

HB116/SB270

**nmSAFE**

Making New Mexico safe for all children & families

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**Bill Analysis 2017 Regular Session**

**SPONSOR:** Rep. Patricia Roybal Caballero, Rep. Angelica Rubio, Sen. Linda Lopez

**SHORT TITLE:** No Local Enforcement of Fed Immigration Law

**SYNOPSIS OF BILL:** Prohibits law enforcement agencies in New Mexico from using state funds, equipment, personnel or resources and from accepting or using federal funds, equipment, personnel or resources for enforcing federal immigration laws.

**STRENGTHS:** There are many problems that arise when state and local police take on the task of enforcing federal immigration laws. Such practices encourage racial profiling against Hispanics, Asian-Americans and others, because officers will often assume these individuals are undocumented based on having an accent or how they look. Enforcement of federal immigration laws by local police also discourages undocumented immigrants from contacting law enforcement when they are the victims of crime, a dynamic that potentially puts everyone in greater danger. It's worth noting that immigrants tend to commit crimes at a much lower rate than native-born citizens of the United States (see "Why are Immigrants' Incarceration Rates so Low?" Kristin F. Butcher and Anne Morrison Piehl, National Bureau of Economic Research, July 2007). Finally, law enforcement agencies are already underfunded. Passing HB116/SB270 would help ensure that state and local police focus their energies on addressing violent, serious crimes rather than on identifying and apprehending undocumented families who typically pose no threat to anyone.

**ADDITIONAL INFO:** A 2016 study published last year by the University of Chicago Press ("Policing Immigrants: Local Law Enforcement on the Front Lines") interviewed 750 police chiefs and sheriffs from across the country. It found that most state and local law enforcement leaders see the enforcement of federal immigration laws by their officers as problematic. A majority of the chiefs and sheriffs who were interviewed emphasized the importance of gaining trust in immigrant communities. They noted that involving local law enforcement in federal immigration law enforcement damages that trust. A forthcoming study from the University of California Press ("Legal Passing: Navigating Undocumented Life and Local Immigration Law") found that while undocumented immigrants in sanctuary cities are generally willing to interact with police, those living in cities that partner with Immigration and Customs Enforcement are reluctant to do so. This study documented one particularly striking incident in which an undocumented immigrant tried to disrupt a carjacking by yelling at the perpetrator, but then ran off when the victim called the police because he was afraid that if he gave a statement as a witness he would be deported.

| <b><u>Safer</u></b>                                                                                                                            | <b><u>Apolitical</u></b>                                                                                                                                                     | <b><u>Fiscally-Responsible</u></b>                                                                                                                                                | <b><u>Evidence Based</u></b>                                                                                                                                                                                                                           | <b>Grade</b>    |
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| <p>This bill will ensure that law enforcement agencies in New Mexico focus more of their time and energy on capturing dangerous criminals.</p> | <p>An underlying premise of this proposal incorporates a rejection of popular, politicized, inaccurate views connecting undocumented immigrants and high rates of crime.</p> | <p>State and local law enforcement should not be wasting resources on enforcing federal immigration laws when they should be concentrating on stopping serious violent crime.</p> | <p>There is no evidence that such a law will do anything to increase public safety in New Mexico. On the contrary, available evidence suggests it has the opposite effect by discouraging undocumented immigrants from reporting crimes to police.</p> | <p><b>A</b></p> |