feedback, provide feedback, provide facts and let it be fact-based conversation, versus what might end up in the rumor mill, is critically important. H21-We invited those communities in to help us with our immigration policy. We sat at the table with those communities so they could express their concerns and we made adjustments based on some of those concerns. We put our policies on our website so that those communities understood

our stance on immigration and all of our policies.

Building legitimacy

Citizens provided information on suspects

A20B

A20B-13-14

A20B- ...because [...] didn't do it, they became more trustful of [...]. Because they actually saw that there were differences between departments that enforced 287 and ones that didn't. The ones who didn't were identified and they became more trustworthy and actually, almost like us with the original CBPOP, they actually snitched on them – 'Hey, Johnny Lopez is the one who actually did it' you know. Because they wanted to actually keep that sanctuary there.

Building legitimacy

Community surveys

A20A, A20B

A20A-11, A20B-7,

Building legitimacy	Citizens acknowledged providing community resources was a positive	A20B	A20B-2-3	A20B- I think the legitimate part was that the county acknowledged it and all the stakeholders acknowledged that it was working. And the police department acknowledged that they - in order to keep crime down, they had to be a part of it.
Reasons for not participating in Immigration Enforcement	Role of the federal Government/ local police do not have the power to reenforce immigration laws	A20A, NN24, CS25, A26, S27	A20A - 1, NN24-1, CS25-1, A26-1, S27-1	A20A-And we've always maintained a very clear balance in line between, you know, the immigration. That's the role of the federal government, not local law enforcement. Our job – I've been here as long as we were all here. I mean, I think we've always been committed to and valued having an open and working relationship with all members of the community. And I think that – there's probably a second question that is going to get to this, but I really think that local law enforcement engaging in immigration enforcement, which is the purview, sole purview of the federal government, is harmful to how much people feel they can trust and engage with their local authorities and keeps people from reaching out to public safety and law enforcement when they need help. NN24, CS25, A26, S27 -Police cannot do their jobs if they cannot build relationships with their community they cannot do their jobs

if they can't interact with the immigrant community.

Reasons for not participating in Immigration Enforcement

Harmful to community/Risk losing trust

A20A, A20B, H21

A20A - 1, A20B-1, H21-1

A20A- ...but I really think that local law enforcement engaging in immigration enforcement, which is the purview, sole purview of the federal government, is harmful to how much people feel they can trust and engage with their local authorities and keeps people from reaching out to public safety and law enforcement when they need help. H21- [...] is an extremely diverse city that includes a large refugee community. It was important to ensure that all residents of the city felt included and protected without fear of reprisal. This provided us a level of trust with the various nationalities/communities within the city of [...]. We wanted people to be able to report crime issues to us without fear of deportation or arrest.

Reasons for not participating in Immigration Enforcement	Creates fear and anxiety	A20A, H21	A20A - 1, H21-1	<p>A20A-And I've had a lot of conversations with folks around [...], who continue to say that there are definitely pockets of folks who are hesitant and or scared to engage with us. They're worried about their immigration status. Are they documented or undocumented? And will we engage or take action based on it, despite us being very clear in policy and practice that that's not our role, but I understand the concern. H21-[...] is an extremely diverse city that includes a large refugee community. It was important to ensure that all residents of the city felt included and protected without fear of reprisal. This provided us a level of trust with the various nationalities/communities within the city of [...]. We wanted people to be able to report crime issues to us without fear of deportation or arrest.</p> <p>H28B-The immigrant footprint in our community is not as large but we do try to build trust.</p>
Reasons for not participating in Immigration Enforcement	Limited number of immigrants in community	H28B	H28B-1	

Reasons for not participating in Immigration Enforcement	Immigrants are not really involved in criminal activity	P23	P23-1	H28B - Our city does not have a significant problem concerning illegal immigration.
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Transparency	Policy and crime data publicly available/ Open discussion	A20A, H21, NN24, CS25, A26, S27, H28B	A20A- 1-2, 8,11, H21-1- 2,4-5, NN24-3, CS25-3, A26-3, S27-3, H28B-3	A20A- But I think it really comes down to continuing the dialogue and explaining, being very transparent with our policy and answering any questions people have. Our policy is clear, in that our role is not immigration enforcement. We don't ask. There are certain types of arrests that our policy does allow staff the ability to contact ICE, if there's the belief that the person's undocumented and they commit a certain type of crime. We're tightening that up at all different levels. I mean, like I told you before, it used to mention a felony arrest. Well, that's going to be limited violent felony arrest. And our goal is we don't ask. I mean, that's not part of our questioning. If somebody calls to report a crime, we're not going to ask their immigration status, are they documented or undocumented. It's not part of what we do, because immigration enforcement is not our role at all. And I think our policy is very clear about that. H28B- Yes,
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we are very transparent. Our crime data is readily accessible on social media. We have frequent town hall meetings where we discuss our strategies and are willing to address citizen concerns. We openly admit when our officers may operate outside of approved policies or laws.

