

May 8, 2013

The Honorable Patrick J. Leahy
Chairman
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

RE: Support Senator Blumenthal's Amendment 10 (DAV13376) to S.744 Strengthening Protections Against Unlawful Arrests and Abuses in the SW Border Region

Dear Chairman Leahy, Ranking Member Grassley, and Members of the Committee:

We, the undersigned organizations, urge you to support Senator Blumenthal's amendment 10 (DAV13376) to S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, which is expected to be considered by the Senate Judiciary Committee on May 9, 2013. The amendment would add much-needed civil rights protections to increased funding for the SW Border Region Prosecution Initiative, a Department of Justice (DOJ) program that reimburses state and local governments for the prosecution and detention of individuals in state court in cases initiated by the federal government.

Nearly 40 local jurisdictions participated in the program in FY2012 and were reimbursed for about 6,000 locally-prosecuted criminal cases.¹ Section 1108 of S. 744 would authorize appropriations to keep the program running through FY2018. In addition, the bill includes a provision requiring the federal government to reimburse state, local, county, and tribal governments for the costs associated with the "prosecution and pre-trial detention of Federally initiated immigration-related criminal cases declined by local offices of the United States Attorneys."

Senator Blumenthal's amendment would prevent local jurisdictions from being reimbursed in cases where law enforcement officers have acted unlawfully. For example, the Department of Justice has determined that the Maricopa County Sheriff's Office, headed by Sheriff Joe Arpaio, engages in widespread misconduct, including racially discriminatory policing. DOJ concluded in 2011 that MCSO "engaged in a widespread pattern or practice of law enforcement and jail activities that discriminate against Latinos. This discrimination flows directly from a culture of bias and institutional deficiencies that result in the discriminatory treatment of Latinos." DOJ's statistical expert opined that "this case involves the most egregious racial profiling in the United States that he has ever personally seen in the course of his work, observed in litigation, or reviewed in professional literature."² Yet Maricopa County was reimbursed *nearly half a million dollars* last year for 210 prosecutions through the Southwest Border Prosecution Initiative.

1 http://www.ojp.usdoj.gov/swbpi/docs/swbpi_awards_2012.pdf

2 http://www.justice.gov/crt/about/spl/documents/mcso_findletter_12-15-11.pdf

Law enforcement agencies like Maricopa County should not have a perverse incentive to arrest individuals through racially discriminatory policing or impermissible enforcement of federal immigration laws in order to obtain reimbursement from the federal government. In light of a high volume of community complaints about racial profiling in some southwest border regions, Senator Blumenthal's amendment would provide a critical check against such misconduct. It would provide the Department of Justice with necessary tools to ensure that prosecutions based on civil rights abuses and other unlawful practices are not rewarded, thereby prioritizing law enforcement agencies that are complying with their legal responsibilities.

For these reasons, we urge you to support Senator Blumenthal's amendment. Please do not hesitate to contact Joanne Lin at jlin@dcacclu.org or (202) 675-2317 with additional questions or concerns.

Sincerely,

Alliance San Diego
America's Voice Education Fund
American Civil Liberties Union
American Immigration Lawyers Association
Arab American Institute
Arizona-Sonora Border Coalition
California Immigrant Policy Center
California Pan-Ethnic Health Network
Casa Cornelia Law Center - San Diego CA
Catholic Charities Diocese of San Diego
Central Coast Alliance United for a Sustainable Economy (CAUSE)
Chinese for Affirmative Action
Coalition for Humane Immigration Reform of Los Angeles (CHIRLA)
Council on American Islamic Relations -California
Dolores Street Community Services
DRUM - Desis Rising Up & Moving
DWN
Employee Rights Center, San Diego
Encuentro
Escondido Human Rights Committee-Comite de Derechos Humanos de Escodido
Fresno Immigrant Youth in Action (FIYA)
Friends of Friendship Park
Green Valley/Sahuarita Samaritans
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Justice Network
Immigrant Legal Resource Center
Interfaith Committee for Worker Justice of San Diego County
Korean Community Center of the East Bay
Korean Resource Center
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
The Leadership Conference on Civil and Human Rights

Mexican American Legal Defense and Educational Fund (MALDEF)
MFSA, Cal-Pac Chapter
Mobilize the Immigrant Vote
Mujeres Unidas y Activas
National Center for Lesbian Rights
National Council of La Raza (NCLR)
National Immigrant Justice Center
NM Comunidades en Acción y de Fé
Northern Borders Coalition
Northwest Immigrant Rights Project
OneAmerica
Out4Immigration
Rights Working Group
Rio Grande Valley Equal Voice Network
San Diego Immigrant Rights Consortium
Seminario Permanente de Estudios Chicanos y de Fronteras
Service Employees International Union (SEIU)
Services, Immigrant Rights and Education Network
Southern Border Communities Coalition
The Reformed Church of Highland Park (NJ)
Tim Reed Las Cruces Religious Society of Friends, Quakers, Peace and Social Concerns
committee
Vermont Immigration and Asylum Advocates
Word for the World