

[This document provides the text of the letter that was faxed and mailed on May 9, 2002.]

May 10, 2002

Board of Commissioners, Miami-Dade County
Stephen P. Clark Bldg.
111 NW First Street
Miami, FL 33128

Via fax and U.S. mail

Dear Commissioner:

The U.S. Department of Justice (DOJ) recently announced that state and local law enforcement officials will have the power to enforce federal immigration laws. The opinion, still in draft form, says "states and municipalities have the 'inherent authority' to enforce immigration laws."

This opinion, which clears the way for local law enforcement to detain persons suspected of violations of immigration laws, conflicts with long-standing legal tradition that immigration is a federal matter. The opinion is also bad policy for Miami-Dade County.

An effort by the federal government to enlist our local police in the enforcement of immigration laws can and should be declined. The American Civil Liberties Union urges this Commission to do what other diverse, cosmopolitan large cities and municipalities like Los Angeles and New York City have done when asked to become INS enforcers. That is, the Commission should craft an ordinance designed to safeguard our police's crime fighting function by reiterating that while local police officers will continue to cooperate with federal authorities in investigating and apprehending aliens suspected of criminal activities, local police officers will not investigate, detain or arrest otherwise law-abiding aliens based on their immigration status.

Miami-Dade County, with over 60% of its inhabitants hailing from foreign countries, is truly a community of immigrants. The lives, property and rights of these immigrants, who are an inextricable part of the fabric of this County, would be put in serious danger if the very people that police and protect our County from crime are forced to also enforce this country's immigration laws. But the damage would not stop there. The lives of our native-born, non-immigrant populations would also be severely affected, and this is not to mention the devastating impact such a policy is likely to have on our tourism industry.

Much has been made of the steady reduction in serious and violent crimes in our community. These gains are due at least in part to community policing and community outreach initiatives, which have been crucial to making our communities safer. Turning our police officers into agents of the Immigration and Naturalization Service will erode the gains made by these community outreach programs. How willing will undocumented immigrants be to assist the police by reporting crimes, much less testifying about them, if they know the next step may be deportation? Any trust between police officers and the community they serve will be instantly gone. The key to providing adequate police protection to immigrant communities is to build trust in the authorities, not to build new walls between the community and the police.

Furthermore, if our local police agencies assume the duties of enforcers of the immigration laws, officers will inevitably have less time to fight crimes perpetrated against people and property. An increase in crime will be the inevitable consequence. The image of our community as a diverse, cosmopolitan tropical paradise will be put in serious jeopardy by this policy.

It is also clear that local police officers are not equipped for the complex job of immigration enforcement. The American Immigration Lawyers Association, in its statement released on April 9th opposing the DOJ's proposal, stated: "Federal immigration law is a complicated body of law that requires extensive training and expertise to properly enforce. There are many different ways for people to be lawfully present in the United States, and the INS issues many different types of documents that entitle someone to be in the United States legally. Local law enforcement officials do not have the training and expertise that is required to determine who is allowed to be in the United States and who is not."

If our local police officers are charged with enforcing immigration laws, who will pay for that training? Who will pay for the law enforcement hours that will be lost while these officers are undergoing such training? Most importantly, who will compensate our local police officers for taking on the thankless task of turning in the same people that they are supposed to protect, the same people that they depend on for information, cooperation and their very safety?

The American Civil Liberties Union urges this County Commission to heed the warnings of experts, police officers and administrators across the country who oppose burdening local police agencies with the task of enforcing immigration laws. We urge this Commission to heed the statements of Miami Police Department spokesperson, Lt. Bill Schwartz, who has said, "We will not function in an INS capacity. It is not our job. Our job is to solve crimes. We have too much to do to act as INS agents." *Sun Sentinel*, April 25, 2002. Others in our local police community have also voiced their opposition to the DOJ's misguided initiative.

Again, we urge that you direct the Law Department to craft an ordinance to safeguard our police's crime fighting function. Such an ordinance should be designed to prevent our police from being turned into INS agents and to leave the enforcement of immigration laws to U.S. immigration officials. We are attaching draft language amending Chapter 2, Article XII, Section 2-92(h) that we believe achieves the very goals set forth above. We look forward to addressing any questions you may have regarding this issue that is so important to our community.

Sincerely,

/S/

Lida Rodriguez- Taseff
President
Greater Miami ACLU Chapter

/S/

Randall Marshall
Legal Director
ACLU of Florida

/S/

Howard Simon
Executive Director
ACLU of Florida

Enclosure

CC: Board of Commissioners, Miami-Dade County
Alex Penelas, Mayor, Miami-Dade County
Steve Shiver, County Manager, Miami-Dade County

Sec. 2-92. Powers and duties generally.

The Miami-Dade Police Department shall:

- (a) Preserve the public peace, prevent crime, detect and arrest offenders, protect the rights of persons and property, and regulate and control traffic in accordance with the laws of this State and the ordinances of this County.
- (b) Have all powers and perform all duties, powers and functions formerly exercised by the Sheriff of this County.
- (c) Reserved.
- (d) Recruit and provide training for Department personnel.
- (e) Provide central records, investigation, and communications of police protection and require each municipality to furnish the department with all police records prescribed by the Director.
- (f) [Reserved].
- (g) Provide police protection in the unincorporated areas of the County.
- (h) Perform such additional duties as may be prescribed by ordinance or by administrative orders and regulations of the Manager, **except that the department shall not transmit information about or assist in detaining or arresting any aliens unless such aliens are suspected of being engaged in criminal activity unrelated to immigration status.**
- (i) Charge and collect a fee for administrative services rendered for or on behalf of any person by furnishing copies of background investigations, photographs taken or processed by it, accident reports, and any other reports authorized to be furnished to members of the public; provided that a schedule of the type and amount of fees to be charged will be established in accordance with an administrative order governing the setting of such fees pursuant to Section 4.02 of the Miami-Dade County Charter. Any and all fees charged and collected by the Miami-Dade Police Department prior to enactment of this subsection [May 21, 1975], for the furnishing of those items enumerated in this subsection are hereby ratified, approved and declared to have been legal, proper and authorized.

(Ord. No. 58-15, §§ 6.02, 5-6-58; Ord. No. 60-26, §§§§ 1, 2, 9-20-60; Ord. No. 66-37, §§§§ 9--11, 9-7-66; Ord. No. 68-79, §§ 2, 12-17-68; Ord. No. 72-60, §§ 1, 9-19-72; Ord. No. 75-32, §§ 1, 5-21-75; Ord. No. 81-87, §§ 1, 7-21-81)