

# Sanctuary Policies in Local Jurisdictions: Decision Making in Law Enforcement

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## ABSTRACT

During the 2016 presidential election, the topic of immigration and sanctuary policies entered the national spotlight during debates, dividing local policy makers on the best practices for protecting their communities. Since then, President Donald Trump's presidency has been known for the mass use of the media to call out cities with policy his administration disagrees with. But many sheriffs that have been labelled the head of a sanctuary county have specifically said their jurisdiction cooperates fully with the Immigration and Customs Enforcement Agency, and that they do not consider their county a sanctuary jurisdiction.

This research looks into the decisions sheriffs like these make in order to most effectively protect their communities. Through surveys and interviews with sheriffs and police chiefs, this research examines how the needs of the community and national political discussion about sanctuary policies influence the decision making of local law enforcement agencies in regards to policies that could be considered "sanctuary."

## RESPONSES

Finney County was included on a list by the Center for Immigration Studies that labelled sanctuary jurisdictions. It was placed on the list because they decided to only honor ICE detention requests if a judicial warrant was also issued. The sheriff fought and had the county removed.

The Finney County Sheriff said the issue of local immigration policy in Kansas escalated in 2014 when the ACLU sent out a letter about the risks of honoring ICE detention requests without a judicial warrant. After the county changed their policy, the Center for Immigration Studies put it on its list of sanctuary jurisdictions.

Bascue said ICE officials told him that they didn't consider his county to classify, but the term "sanctuary" heavily entered national political discussions a year later. The biggest thing that made him want his name off the list was when a Kansas legislator threatened to try to withhold funding to agencies listed as sanctuary counties or cities.

Bascue said he believes local law enforcement does not have the authority to investigate or enforce federal laws.

"The only thing that we have the authority to do is enforce state and local laws that we have. So, regardless of what we feel about the immigration situation, the law

doesn't allow us to take a position on it because we have no authority to enforce it," he said.

I also sent out a survey to a sample of accused sanctuary jurisdictions. Among the responses, a rural California jurisdiction made it clear that it only followed certain sanctuary policies because California law forced it to. The anonymous survey taker said public feedback from politicians influenced their decision making, and they feel pressure from state political figures.

Another responder decided to send a statement in an email. A representative from Chesterfield County, Virginia, said their mission to enhance public safety "includes cooperatively working with government agencies at all levels, including U.S. Immigration and Customs Enforcement." She ended by saying that "Chesterfield County Sheriff's Office holds the 4th highest amount of illegal immigrants in Virginia. (Only Arlington County, Loudoun County, and Prince William County held more)."

If anything, these results show the importance of state politics and policy in local decision making. While federal policy that threatens financial consequences to sanctuary jurisdictions is disputed in court, state-level consequences are the next highest authority.

## EVOLUTION OF THE TERM SANCTUARY

Historically, sanctuary referred to the religious status of places of worship, where people could go to seek refuge and asylum (Chinchilla 2009).

The Sanctuary Movement in the 1980s was led by religious groups seeking to protect immigrants fleeing violence in Central America (Collingwood 2019).

2016: While president-elect, Donald Trump announced that in his first 100 days he would cut off all funding to sanctuary cities.

Now there is no legal, federal definition and classification of sanctuary jurisdictions. The classification then falls to non-governmental organizations and public criticisms in the media. None of these lists or accusations are consistent with each other, and they depend on the intentions of the accuser. Many jurisdictions that have been classified as sanctuary have fought against the label.

1979: Los Angeles Police Department issues Special Order No. 40, declaring immigration status was not an action point for police.

Between 1980 and 1990, the population of Central American immigrants in the U.S. tripled. Since then, the population has tripled again (O'Connor 2019).

2015: The topic of sanctuary reentered major political discourse in after a woman was allegedly shot by an undocumented immigrant in San Francisco.

2017: President Trump signed an executive order that would cut off some grant funding to local law enforcement agencies if they were a sanctuary jurisdiction. That section of the order was included in a nationwide federal injunction, so its consequences have yet to take place.

## CONCLUSION

With previous research coupled with these public statements and responses to surveys and interviews, it seems the largest factors that influence policy decisions by local law enforcement on immigration enforcement are state laws and the legality of federal law enforcement in local jurisdictions. Especially in rural and conservative areas, the enforcement of federal immigration law will range from only honoring ICE detainers with a judicial warrant included, to honoring all detainer requests, or even participating in the 287(g)

program, which makes local officers essentially a branch of federal law enforcement. But, in terms of consequences to sanctuary policy, the retribution comes from state and local actors, who can be provoked into action by the labeling and classification of sanctuary jurisdictions by politicians and NGOs. Although local law enforcement agencies may not have the authority to decide immigration law, there is a window of procedures that can vary among departments, making some jurisdictions more appealing for undocumented immigrants, and some not.

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