Transparency/Recommendation	Share information with the public as soon as possible/ provided resources	A20B, NN24, CS25, A26, S27	A20B-11, NN24-3, CS25-3, A26-3, S27-3	<p>NN24, CS25, A26, S27 - A quote from [...], "Bad news does not get better with age." Own it and get the information out as quickly as possible.</p> <p>A20B- ...the county did a good job of making it transparent, which is why they get trust and the transparency was right there, you could actually touch it and feel it, especially with the job training and the housing. So you can actually see it, actually feel it and touch it.</p>
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Community engagement

Building relationships
with the community

A20A,
A20B,
H21,
R22A,
R22B, P23

A20A-3,
5, H21-
1-2,3,
R22A-3,
P23-3

A20A...we were fortunate to have some really solid relationships with different folks throughout the community who give us the ability or, you know, create opportunities for us to speak to folks and have this dialogue in small groups, larger groups. And I think those relationships where we built the trust, and they can be the olive branch to get us into a little broader group or more folks, to have these conversations and, share facts and information. I mean, that's really been successful. And I think the having a designated liaison officer also, you know, it's already started showing where people are relying on this guy for advice and input and in being the olive branch to get him in front of crowds. But I think having as many different avenues for folks to come together and engage with law enforcement in a non-law enforcement venue is critically important.

Community engagement

Community
Policing/Recommitment
to community policing

A20A,
A20B,
H28B

A20A-3,
H28B-1

Community engagement	Continue partnerships with organized groups/ Attend civic/community meetings	A20A, A20B, H21	A20A-3, H21-1,2	H21-2- We also partnered with VA Organizing who represents immigrant communities and those that are undocumented. VA Organizing had a direct line of communication with me. We used Restorative Justice practices for some criminal offenses in order to avoid them having to go to the [...] County jail.
Community engagement	Participated in community walks/distribute literature	H21	H21-1	H21-We also conducted community walks in our immigrant communities to pass out literature and to allow them to get to see and know us to feel more comfortable with law enforcement. We attended community events in those communities as well.
Crime reduction	Compstat/Focus Meetings	A20, R22A	A20, R22A-3	

Crime reduction

Community Policing
used as a crime
reduction tool

A20A,
H21,
R22A,
P23, A26,
H28B

A20A-6,
H21-3,
R22-5-
6, P23-
5, A-
26-2,
H28B-2

A20A-Yes, it is. Because neighborhood watch is a great program. But we have not had – that’s not been one of our initiatives for some years, because we’ve really tried hard to engage with the entire community, to make sure people are aware what’s happening in the community, provide safety resource tips and crime tips and community policing through Environmental Design surveys, and try to shed light to as many people who, as can hear us or want to hear us, about what’s happening in their community, because the more eyes that are seeing things - I mean, people who live in a neighborhood are going to be the first people to see something that’s completely out of character and completely very suspicious. Because it’s their neighborhood; it’s where they live, they know people and - so providing information about what’s going on and offering relevant and important tips about how to be safer, how to make safety improvements, is really key. H21- I would not consider it a crime reduction tool, but definitely a collaborative tool. We needed to build trust in order for the community to let us know what was occurring. Relationship building should assist with crime reduction but

also crime prevention and crime solvability. A26 -I believe community policing helped reduce crime but it is hard to measure. Crime went down across the nation. Historic lows. P23- You will get the community where they will report crime quicker to you and they'll feel like you are part of what goes on....it was always difficult to measure, but I always tried to measure the actions of, not the number of arrests, but the fact that, beforehand, say you find the offenses took place, this no longer take place anymore. So, we measured it by what didn't take place. H28B- Community policing is used as a crime reduction tool. We measure the results by if there are reductions in our violent and non-violent criminal offenses, reduction in calls for service and citizen complaints against officers. Also, if our community policing efforts are successful, there should be a more positive perception of the [...] Police Division by our citizens.

