

# FLORIDA CONFERENCE OF CATHOLIC BISHOPS

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EXECUTIVE DIRECTOR



March 12, 2019

The Honorable Joe Gruters  
Room 324, Senate Office Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1300

***RE: SB 168 creates unnecessary, costly mandate that undermines local law enforcement***

Dear Chairman Gruters:

We share the concern that our immigration system is in need of reform. Notwithstanding the amendment added to the bill in its last committee of reference, we continue to oppose SB 168 for the following reasons:

***Bill violates subsidiarity and increases county costs***

At the core of the proposal is a *mandate* that local jurisdictions comply with federal immigration detainers, which are technically *requests* to hold individuals for 48 hours beyond the time they would otherwise be released from a law enforcement agency.

A staff analysis of a similar proposal last session acknowledged that Miami-Dade County spent close to \$1.7M in extra detention costs in 2011 and 2012. While many jurisdictions have chosen to enter into Basic Ordering Agreements with U.S. Immigration and Customs Enforcement (ICE), the amended bill would *require* that all local jurisdictions enter into these agreements. Since these agreements do not cover the full cost of detention, taxpayers at the county level would still fund the majority of this expense. Honoring detainer requests and entering into BOA's should remain discretionary.

***Increases liability for counties related to improper detention***

Erroneous detainers are issued with some frequency against non-deportable lawful immigrants and U.S. citizens. "Probable cause" for an immigration detainer is not comparable to "probable cause" for warrants and criminal detainers; the only standard is an ICE officer's belief that the detainee is a removable alien.

Case law, such as in *Galarza v. Szalczyk* and *Miranda-Olivares v. Clackamas County*, has established that compliance with detainer requests does not shield county jails from the liability of detaining individuals without a warrant or deportation order. The 3-week detention of U.S.-born citizen Peter Sean Brown who was detained in Florida prompted pending litigation against the detaining sheriff. The costs of compensating illegally-detained individuals (through likely successful civil suits) for erroneous detainers is nowhere contemplated in the bill.

***Problematic terminology obscures present reality; bill is completely unnecessary***

Beyond the specific policy concerns noted above, the proposal utilizes problematic terminology. The term "sanctuary" in this context is a misnomer that is often confused with the notion that immigrants in these communities are insulated from immigration enforcement action or criminal prosecution. This is not the case; immigration laws and criminal law enforcement are in full effect across Florida.

SB 168 defines a sanctuary policy as one that contravenes 8 U.S. Code § 1373, which *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. By all accounts, no Florida jurisdictions are in violation of this federal law.

***Bill likely diminishes, rather than enhances, public safety***

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 and less sharing of information between immigrants, documented and undocumented, and local police.<sup>ii</sup>

In place of this bill, we encourage Congress to undertake more comprehensive immigration reform efforts to enhance lawful pathways for immigration, which has long been a priority of the bishops.

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

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<sup>i</sup> *United States v. Arizona* (2012)

<sup>ii</sup> 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](https://greatcities.uic.edu/wp-content/uploads/2014/05/Insecure_Communities_Report_FINAL.pdf).