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MICHAEL B. SHEEDY
EXECUTIVE DIRECTOR



January 9, 2018

The Honorable Larry Metz
Room 402, House Office Building
402 S. Monroe Street
Tallahassee, FL 32399-1300

RE: HB 9 creates unnecessary, unfunded mandate that undermines law enforcement

Dear Chairman Metz:

We share the concern that our immigration system is flawed and must be reformed. This has long been a priority of the bishops. However, the proper forum for such reform, as the courts have consistently recognized, is at the federal level, not the state. We oppose HB 9 on this basis and offer the following points that further highlight concerns with the bill.

State and local law enforcement are in no way precluded from prosecuting crimes

Nothing in current law prevents any individual, regardless of immigration status, from being prosecuted for and convicted of crimes. It is a seldom-recognized fact that what is recognized as “unlawful entry” is a civil – and not a criminal – violation, and its enforcement is the purview of the federal Immigration and Customs Enforcement (ICE).

Federal law requires and protects data sharing with ICE

8 U.S. Code § 1373 already establishes that state or local government entities or officials may not prohibit or restrict any other government entity or officials from sharing information with the Immigration and Naturalization Service (INS) regarding any individual’s immigration status. This is the key policy governing this issue.

HB 9 prohibits what is already prohibited and is not occurring today in Florida

HB 9 defines a sanctuary policy as one that contravenes the pertinent section of federal law in this regard. By all accounts, this is not happening in Florida and would be prohibited in federal law. While the bill’s staff analysis refers to an ICE report that identifies Clay and Alachua counties as “non-cooperative,” it simply states that these counties’ policies are to not honor an ICE detainer without a judicial order or criminal warrant.

These policies do not violate 8 U.S. Code § 1373 as they do not prohibit information-sharing with INS. They also seem prudent in light of court cases such as *Galarza v. Szalczyk* and *Miranda-Olivares v. Clackamas County* in which the courts ruled that detention based on ICE detainers will not shield county jails from liability arising from the detention of an individual without a warrant or deportation order.

HB 9 establishes unfunded mandate on law enforcement

In addition to exposing local governments to litigation, detaining persons beyond adjudication entails significant costs that are not reimbursed by ICE. Miami-Dade County spent almost \$2M in such efforts in 2011 and 2012. While the bill proposes funding mechanisms, their likely effectiveness is questionable, especially as there is no precedent to suggest federal funding

for this purpose. Expecting persons to fund their own detention, proper or not, seems unreasonable and largely unprecedented.

HB 9 undermines ability of local law enforcement to perform its mission

Law enforcement agencies nationwide stress the value of separating local policing activities from immigration enforcement. Local enforcement of federal immigration laws does not prevent crime but rather undermines public safety efforts by eroding community trust. It has led to lower crime reporting by immigrants and less sharing of information between their communities and local police.ⁱ

In summary, we oppose HB 9 for these reasons. We urge legislators to oppose it and to support federal efforts to undertake a more comprehensive reform of immigration policies.

Sincerely,



Michael B. Sheedy

cc: Most Rev. Thomas G. Wenski, Archbishop of Miami and FCCB President
Most Rev. Frank J. Dewane, Bishop of Venice & FCCB Justice & Peace Moderator
Ingrid M. Delgado, Associate for Social Concerns/Respect Life

ⁱ Theodore, Nik. (2013). *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*. Retrieved from https://greatcities.uic.edu/wp-content/uploads/2014/05/Insecure_Communities_Report_FINAL.pdf.