Overcoming history is huge. Trust and respect must be earned. If you have it, it can be lost in an instant. It is a real challenge for leaders who come from the outside. It's harder to gain trust if the department has never had it. A chief has to

Challenges

Overcoming history of policing/zero-tolerance law enforcement

A20B, NN24, CS25, A26, S27

A20B-8, NN24-3, CS25-3, A26-3, S27-3

Challenges

Language
barriers/cultural

H21,
R22A,
P23, H28B

H21-4,
R-22A-
2, P23-
2,
H28B-1

learn the history, assess the situation, and build bridges of trust overtime. It doesn't matter how hard you work at it if midnight officers on traffic stops are not adhering to your philosophy. Either they're reinforcing your initiatives or negating everything you've done. H21-It was difficult to engage some communities verbally as we had to use some of the same members of the department to assist. Lack of communication is always going to inhibit your ability to forge a strong bond. R22A, P23-I think it's cultural, because where they come from, the police are not trusted at all. Because the police, where they come from, in some cases, they just come in, take your property, take your housing, treat you any kind of way. You have nobody to report it to. Of course, news media is controlled, so anything they do is what they do. So that's always been the challenges, is that to break that cultural barrier and let them know the laws here. And it's a difficult barrier to break, because, it depends on what officer they dealt with. Because not all our officers have not always responded correctly to them, or treated them with a great amount of respect. I think a lot of officers don't realize,

when you do that, you help create that cultural and that biased divide. H28B- The immigrant footprint in our community is not as large but we do try to build trust. Normally our biggest barrier is language and their reluctance to report they have been victimized. The language and cultural barriers sometimes have been confused as a lack of cooperation versus not understanding how police operate in this country versus their country of origin. Our goal of building trust has had positive impacts with our interactions.

Challenges

Reluctance to report crimes

H28B

H28B-1

H28B-Normally our biggest barrier is language and their reluctance to report they have been victimized.

Challenges/Unintended consequences

Adjoining agency's participation in 287(g) program/creates fear and anxiety

A20B, H21, NN24, CS25, A26, S27

H21-1, 2, NN24-3-4, CS25-3-4, A26-3-4, S27-3-4

H21-[...] PD is within the county of [...] and any arrestees are taken to the [...] County Jail. The [...] County Sheriff's Office was a participant and this created a very uneasy environment within the city. Our policies on immigration enforcement were opposite. Therefore, it was difficult because we expressed to the community through policy and interaction that we were not concerned about their immigration status. However, if we arrested them, we had to take them to the [...] County Jail and they were concerned about enforcement. So, our arrestees were fearful of arrest because they were aware of the policies associated with [...]. It made it extremely difficult to build trust to the point the community wanted us to build our own jail facility which was not realistic. It created fear in just having conversation with law enforcement. They could not distinguish [...]PD from [...] PD as they see us all as law enforcement. Without conversation it is difficult to build trust. CS25, A26, S27- When nearby agencies (Sheriff) are cooperating with ICE and/or participating in ICE raids, citizens automatically assume that you are involved.

My citizens were in an uproar and refused to talk to me.

Challenges	Alleviating anxiety and building trust when IE is a major topic	A20A	A20A-2, 8, 10
Challenges	Officers undermining your community engagement initiatives	A20B, P23	A20B-2, P23-7

Challenges/Unintended consequences

2016 Election rhetoric surrounding “Build the Wall”

A20B

A20B-4, 12

A20B- All the years of trust and stakeholders and citizens can - all of – I’d say there must have been 20 programs put in for folks of all colors. Not one of them exists today. And that’s a combination of (inaudible), different people in government and really identifying with social media, and of course, the 2016 elections, when immigration was highlighted, it wasn’t good. When immigration was once welcomed to the county, it wasn’t welcomed anymore, in Virginia. As much as it took to get it, in one year it was gone. Yeah, I would say 20 years of work was gone in 8 to 12 months. It became extremely ugly, and a whole - This could have been avoided in a whole different way. But unfortunately, it wasn’t. And now, what do they say an unmitigated disaster.

Challenges

Diversifying community engagement initiatives to suit the needs of a variety of demographics

H28B

H28B-2

H28B- Our biggest challenge has been to diversify our community engagement. As the demographics of our city has changed and we have become a majority minority population, our community engagement has to be better at reaching the minority community. Traditional events such as Coffee with a Cop attract a certain demographic, which was not as diverse.

