Law Enforcement in Diverse Communities: Policies and Practices of Effective Engagement

# **Advocacy & Partnerships**

Jessica A. Ramos, Esq. Advocates for Basic Legal Equality, Inc.



#### **Criminal v. Civil Provisions of Immigration Law**

- Immigration law is largely civil in nature civil violations are handled through an administrative process.
- Criminal provisions are handled through the Federal courts.
- Many of the criminal violations of immigration law are misdemeanor offenses and involve borders – entering the country without being inspected, smuggling, re-entering the country after being deported.
- An officer must have witnessed the misdemeanor or have probable cause to make a warrantless arrest.



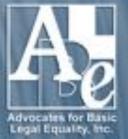
#### **Criminal v. Civil Provisions of Immigration Law**

- Probable cause = at the time of the arrest, the facts and circumstances within the knowledge of the officer and of which they had reasonably trustworthy information were sufficient to warrant a prudent man in believing that the individual had committed or was committing an offense. Beck v. Ohio, 379 U.S. 89, 91 (1964).
- Unlawful presence in the United States is not a criminal offense: it is a civil violation of immigration law.



#### **Ohio Attorney General Opinion**

- In a 2007 Opinion issued by the Ohio Attorney General, the AG concluded that under Ohio law, a law enforcement agency may enforce <u>criminal</u> provisions of federal immigration law, but that it may **NOT** enforce <u>civil</u> provisions of federal immigration law.
- Ohio Op. Atty. Gen. No. 2007-029 (September 6, 2007).



#### Partnership with Dayton Police Department

- Community-policing oriented; policies consider levels of resources and best crime prevention methods
- Gaining the trust of the community
  - Translations of important documents and flyers
  - Education Outreach, outreach, outreach!!!
  - Being visible, supportive, and participating in positive community events
- Training & technical support, drafting of policies
- Legal consultations & representation for immigrant victims
  - U visas
  - Collateral immigration issues
  - Direct referrals and expeditious certification issuance



#### U "Visa" – For victims of certain serious crimes

- 1. Victim of qualifying crime (that occurred in U.S. or violated U.S. law):
  - Domestic violence, felonious assault, rape/ sexual assault, trafficking, incest, involuntary servitude, slave trade, kidnapping, et al; OR
  - attempt, conspiracy, or solicitation to commit any of the above mentioned crimes
- 2. Suffered "substantial mental or physical abuse"
- 3. Is being, has been, or is likely to be helpful to the investigation or prosecution of the criminal activity



## **U Non-immigrant Status**

- Applicants must provide a certification from a federal, state, or local law enforcement official, prosecutor, judge, or investigating authority that certified that the U Visa applicant was a victim of a qualifying crime and was helpful
- No extensive investigation by the law enforcement agency or conviction is required, as long as they will certify
- If approved, granted U visa status and employment authorization for four years
- May apply for LPR status after 3 years in U visa status
- Petitions may include certain derivative beneficiaries also



- Policies designed to protect immigrants and gain the trust of the immigrant community
  - DPD officers may not to ask victims or witnesses about their immigration status
  - DPD generally does not make a direct referral or call to Immigration and Customs Enforcement (ICE) about a suspect – can only be done by certain supervisors and only in VERY limited circumstances
  - Inclusion of resource lists for immigrants
  - Accessibility for Limited English Proficient individuals



- Other policies and procedures:
  - Using professional interpreters to provide meaningful communication with speakers of another language besides English
  - Translating certain important documents into the most common languages spoken in Dayton
  - Recruiting officers who are bilingual or who are members of the immigrant communities that are present in Dayton
  - Incorporating cultural sensitivity training in the academy curriculum



- Other policies:
  - Saving police resources and maintaining more officers on the street by encouraging issuance of citations/summons instead initiating arrests for minor violations (some of which affect lowincome and immigrant populations disproportionately), such as 1<sup>st</sup> offense no operator's license
  - To facilitate this, DPD also recognizes the Matrícula Consular as a valid form of identification for proving identity and/or residency

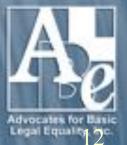


- Visibility, Transparency, Conciliation
  - Community Liaison Officers and command staff are actively involved in their communities
  - Posting bilingual documents online and providing an online complaint form
    - <u>http://www.cityofdayton.org/departments/police/</u> OftC/Pages/profstandards.aspx
  - Mediation/Dispute Resolution Program



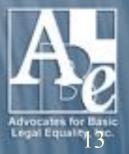
## **Advocacy Outcomes**

- 18 policies/procedures adopted in ten local jurisdictions
  - U Visa Certification Policy
  - Policy to accept Matrícula Consular as valid form of identification
  - Policy not to ask victims about immigration status
  - Immigration enforcement policies
  - Language access policies
- 2 municipal resolutions to accept *Matrícula Consular*
- Trainings for 3 different police departments



#### **Best Practices**

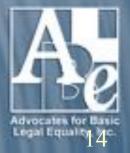
- Do your research
  - Who will you be speaking to?
  - Research department leaders
- Find an ally
  - Someone who compliments your strengths and supplements your weaknesses
- Develop a strategy
  - What will the first 15 seconds of your meeting be?
  - What is your "pitch"?
- Standardizing policies? Responding to events in the area? Providing information?



# **Best Practices**

- Develop Materials
  - Sample policies
  - Interpretation guides
  - Maps to show population data
- Follow Up
  - Continued "encouragement"
  - Trainings
  - Measuring outcomes
  - Connect with other partners or resources

Helpful Resources: Vera Institute of Justice, DOJ Community Oriented Policing Services Office, National Immigration Law Center, ABLE IIP Law Enforcement Resource Guide, University research centers/graduate students



#### **Questions?**

#### Thank you!



Advocates for Basic Legal Equality, Inc.

#### Jessica A. Ramos jramos@ablelaw.org

