



VOTE NO ON TOOMEY 1948

Vote No on the Misnamed “Stop Dangerous Sanctuary Cities Act”

Toomey 1948, misnamed the Stop Dangerous Sanctuary Cities Act, is a direct attack against local communities that have prioritized constitutional policing practices and building confidence between immigrant communities and law enforcement. This bill will do nothing to make us safer. Leading advocates for survivors of violence against women, including the National Task Force to End Sexual and Domestic Violence, strongly support sanctuary policies as they encourage survivors to seek safety and justice and ensure the immigration system is not used to silence them.

Specifically, Toomey 1948 seeks to:

Remove Important Distinctions between Federal Immigration Enforcement and Local Policing

- Without regard to well-settled constitutional law, this bill would deem any state or local law enforcement officer who is effectuating a detainer as a federal Department of Homeland Security (DHS) agent. A detainer is a request by DHS to a state or local law enforcement agency to hold an individual beyond a constitutionally permissible timeframe in order to effectuate transfer to DHS custody.
- By deeming all state and local agents complying with detainers as federal DHS agents, this bill circumvents constitutional norms which clearly designate immigration as a federal function.
- In essence, this provision nationalizes the notoriously discredited and costly 287g program by deputizing all state and local law enforcement agents effectuating detainers. However, unlike 287g agreements, this bill does not require any formal agreement to be in place nor does it provide training, supervision or accountability for state and local agents to perform immigration law. This is a license for racial profiling and discriminatory policing and cuts at the heart of jurisdictions that have enacted sanctuary policies to improve their policing practices.

Force the Federal Government to Absorb Risk and Liability for the Constitutionally Defective Policing Practices the Bill Mandates State and Local Law Enforcement to Engage In

- Federal courts time and again have found detainers to be constitutionally defective and many localities have been held liable for complying with them.
- In an effort to remove liability for state and local entities, who under the bill are essentially mandated to comply with detainers under duress of losing crucial federal funding, under this bill the federal government would absorb the risk, costs and liability.
- This provision is presented without a plan as to how the federal government would accommodate this increased risk and liability.

Eliminate critical federal funding from any jurisdiction with sanctuary policies, thereby mandating localities to comply with constitutionally defective detainer requests.

- The federal funds at risk are Economic Development Assistance (EDA) Grants and Community Development Block Grants (CDBG). The loss of these funds would impair the ability of local communities to access programs like affordable housing, disaster recovery and development in economically distressed areas.

It is time to put aside partisan bills like Toomey 1948 and instead focus on finding real solutions for immigrant youth thrown into chaos and uncertainty after Trump rescinded DACA in September of 2017. Vote NO on Toomey 1948, and similar bills, which have nothing to do with DACA and are simply attacks on immigrant communities and the localities that value their trust.

For any questions or further information please contact Sameera Hafiz at shafiz@ilrc.org.