How we communicate such as language and expressions have to be sensitive to the minority community

Challenges	Change in police culture/citizen expectation	H28B	H28B-3	H28B-One of the challenges faced is the change of culture. Transparency had not been the predominant culture in the past so officers and employees getting use to us openly discussing our shortcomings or mistake has been a culture change and some have been resistant. The impact has been officers sometimes feel that transparency means the upper staff does not have their best interest or “back”. Showing officers transparency builds trusts and gives citizens the confidence that we can discipline our own.
Challenges	Limited staffing	A20A	A20A-7	
Response to challenges	Change how the department communicates and medium used	H28B	H28B-2,3	H28B-The challenges caused us to change how we communicate and the medium used. We have had to adapt and use more social media and technology to communicate. In addition, officers assigned to our community engagement unit and rest of workforce have to be aware of our changing demographics. ...we have

expanded how we engage the community. We now visit the barbershops and hair salons, work more closely with African-American ministers and do a better a job of meeting the community where they are more comfortable and not what's convenient for us.

Response to challenges	Hire the right people for the job/well rounded officers/culturally competent/diverse	A20B, A26, CS25, H28B, N29	A26-3, A20B-8, CS25-3, H28B-1, N29	A26-Continuous improvement process – you have to hire the right people for the job. Ones who have the same philosophy. I hired 70% of the department. He interviewed all new officers so he ensured they shared the same philosophy. CS25- The department was larger so it was more challenging to interview every new member to ensure that he was hiring the right people, so he made sure he frequently attended the academy to discuss the philosophy and to make sure they were in alignment. It also helps to overcome internal resistance. H28B- ...our response has been to work with other government agencies and to assign officers that are familiar with the culture and language to interact with the immigrants.
Response to challenges	Partner with other agencies	H28B	H28B-1	H28B- ...our response has been to work with other government agencies and to assign officers that are familiar with the culture and language to interact with the immigrants.

Response to challenges	Make community policing a part of the promotional process	A20B, N29	A20B-3, N29	
Response to challenges	Set a standard/ hold officers accountable	NN24, CS25, R22A, P23	NN24-3, CS25-3, R22A-7, P23-7	NN24-[...] officer as strong bias to African Americans – he fired him. Officers were hostile for about 3-6 months. He had to set a standard. It gained instant credibility with the community. CS25- Hold officers accountable and if they are not a good fit get rid of them. R22A, P23- You've got to recognize those things and you've got to address them. I think a failure to address those things hurts you more.
Response to challenges	Conducted community walks/ go door to door / Partner with organized groups	H21	H21	H21-We continued to conduct community walks in those communities and go door to door to assess the needs. We established trust through these encounters. We also partnered with VA Organizing who represents immigrant communities and those that are undocumented. VA Organizing had a direct line of communication with me. We used Restorative Justice practices for some criminal offenses in order to avoid them having to go to the [...] County jail.

Response to challenges	Reiterate your immigration policy/ Be proactive	NN24, CS25, A26, S27	NN24, CS25, A26, S27	NN24, CS25, A26, S27 - Collateral damage - the County Sheriff was big on 287(g) and having ICE come in. The Sheriff was adamant that he was going to aggressively enforce immigration laws. It doesn't matter what the local police policy states, the community will automatically jump to conclusions that you are involved. This is a perception that law enforcement has to overcome. This can be overcome by reiterating policy, ensuring transparency, working with community groups to share message. Be proactive in informing the community that you were not involved.
Response to challenges	Don't over police/give warnings	R22A, P23,	R22A-2, P23-2	R22A, P23-To create that relationship to meet them with our (inaudible) and to not over-police. This is always difficult to hear. But I had certain areas that we didn't over-police, just because we stop you and you have a bad tag or you have a non-violent crime - Police get together and realize, some things are okay for relationships to say, okay, give a warning, rather than give a ticket.
Response to challenges	Hire more Spanish speaking officers	H21	H21-4	

Response to challenges	Sharing information and better communication with employees	H28B	H28B-4	
Unintended consequences	Individuals not reporting crime	A20A, H21	A20A-10, H21-6	<p>A20A-I think so, but I don't have any statistical numbers, but when in talking with community members, I don't have any doubt that there are people within the community who don't report crime, because they are concerned or scared to interact it with the police if they're undocumented. And, you know, I don't for a minute believe that that doesn't happen. I think it does happen. And that's the piece that's the constant struggle, is finding a way to engage with folks to the level where we can at least bring enough comfort that they're willing to reach out to us when they need help from us and know that we're not – somebody's status is not going to be part of our questioning. H21-We did not have a way of measuring this but some community members or advocates for certain communities felt so and would relay that to me.</p>

