



# PHILADELPHIA BAR ASSOCIATION

October 16, 2016

Hon. William F. Adolph, Jr.  
Chair, House Appropriations Committee  
245 Main Capitol Building  
PO Box 202165  
Harrisburg, PA 17120-2165

Hon. Joseph F. Markosek  
Democratic Chair, House Appropriations Committee  
512E Main Capitol Building  
P.O. Box 202025  
Harrisburg, PA 17120-2025

**Re: House Bill 1885**

Dear Chair Adolph and Democratic Chair Markosek:

On behalf of the 12,000-member Philadelphia Bar Association, we write in opposition to House Bill 1885. This bill would require all local law enforcement officers to notify Immigration and Customs Enforcement (ICE) whenever they have “reasonable cause to believe” that an individual under arrest is not lawfully present in the United States; prohibit municipalities from placing restrictions on employees’ ability to share information with federal immigration authorities about a person’s immigration status; and impose strict liability on “sanctuary municipalities” for injuries caused by crimes committed by individuals without lawful status in the United States.

On September 29, 2016, the Philadelphia Bar Association’s Board of Governors unanimously adopted the enclosed Resolution Opposing House Bill No. 1885, Printer’s No. 3075 on “Sanctuary Cities.”

We strongly oppose this bill because it is built on a false premise – that individuals without lawful status in the United States commit more crime than citizens. According to a 2015 study conducted by the Pew Research Center, from 1990 to 2014, the unauthorized immigrant population in the United States grew from 3.5 million in 1990 to 11.3 million in 2014. Yet, as reported by the National Review, in the same period, violent crime fell by 51 percent and property crime dropped by 43 percent. Moreover, study after study has shown that immigrants – regardless of nationality or legal status – are less likely than the native population to commit violent crimes or to be incarcerated.

The Philadelphia Bar Association strongly opposes this bill because it will drive a wedge between law enforcement and the community. All Pennsylvanians are safer when every member of the community feels comfortable coming to the police to report a crime, or to share information with police about what they saw. Law enforcement officials are better able to do their jobs when every member of a community feels safe talking to them, regardless of that community member’s immigration status. By requiring local law enforcement to take on the responsibility of enforcing complex immigration laws, HB 1885 will undermine the feelings of

trust that are essential to good policing. The General Assembly should not place itself between police and the communities they serve.

We also strongly oppose this bill because of the added burden it will place on local municipalities. Immigration enforcement is primarily a federal responsibility. However, HB 1885, by so strenuously imposing restrictions and reporting requirements on municipalities, shifts this responsibility to local governments in ways that will drain resources and energy away from the law enforcement activities for which they bear sole responsibility. This shift creates new liabilities and risks for local governments, including forcing them to spend more money on enforcement and jailing more people, for longer periods of time, without reimbursement. This amounts to an unfunded mandate guaranteed to increase local taxes.

Whether formally through declarations as “sanctuary cities” or informally by practice, local municipalities and police departments limit their role in immigration enforcement to ensure that they respect the constitutional rights of members of the community they serve with regard to probable cause and due process. Federal courts across the country have found local municipalities liable for choosing to honor ICE requests, and violating the constitutional rights of detained individuals in the process. The harsh reporting requirements in HB 1885 place pressure on local law enforcement officers to make on the spot decisions, applying complex immigration laws with which they are unfamiliar. This increases the risk that mistakes will be made, resulting in costly litigation and an increased burden on the taxpayers.

For these reasons, we urge you and all members of the House Appropriations Committee to oppose House Bill 1885.

Thank you.

Respectfully,



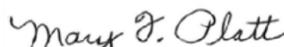
Gaetan J. Alfano

2016 Chancellor



Deborah R. Gross

2016 Chancellor-Elect



Mary F. Platt

2016 Vice Chancellor

Enclosure