



## NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS

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### STATEMENT ON POLICY AND POSITION: IMMIGRATION AND BORDER SECURITY

The National Association of Police Organizations (NAPO) is a coalition of police units and associations from across the United States that serves to advance the interests of America's rank-and-file law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations, 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

NAPO appreciates the opportunity to present our priorities on immigration and border security. We strongly support the President's efforts to secure our nation's border and we believe that through additional law enforcement support along the border and increased penalties for criminal aliens, federal, state and local law enforcement can obtain the vital tools necessary to help keep our communities safe.

#### **Cross-Border Gang and Drug Crime**

According to the Federal Bureau of Investigation (FBI), there are approximately 33,000 violent street gangs, motorcycle gangs, and prison gangs with about 1.4 million members criminally active in the U.S. and Puerto Rico today. Gangs have been directly linked to drug and gun trafficking, prostitution and human trafficking, fraud, violent maiming, and assault and murder.

Cross-border crime by gangs is a significant concern for law enforcement as it impacts communities both along our Southwest border and across the country as drugs trafficked across the border are transported and sold on our neighborhood streets. Along with drugs, gangs bring an increase in assaults, larceny and burglary to our communities.

**NAPO Position:** Illegal aliens associated with gangs should be barred from entering the country and those already in the country should be ineligible for deferred deportation and should be removed expeditiously. This would give law enforcement an important tool in fighting cross-border gang crimes as well as the steady growth in gang participation nationwide.

#### **Sanctuary Policies**

Sanctuary policies in cities and jurisdictions across the country make it difficult for law enforcement to effectively protect communities from violent criminal aliens. The country's immigration system relies on local law enforcement complying with immigration detainers to give federal law enforcement an opportunity to take the individual into custody. Sanctuary policies forbid their local law enforcement from fully cooperating with federal immigration officials, which has led to the release of violent criminals back into our communities.

Complicating the matter, several courts have ruled that local law enforcement officers may be sued for violating the Fourth Amendment if they comply with an immigration detainer, even if the detainer was lawfully issued and the detention would have been legal if carried out by DHS. This means that dangerous criminals cannot be held and must be released.

**NAPO Position:** Eliminate sanctuary jurisdictions, which pose real threats to the American people, and increase penalties for criminals who re-enter the United States illegally, which provides federal, state and local law enforcement vital tools to help keep our communities safe.

NAPO also supports legislation that explicitly states that local law enforcement officers have legal authority to comply with immigration detainers.

**The 287(g) Program: Federal Support for Law Enforcement’s Role in Immigration Enforcement**

Crime and terrorism are most effectively combated through a multi-level approach that encompasses federal, state and local resources, skills and expertise. As the first responders on the scene when there is an incident or an attack against the United States, state and local law enforcement officers and the agencies they serve play a critical role in protecting our homeland. Additionally, it is state and local law enforcement officers, who, during the course of daily patrols and duties, will encounter foreign-born criminals and immigration violators who pose a threat to national security or public safety.

**NAPO Position:** The 287(g) program grants state and local officers the necessary resources and latitude to pursue investigations relating to violent crimes, human smuggling, and gang and drug activity. These investigations are essential to keeping our nation’s communities safe by getting dangerous criminal aliens off our streets. This aspect should be as much of a priority for ICE as the identification and deportation of these criminal aliens. NAPO supports funding through the 297(g) program to all aspects of state and local law enforcement to ensure that a comprehensive approach may be taken to securing the lasting safety of our communities.

**Extradition of Cop-Killers**

A national immigration strategy must not only stop crime from coming into the United States, but it must also stop criminals from fleeing the country.

Under the U.S. – Mexico Extradition Treaty, enacted in 1980, both countries may refuse to extradite their nationals, unless the country seeking extradition assures that the death penalty will not be imposed. In 2001, the Mexican Supreme Court ruled that this language encompasses the extradition of anyone who faces the possibility of the death penalty *or* life in prison. This ruling requires the United States to assure a sentence of a fixed number of years in order to prosecute a criminal who has fled to Mexico, which is impossible as neither a judge nor a prosecutor can make such a judgment in advance of a trial. Since 2001, many violent felons have fled to Mexico to evade prosecution under the auspices of this ruling.

Mexico is not the only country that harbors violent felons who have fled the United States to avoid facing justice. Joanne Chesimard is the only woman on the FBI’s most wanted terrorist list for her role in the cold-blooded killing of New Jersey State Trooper Werner Foerster in 1973. She fled to Cuba and is currently living free there. Her ability – and the ability of other felons like her – to live life freely after the horrendous acts she committed is an affront to the men and women who have dedicated their lives to protecting our communities as law enforcement officers – above all to the family and friends of police officers who have made the ultimate sacrifice.

**NAPO Position:** The U.S. – Mexico Extradition Treaty should be reassessed, and the Mexican government should be persuaded to work with the Mexican Supreme Court to reconsider its 2001 decision blocking extradition to the United States. NAPO strongly believes that all criminals who flee the United States should be promptly returned to face justice. The return to the United States of fugitive murderer Joanne Chesimard should be a non-negotiable predicate to any further normalization of diplomatic or commercial relations with Cuba.