Unintended consequences

The topic of immigration enforcement creates fear and anxiety/loss of trust

A20A, A20B

A20A-8, 10, A20B-4, 8, 11

A20A-I think it's a matter of - I think there are definitely - when people hear a lot of 287 conversation or immigration actions, whether it's 287, or whether it's the federal government doing them, it just builds that fear that that might be their local police. And that's the part that has to be continuously messaged. And it's hard, because if somebody if it's not somebody talking with us, and they just think it's police in general, I'd end up having anxieties or fear about calling us if they happen to be undocumented. So, I mean, that's part of the continuous dialogue and education piece about our role, what it is and what it is not.

Unintended consequences

287(g) prevented individuals from getting to know the police department

H21

H21-4

Unintended consequences

Influx of immigrants moving to the locality/
increase officer workload

A20B

A20B-1,
9

A20B-...it drove the immigrant community to the neighboring jurisdictions, all the way up to Northern Virginia and including DC and a lot of southern PG, so basically just like in a war, where you have the citizens become refugees. That's exactly what happened in [...]. [...]declared war on immigration, and they fled to [...], [...] pushed them over to [...], [...] pushed them into DC and southern PG and/or Arlington identified when they could help and kept them in the county. So there was a big impact when this first came out. Its impact increased awareness, increased resources. And with the inception of 287, It increased police awareness 287's cause and effect. A lot of those that fled the other counties came to Arlington, increased the workload of the CBPOP team or the community team, which in turn the county increased the number of school resource officers from 10 to 16 and up to 26 officers. So, you're talking about maybe a quarter of the department dedicated to the result of 287. The results of 287, impacted the department, because they went from other areas to here, to Arlington, and Arlington reacted by increasing the

resources to assist with
that impact...

Positive outcomes	Beneficial partnerships	H28B	H28B-1
Positive outcomes	Reduced crime	P23	P23-2

Recommendations

Community/Problem Oriented Policing is a philosophy (entire department responsibility)

A20B, P23, NN24, CS25, A26,

A20B-9, P23-4, NN24-2, CS25-2, A26-2

NN24, CS25, A26-I studied under the fathers of community policing. I would never advocate for a unit or a group of officers designated to problem oriented policing. POP is a philosophy on how you do business. You cannot have a group of Officers for a POP and the rest of the department conducting traditional policing. This is window dressing. Everyone must buy in to the philosophy. Everyone must be engaged and performance evaluations must reflect that in order to manage the principles of community policing/POP. P23- Because it started out, they said community policing and they created a unit. Basically, the unit, they had 5 or 6 people and that was your community unit. Which is wrong; and that's not the way to do it, because community policing has to be a way, a culture embedded within the department, as a whole. A20B - I think the big lesson learned, I think the whole thing is a never-ending problem. It has to be part of your culture. You can't turn it on and off. And the day you turn it off - the big lesson is that it needs to be continuous. In order for its' effectiveness, it has to be continued. It can't be limited. It has to be - you have to have the

stakeholders involved daily. And soon as you solve it, it stops. And then you create more problems, because you have crime - crime and punishment balloons and everybody's impacted.

Recommendations

Document when officers report serious violent offenders to ICE

A20A

A20A-11

A20A- If somebody calls or engages with ICE; I personally believe that this rarely ever happens here; but we need to track it. It's not good enough for me to say, I don't think it happens here. I mean, I need to be able to say it happened once in three years, or whatever the number is. So that's a big part of that, too, is being able to say exactly if we've talked to ICE, or whomever, 'zero times two times? What?' I mean, I needed an exact number. And that's gonna be part of policy too. I mean, that's been the challenge. I get this question a lot; like,

Recommendations	Focus on youth engagement	A20A, R22A, P23	A20A-4,5, R22A-4, P23-4,	<p>‘Well, the policy says officers can in these limited circumstances, how many times?’ and I’m like, ‘I don’t have a number’. And I’m like, ‘I can tell you my honest to God opinion is very, very rarely, if at all’, but that’s not real comforting. That’s the best I can say right now. So being able to say, it’s happened one time in five years is a much more - that should bring people a lot more comfort, or in just my belief, and my thought, my opinion which, I get it, that’s not incredibly comforting.</p>
Recommendations	Meet community where they are	A20A	A20A-3	<p>A20A-...whether that’s walking in a neighborhood hosting a softball game or a basketball game, a way to draw people out and just have - interact with people who are having interest in interacting with us, don’t participate in those other things is key. Because I think that’s the hardest community policing, is to get to folks where they are. I think we’ve done a really good job through the years. We’ve clearly been committed to community policing as our philosophy; but I think pushing it to the next level, where we’re really intentional about</p>

getting to people where they are, is the next level of what we're really trying to focus on in the next years.

