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FAQ and Talking Points on Immigrant Friendly/ Non-Discrimination Policies

- In order for Trump to carry out his terrifying vision of mass deportation, his administration is trying to strong-arm local governments into enforcing federal deportation programs.
- We stand behind our proud legacy in Albuquerque and Bernalillo County of passing immigrant-friendly policies which are conducive to promoting the public safety of all our residents
 - There are those who will seek to exploit a tragedy and to demonize all immigrants and bolster support for anti-immigrant policies aimed at separating families and deporting millions of people who are part of the fabric of our communities.
 - As a society, we are faced with a choice: will we allow a tragedy to be used to further an extremist agenda or will we come together amidst our grief to address the root causes of crime and advance our deepest values as a society?
- Cities that have adopted “sanctuary” policies have NOT experienced an increase in crime as a result of their decision to limit cooperation with federal immigration authorities rebutting the Trump administration’s anti-immigrant rhetoric.
 - https://www.washingtonpost.com/national/sanctuary-city-study-immigration-crime/2020/10/21/5810d13a-12fa-11eb-82af-864652063d61_story.html
 - Stanford [study](#) with analyses over 200 “sanctuary” jurisdictions

Bernco’s Immigrant Friendly Policies DO NOT hinder local enforcement’s ability to do their job or hold anyone accountable once convicted of a crime.

- Bernco’s immigrant friendly resolution does **NOT** limit or prevent law enforcement officials from arresting a person who has been charged with a crime, investigating that crime, and for that person to be held fully accountable for that crime within the criminal justice system, regardless of immigration status.
- It is not a county jail that determines whether or not a person poses a public safety threat and should be released from custody, that is the job of a judge.
- We should not have different criminal justice tiers that are based on the color of one's skin, socio-economic status, religion, or country of origin. Inherent in the “justice” in criminal justice is the presumption of innocence and that we are treated equitably under the law.

Limited Public Safety Resources should be Focused on Community-Driven Solutions and the Root Causes of Crime

- Bernalillo County should not participate in costly, unfunded mandates by the federal government. Our limited public safety resources should be focused on community-driven solutions to crime, not in targeting community members because of their country of origin.
- ICE’s budget has been historically overfunded and bloated. Since the inception of the Department of Homeland Security, ICE’s budget has more than doubled.

Immigrant Friendly Policies Foster Public Safety and Community Policing:

- We know that overpoliced, vulnerable populations are better integrated, more secure, and more involved in their communities when local law enforcement agents are not involved in deportations. At a time when trust in law enforcement is at an all time low in communities of color, immigrant friendly policies are key to fostering trust over time.
- When local criminal justice systems assist with federal deportation programs, victims of domestic violence and other forms of violence choose to suffer in silence rather than seek assistance; key witnesses of crime refuse to come forward out of fear that they themselves will become a target; a climate of fear grips entire neighborhoods; and anxiety-ridden children struggle in school.¹

Immigrant Friendly Policies Safeguard the Presumption of Innocence:

- When local law enforcement, jails and/or criminal justice systems participate in deportation, immigrants need not be convicted of an offense to find themselves trapped in this system.

¹ Searching Out Sanctuary, An Analysis of America’s Counties and Their Voluntary Assistance with Deportation; Immigrant Legal Resource Center.

- Trump's executive orders did away with previous enforcement priorities and instead makes an enforcement priority of any "removable" immigrant convicted or suspected of any criminal offense – gutting the presumption of innocence enshrined in our Constitution and raising concerns about abuse of power by law enforcement.
- **Immigrant Friendly Policies discourage Pretextual arrests and Racial Profiling**- Enforcement programs that use local law enforcement and local jails as entry points to the deal deportation system have been found to foment pretextual arrests and racial profiling.

It is ICE and the Trump Administration Who are Violating the Constitution

- The Trump Administration has repeatedly called out "sanctuary cities" that do not hold people on ICE detainers as "lawless." But it is ICE it that is violating the law, as well as the localities that are following DHS's bidding on ICE detainers, because they are detaining people in violation of the Fourth Amendment.
- ICE detainers are not warrants and do not meet basic Fourth Amendment requirements. Consequently, counties that hold a person in custody on an ICE detainer may be liable for unlawful detention.
- Courts across the nation have consistently sided with communities that refuse to detain immigrants, sending the clear message that policies limiting assistance with federal immigration enforcement are not only good for public safety and moral, but legal.
- As of January 2019, twenty federal court decisions in the nine lawsuits over federal funding sided with cities and states against the Trump administration, ruling that **adding immigration enforcement conditions to federal grants was illegal.**