



128 DORRANCE STREET, SUITE 400  
PROVIDENCE, RI 02903  
401.831.7171 (t)  
401.831.7175 (f)  
[www.riaclu.org](http://www.riaclu.org)

**TESTIMONY IN SUPPORT OF  
17 H-5515, RELATING TO IMMIGRATION DETAINEES**

**AND IN OPPOSITION TO  
H-5093, RELATING TO STATE AFFAIRS AND GOVERNMENT  
AND H-5394, RELATING TO IDENTIFICATION AND APPREHENSION OF CRIMINALS  
March 22, 2017**

These bills take very different approaches to the role that Rhode Island and municipalities should play in addressing President Trump's call for state and local assistance in enforcing federal immigration law. For the reasons that we strongly support H-5515, we just as strongly oppose H-5093 and H-5394. Those reasons are rooted in both public policy and legal concerns.

Involving state and local law enforcement in immigration status issues will inevitably have a severe impact on the civil rights and civil liberties of immigrant communities. Among other things, such a policy is bound to increase racial profiling and other unjustified stops, not only of undocumented individuals, but also of legal residents and United States citizens who "look foreign."

There are many good reasons why enforcement of immigration law has been left to federal immigration agencies. First and foremost, effective policing demands the establishment of trust between police officers and the community they serve, trust that inspires confidence in victims to come forward and report crimes and that allows investigations to proceed efficiently. If local law enforcement officers become, for all intents and purposes, ICE agents in the minds of the immigrant community, any trust that currently exists will be shattered. Victims of crimes, witnesses, and others in tight-knit immigrant communities will refuse to cooperate with state and local police for fear that they, or close friends and family members, could face deportation due to their interaction with police.

Enforcing immigration laws will also undermine the painstaking community policing efforts in which many departments have been engaged, squandering years of difficult work in winning the trust of these communities. Since the issuance of President Trump's executive order, stories have already been written of victims of domestic violence failing to show up in court to present testimony or, even worse, the victims themselves being arrested due to their immigration status. This is hardly a useful way for local law enforcement to fight crime; indeed, it is nothing short of cruel.

In addition, this country's immigration laws are extremely complicated. They involve, by definition, questions of nationality and ethnic background, leaving abundant room for racial profiling and other forms of discrimination by local police not versed in the myriad types of visas and visa-extension applications issued by the INS. Local law enforcement officials are not prepared, nor do we consider it realistically feasible for them to be prepared, to enforce immigration law. Even if they are given training, the most likely effect of this cooperation would be to divert resources away from traditional law enforcement activities.

It is worth emphasizing that many police agencies share these concerns about the initiatives embodied in H-5093 and H-5394. Only a few weeks ago, more than sixty local law enforcement officials from across the country – including Providence's Commissioner of Public Safety – signed a public letter stating that the President's executive order would "harm locally based, community-oriented policing." A copy of that letter is attached to our testimony.

Perhaps more potently, significant constitutional concerns are raised by H-5093 and H-5394, concerns that H-5515 recognizes and seeks to avoid. As an example of how things can go awry, we currently represent Providence resident and United States citizen Ada Morales, who has twice been detained by police and corrections officials, subjected to strip searches and held overnight at the ACI based on the erroneous issuance of civil detainers against her by ICE, and by the DOC's reliance on them. The federal court has found that both ICE and the DOC violated Ms. Morales's constitutional rights by relying on civil detainers to deprive her of her liberty. Passage of H-5093 or H-5394 would essentially encourage state and local officials to violate the constitutional rights set out in that court decision.

For all these reasons, the ACLU urges that the Committee reject H-5093 and H-5394, and instead pass H-5515 and preserve and protect the Fourth Amendment rights of Rhode Island residents.