Recommendations	Listen to the community/ Be engaged and responsive to complaints	H21, R22A, P23, NN24, CS25, A26, S27	H21-2, R22A-3, P23-3, NN24-3, CS25-3, A26-3, S27-3	H21-Acknowledging our mistake allowed us to build trust with the group and I apologized to the male. NN24, CS25, A26, S27 - God gave us two ears and one mouth to use in that proportion. Any time anyone rallies against the police the police either circle the wagons or jump into the foxhole. To avoid decisiveness, a Chief needs to listen, value humility, and look introspectively. (Determine what I did wrong and how could I have prevented this from happening?) Sometimes it's just an institutional flaw that needs to be addressed.
Recommendations	Commit to long-term work in the community	A20A	A20A-3	A20A-So, I think it's just committing to the long-term work of bringing clarity about roles so people have an understanding of what their local police department does and what it does not do. I mean, that's just worked. It has to keep happening. No question in my mind.

Recommendations	Recognize community's perception of the police and impact on staff	S27	S27-2	S27- I attended community meetings two nights a week and there was nothing but anger. After a couple of weeks, he noticed the command staff was beaten down. Recognizing this, he instructed them not to attend any more meetings until he could stabilize the community. He went to the meetings alone. The faith community rallied the loudest behind what he was trying to do. Once they were able to get past the anger they started to build bridges.
Recommendations	Be open and honest/communication	A20B, NN24, CS25, A26, S27	A20B-3, NN24-2, CS25-2, A26-2, S27-2	NN24-All communities expect trust building. His advice is to be open and honest as you can be.
Recommendations	Have officers visit low-income communities while in the academy/understand their concerns are similar	NN24, CS25, A26, S27	NN24-3, CS25-3, A26-23 S27-3	NN24-During the academy, have your recruits go to your worst neighborhoods and knock on doors to find out what is important to the neighbors. This accomplishes two things: 1) it improves their interpersonal skills through interpersonal communications training. Most of your recruits (millennials and gen x, z) were not brought up utilizing their communication skills. 2) For the non-minority officers, it helps them to understand that the individuals that live in

these areas share similar concerns and they want the same things they want.

Recommendations	Hold criminals accountable for criminal behavior	NN24, CS25, A26, S27	NN24-4, CS25-4, A26-4, S27-4
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Recommendations	Get rid of certain mentalities (thought processes) - zero-tolerance policing/warrior mentality	R22A, P23	R22A-2, P23-2	R22A, P23-I think one of the key things is to get rid of certain mentalities throughout the police department, you know, like the zero-tolerance mentality. Get rid of the 'warrior' mentality, you know, like where they're here to attack. And then get to know the community and let them get to know you, because as you get to know people, especially people of different cultures, you'll find that you have more in common than you have not. And, seek to hire even from that community or that culture, in order to be able to address those issues from a more upstanding standpoint, because officers, as well as community, tend to hear those that which they don't understand.
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And you've got to live this. It can't just be a philosophy. It has to be the way you live. It has to be the way you police.

Recommendations	Be intentional in recruitment efforts	H21	H21-4	H21-You do need to recruit to try to mirror the community in which you serve and must be intentional about it. It helps to build those partnerships, trust and helps mitigate the language barrier.
Lessons learned	Training/ Be clear about officer roles and expectations/must have policy/ hold officers accountable	A20A, NN24, CS25, A26, S27	A20A-2, 4, NN24-3,4, CS25-3,4, A26-3,4, S27-3,4	NN24, CS25, A26, S27- Leaders need to meet with the troops occasionally, attend roll call at least once a month, share the information/decisions you have made. They may not agree with your decision but at least it helps them to understand why you have made the decision you made. First you have to have a policy. If you do not have a policy, officers will make it up as they go along. Ensure that your policy clearly states what you're going to do, make sure there is training for the officers, and hold staff accountable. Publish policies and ensure there are voices in the

community to accurately articulate the message.

