



# Welcome to Georgia – The Deportation State (SB 452)

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## INTRODUCTION

We strongly oppose SB 452, a bill that aims to label Georgia as the Deportation State. As of mid-2017 data, Georgia has made the list of top 5 states for detention and deportation for undocumented individuals. This is made possible, in part, but the four counties that have signed 287(g) contracts with the Department of Homeland Security's Immigration and Customs Enforcement (ICE), allowing those county sheriffs to act as immigration enforcement to detain undocumented individuals that are arrested. The proposed law under SB 452 would further the detention and deportation of immigrants but allowing all local law enforcement agencies to act as immigration enforcement. We know that having our local enforcement do the job of the federal government in enforcing immigration law only causes community distrust in the police, costs our state and local governments more than they can afford, and has a significant impact on children and families.

## INCREASED COST TO STATE AND COUNTY GOVERNMENTS

The cost of requiring all local law enforcement to cooperate with ICE is prohibitive. We know for example that in 2016, according to the Department of Homeland Security ICE spent \$32 billion to identify, arrest, detain, and remove undocumented immigrants. If all local law enforcement agencies are forced to cooperate with ICE, then that essentially leads to a situation where every officer could be required to be deputized and take on some of the duties of ICE – including identifying, arresting, or detaining immigrants, all which would come out of state funding and costs. In addition, all officers would need to be trained in immigration law to cooperate with ICE in legal manners, and that training cost is also prohibitive.

### ***Increase costs to counties***

Miami-Dade County, which decided to implement cooperation with ICE last January, charged its taxpayers \$13.6 million dollars for one year of local law enforcement cooperation with ICE. See, [\*The Cost of Complicity: A Fiscal Impact Analysis of Immigration Detainers in Miami-Dade County, Florida\*](#). It cost one county \$13.6 million dollars to cooperate with ICE from January 2017 to January 2018. In comparison, Georgia has 159 counties and with a proposed law that would require cooperation with ICE, the cost would be significant. Our state believes in fiscal responsibility, thus entangling ICE and local law enforcement is not fiscally responsible.

### ***Increased litigation costs***

In order to cooperate with ICE in investigations, detainers and notifications result in local law enforcement consistently violating Constitutional protections. These violations have led to litigation against counties throughout the country. For example, in *Galarza v. Szalczyk*, 745 F. 3d 643 (3d Cir. 2014), Leigh County paid \$95,000 in fines and attorney fees based on cooperation with ICE litigation for a single individual. Given *Monell liability* standards, counties will face increasing costs and litigation if forced to adopt a statewide policy requiring cooperation with ICE.

### ***Increased costs to the judicial system***

Circuit courts all over the country have found that in order to detain individuals for immigration purposes, officers must still have a judicial warrant and probable cause under the 4th Amendment. In order to comply with these requirements, judges will face increased caseloads and litigation in regards to whether 4th Amendment rights have been violated. In addition, [\*Georgia has consistently faced judicial backlogs\*](#), informing its participation in Reinvestment Initiatives to reduce jail populations, reduce felony and misdemeanor cases, and improve non-detention services. A state bill requiring cooperation with ICE by local law enforcement, would be in direct opposition to the policy goals of the county and state in reducing judicial backlog. See, [\*The Fulton County Improvement Task Force: Final Report and Recommendations 2012\*](#), published by Georgia Administrative Office of the Courts.

### ***Demolition of the Economy***

In addition to costs, the cooperation with ICE would have a catastrophic effect on the Georgia economy. We already know that the passage of HB 87 in 2011, which mandated e-verify for certain businesses and made it more difficult for undocumented immigrants to work, cost Georgia's largest

industry, farming, \$140 million in labor shortages with negative spillover effects into restaurant and hotel businesses, reported by Forbes. In addition, as the state continues to grow and attract new business, hateful policies like these could deter investment by domestic and international corporations.

### **MAKES COMMUNITIES LESS SAFE**

When local law enforcement is engaging in immigration enforcement, this creates fear immigrant communities, preventing immigrant victims and witnesses of crime from coming forward. The study, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, also found that entanglement with ICE also fuels racial profiling and pre-textual arrests. In fact, the President's Task Force on Police has stated "*Trust between law enforcement agencies and the people they protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services.*" *The President's Task Force on 21<sup>st</sup> Century Policing, 2015*. Relatedly, a University of Chicago study found that 62% of Latinos found that police stop them for no good cause (based on racial profiling), including 58% of U.S. born Latino citizens. This same study found that 44% of Latinos will not report being a victim of a crime to the police because they are afraid that the police will use this as an opportunity to question them about their or people they know immigration status.

#### ***Best Community Policing Practices***

Police chief agencies, researchers, and law enforcement coalitions have found that cooperating with ICE makes policing less effective, results in more crime, increases costs, and leads to constitutional violations.

1. The Police Foundation has found that effective policing, involves community policing which means: reducing crime and disorder requires that the police work cooperatively with people in neighborhoods to (a) identify their concerns, (b) solicit their help, and (c) solve their problems.
2. Police Chiefs across the country support limiting or banning ICE cooperation, because it keeps crime low in cities.
3. In a report by the Major Cities Chiefs Associations, which represents the 68 largest local law enforcement agencies in the United States, similarly concluded that commingling the work of local police with federal immigration enforcement efforts "would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts."

### **ICE ENTANGLEMENT WITH LOCAL LAW ENFORCEMENT BREAKS UP FAMILIES**

As a state that has said it values families, we must consider that the purpose behind local law enforcement entanglement with ICE is to break up families by deporting individuals who are part of our Georgia communities. Pew Research Center estimates that at approximately 9 million people belong to mixed status families. Everytime we detain a person in jail, deport them, entangle them with the police, we are risking relationships between mothers, fathers, and children.

Often children who have mixed status parents, those that have at least one or more individual that is undocumented, are struggling with depression and suicidal thoughts as they face of their family being broken up every day. A study from Human Impact Partners, found that in 2013 that "*If deportations continue at 2012 levels, in a single year, tens of thousands of U.S.-citizen children will suffer from poorer health, more behavioral problems, diminished educational achievement, increased poverty, and food insufficiency that may lead to hunger. The adult partners of deportees will also suffer from poorer health and shorter lifespan.*" If Georgia forces entanglement between ICE and law enforcement, there will be an entire generation of children with increasing mental and physical health outcomes, as their families are being detained and traumatized by fear of deportation.

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