

## ***Promoting Public Safety by Ensuring Access to Police Protection for Immigrant Women and Girls***

The Tahirih Justice Center is the largest national policy and direct services organization in the United States that focuses on assisting immigrant women and girls who face gender-based violence. The women Tahirih serves are often particularly vulnerable to horrific crimes such as human trafficking, domestic abuse, and sexual assault. Laws such as the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA) are specifically intended to encourage survivors to call 911 without fear of deportation. These laws recognize that incentivizing survivors to help police get dangerous criminals off the streets is sound policy and results in safer communities for all of us. The TVPA and VAWA enjoy longstanding, broad bipartisan support. Consistent with these laws, so-called “sanctuary” policies promote immigrants’ trust of local police, while sending a clear message to criminals that they cannot exploit victims’ fears of deportation with impunity.

- **When Immigrant Communities Trust Local Police, We All Benefit from Enhanced Public Safety**

It is well-documented that domestic abusers and traffickers routinely manipulate their victims by threatening to have them deported if they call the police. A survivor might therefore face the impossible “choice” of risking separation from her young children and forfeiting custody to her abuser upon deportation, or continuing to endure life-threatening violence at home. Abusers also commonly hold proof of their victims’ lawful immigration status hostage in order to keep them silent. Citing immigrants’ growing mistrust of police, the Los Angeles Police Department reports a 25% and 10% decrease in reporting of sexual assault and domestic violence among Latinos, respectively, since the beginning of 2017. Last month, the Denver City Attorney’s Office reported that four immigrant women abandoned pending domestic violence cases due to a fear of deportation if they appeared in court. Likewise, the Houston Police Department revealed a 42.8% drop in reports of rape by Latinos compared to the same period last year, and reporting of other violent crimes decreased by 13%.<sup>1</sup> When local police and federal immigration functions are indistinguishable to immigrants, police become the unwitting accomplices of abusers and traffickers in creating a climate of fear for the most vulnerable among us. Abusers and traffickers are often recidivists who engage in unrelated criminal activity as well. According to data collected by *Everytown for Gun Safety*, 54% of mass shootings in the US from 2009-2016 involved a perpetrator of family violence.<sup>2</sup> Law enforcement officers rely on victims and witnesses for critical, firsthand information to help solve crimes that afflict all members of our communities. We are all less safe when immigrants are too afraid to come forward or are swiftly deported and unable to provide eyewitness testimony.

- **Punishing Localities that Incentivize Immigrants to Report Crime Endangers Public Safety**

Efforts to punish so-called “sanctuary cities” *force* them into a false “choice;” either lose essential funding, or discourage victims and witnesses from reporting crime. The funds at issue are critical to protecting all members of the public from gun violence, human trafficking, gang violence, and other

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criminal activity. As a result, the Fraternal Order of Police, the largest police union in the United States, strongly opposes such punitive measures. Some proposals would force localities to detain individuals for civil immigration offenses at the request of the federal government, even if doing so might violate the 4<sup>th</sup> amendment of the Constitution. This renders police unnecessarily vulnerable to legal liability and unwisely diverts valuable resources away from crime fighting.

- **Well-Intended Exceptions for Victims and Witnesses Fall Short and Fail to Preserve Community Trust**  
Federal and state proposals that exempt crime victims and witnesses from immigration status inquiries by police are commendable, yet they unintentionally fall short of meaningfully protecting both survivors and the public. Specific exemptions within broad punitive measures are also insufficient to quell the sweeping, chilling effect that punitive policies have on entire immigrant communities. Despite outreach efforts to immigrant communities, victims may remain afraid to come forward.

Some exemptions miss the mark by protecting a victim *only if* she encounters police for the exclusive purpose of reporting a crime. Victims may encounter police in a variety of contexts including car-seat safety checks and community outreach or school education programs, and they should not fear participating in such programs. Proposals that limit protection for survivors who are arrested or charged with certain categories of crimes ignore the unique dynamics of domestic violence. Perpetrators routinely retaliate against victims who report violence by fabricating serious criminal allegations against them. This is a deliberate tactic abusers use in part to heighten a victim's risk of deportation. Tahirih is aware of an example where an abuser planted drugs in his wife's car and then smashed her tail light to get her pulled over and arrested. In another example, an abuser set fire to his home himself and called the fire department to report that his wife did it. She was arrested and jailed for weeks. A victim may also face charges arising from an act of self-defense or a false counter claim for domestic abuse.

Immigration enforcement ultimately remains a federal function. Policies that respect the distinction between federal and local enforcement *do not*, under any circumstances, single-handedly bar federal prosecution for immigration violations. **Rather, these policies support local agencies in prioritizing community trust for the benefit of us all.** State and federal efforts to punish so-called "sanctuary" jurisdictions lead to various unintended, dangerous consequences to the detriment of society as a whole. Tahirih urges lawmakers, policymakers, and the public to diligently educate themselves about these consequences when determining whether to support such efforts.

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<sup>1</sup>See also <http://www.tahirih.org/wp-content/uploads/2017/05/2017-Advocate-and-Legal-Service-Survey-Key-Findings.pdf>, documenting reduced rates of reporting by survivors of violence.

<sup>2</sup>See also <https://www.newyorker.com/news/news-desk/the-link-between-domestic-violence-and-mass-shootings-jameshodgkinson-steve-scalise>, "[W]hat perpetrators of terrorist attacks turn out to often have in common...are histories of domestic violence...It is clear that an alarming number of those who have been accused of domestic abuse pose serious and often lethal threats, not just to their intimate partners but to society at large."