Lessons learned	The police does not have all the answers	H28B	H28B-1	H28B-Biggest lesson learned is that we do not have all of the answers and sometimes there are no easy solutions to overcome some of the problems. We have to realize we may not be the best agency to interact or solve the problem.
Lessons learned	Manage anxieties – Deliver clear, consistent and repetitive message to the community	A20A	A20A-2	
Lessons learned	Know your community – Your best efforts may be creating fear	H21, CS25	H21-4, CS25- 1	H21-As for the opposing groups, we put one of their documents on our website. They would go around in the neighborhoods that we were conducting our community walks and pass out literature that explained what their rights were. They did this because they opposed us knocking on doors to engage with the community and felt it made people nervous.

Lessons learned

Have a host of initiatives that inform the community

A20A, H28B

A20A-8, H28B-3

Well, I told my staff to put their card on our website, because we want people to know their rights and they were actually helping us. CS25- Applied philosophy: Let them say what's on their mind - just listen so they can become more comfortable. Barring a visceral reaction - understand how your institution has an impact on the community. A20A...going beyond the individual small group that's focused on engagement, I think having a broader agency-wide initiative, that is about human interaction, it's about having planned events, it's about data transparency, it's about policy transparency, I don't think there's a one thing that is engagement. I think there's a host of things that contribute to engagement, and all the things I mentioned are part of it. None of us are going to have the size staff we want to have for a dedicated engagement group, so how do we expand that across the department is key. And then having the open exchange of information, whether it's new conversations, or portals, or data, or policy, I mean, all that directly speaks to building the trust with the community, and it also informs the community and gives them open access to

what's going on; what we're doing and what's going on in their community; which makes them another set of eyes to spot things that are out of the ordinary, might be part of a criminal pattern and let law enforcement know. H28B- ...we have expanded how we engage the community. We now visit the barbershops and hair salons, work more closely with African-American ministers and do a better job of meeting the community where they are more comfortable and not what's convenient for us.

Lessons learned

Written words can be misinterpreted

H28B

H28B-4

H28B-A major lesson is that words can be misinterpreted if there is not follow up. It is very easy for officers and the public to read notes or an email and misunderstand because notes do not provide the proper tense or meaning. You have to be very cognizant of what you say and thoroughly messages that are distributed to ensure there is no misunderstanding.

Lessons learned

Be flexible in how you communicate with your community

H28B

H28B-3

H28B-One of the biggest lessons learned is that you have to stay on top of how your city may change and be flexible in how you communicate. While older citizens are comfortable with in person meetings, some of

our younger citizens prefer communication through social media. We have to be good at both.

Lessons learned/Recommendations

Build relationships before a major event occurs

NN24, CS25, A26, S27

NN24-2, CS25-2, A26-2, S27-2

Miscellaneous

Reasons for contacting ICE/Federal agents - Notification for certain crimes

A20A, A20B, H28B

A20A-2, A20B-4, H28B-4

A20A-...but there are specific, very certain situations where staff were allowed to notify ICE if a person was arrested for certain types of crimes. And we have continued, we actually just are revising that now, to make it even more restrictive. It used to say, felony arrests, but now it's going to be only violent felony arrest, trying to be much more restrictive and to make sure we're capturing data. H28B-We have very few cases involving undocumented immigrants, but our officers will contact ICE.

Miscellaneous

Police Departments
using other federal task
forces to address illegal
immigration

A20B

A20B-5

A20B-...they said we will not participate; however, “wink-wink.” If you locked somebody up – if you locked an illegal alien, you like to impart to somebody from illegal immigration, you wouldn’t use ICE; you would use Customs or report to the agency that did, [...], to the U.S. Marshal? You wouldn’t report it to ICE, but you report it to other federal agencies that will take care of it. And that was for serious crimes, i.e. your Class 6 felonies and all that. But yeah, they wouldn’t call ICE, they would have the other guys come out to take care of (inaudible). But they would tell the U.S. Marshals, Customs, [...], [...], and we got this guy. And then we began to talk to [...] officers, there just became communication amongst the 8 jurisdictions in the north. Okay, this person, just person X from Country X, if you get them, you tell them. It became an underground network of avoiding ICE. Oh, and they created joint task forces, “wink-wink,” joint task forces to come do that. So, if it was drug related. They’d call in the DEA or joint task force on drugs. If it was a car, the joint task force on cars. So all the agencies got – “joint task forces.” So, if your officers actually bring in

a kid who was at a park (inaudible) realize he was an undocumented alien, obviously you wouldn't call ICE because it wasn't part of our process. But you would call the JTTF and they would come out and do it. So we actually took the position – 2 positions for the department and put them in JTTF and we took 8 positions and put them in other task forces.

Miscellaneous

Immigration policy (see responses below) community surveys

Key Code

Arlington, VA - A20A, A20B

Harrisonburg, VA - H21

Richmond, VA - R22A, R22B

Petersburg, VA - P23

Newport News, VA - NN24

Colorado Springs - CS25

Appleton, WI - A26

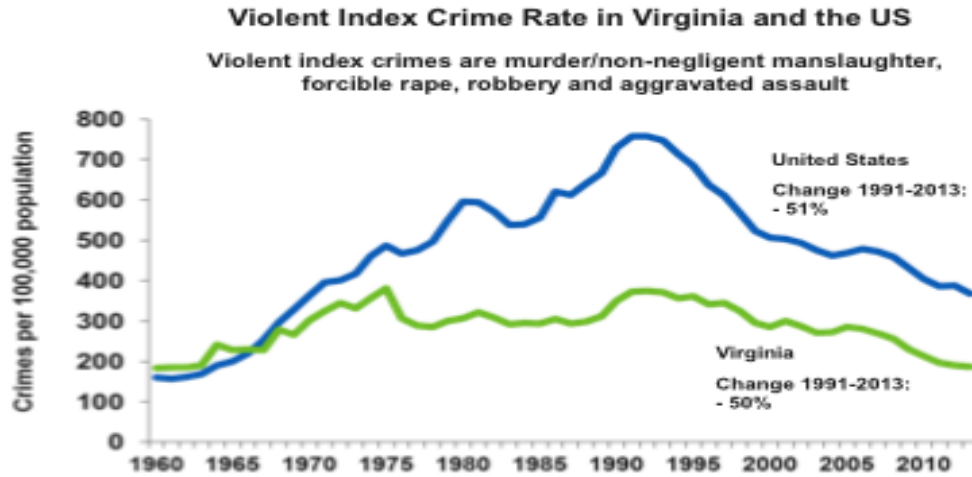
Sandford, FL - S27

Hampton, VA - H28A, H28B

Appendix H – U.S. and Virginia Crime Data (1960-2010)

Figure 1 – Violent Crimes

Virginia's violent crime rate has declined since the early 1990s and is now lower than any time since the early 1960s.



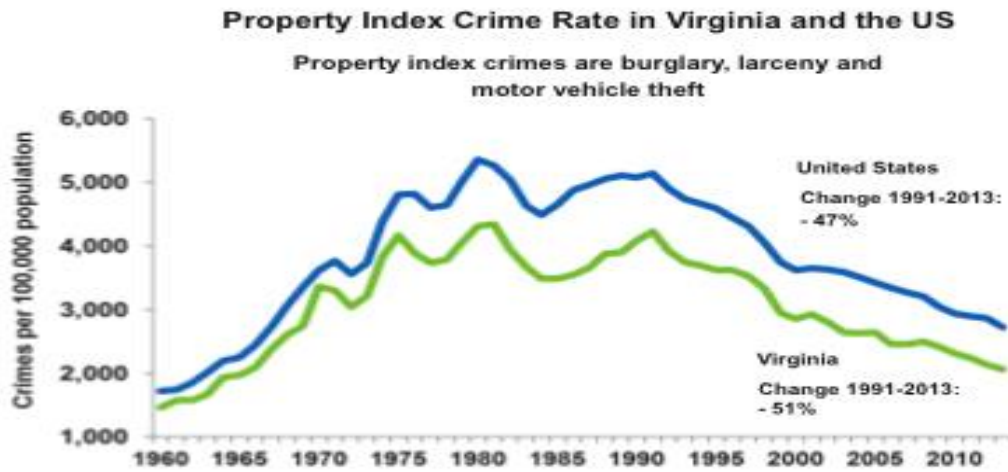
Sources: Virginia State Police Incident-Based Crime Reporting Repository System as analyzed by the Dept. of Criminal Justice Services Research Center; FBI, 2013 *Crime in the United States*

1

Source: Virginia Criminal Sentencing Commission (2015)

Figure 2 – Property Crimes

Virginia's property crime rate has fallen since the early 1990s, reaching levels not seen since the late 1960s.



Sources: Virginia State Police Incident-Based Crime Reporting Repository System as analyzed by the Dept. of Criminal Justice Services Research Center; FBI, 2013 *Crime in the United States*

2

Source: Virginia Criminal Sentencing Commission (2015)