

Toomey 1948: Stop Dangerous Sanctuary Cities Act Bill Summary

Toomey 1948, misnamed the Stop Dangerous Sanctuary Cities Act, is a direct attack against local communities that have prioritized constitutional, law-abiding policing practices and building trust between immigrant communities and law enforcement. This bill will do nothing to make us safer and, in fact, would jeopardize overall public safety. Leading advocates for survivors of violence against women, such as the National Task Force to End Sexual and Domestic Violence, strongly support so-called “sanctuary policies” as they encourage survivors to seek safety and justice and discourage perpetrators from using the immigration system to silence their victims.

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 the constitution which clearly designates 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 begin addressing better 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.
- Immigration holds are requests for a new, independent arrest by ICE that should require a judicial warrant. ICE should be held to the same standards as any other law enforcement agency in securing judicial warrants when making an arrest. Instead, this

bill would allow ICE not only to continue to ignore its constitutional obligations but would encourage localities to break the law with impunity.

- 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.

Strip crucial federal funding from any jurisdiction that has decided to limit entanglement with federal immigration enforcement, specifically by declining to jail immigrants for ICE beyond the date they would normally be released, without a judicial warrant. The federal funds at risk include:

- Economic Development Assistance (EDA) Grants. The U.S. Economic Development Administration is the only federal agency dedicated exclusively to economic development. EDA funding supports construction, public works, and other projects with the goal of building durable regional economies, including those in economically distressed areas of the United States. About two-thirds of EDA grant funds go to rural areas.
- Community Development Block Grants (CDBG). CDBG funds are intended to ensure decent affordable housing, provide services to vulnerable community members, and expand and retain businesses, for cities large and small. Grants are also provided for areas recovering from Presidentially declared disasters, as well as areas affected by housing foreclosures, Insular Areas, and colonias in southwest border states.

Threatening to withhold these critical federal funds, many of which support low-income and elderly communities and are unrelated to local law enforcement agencies' core mission, amounts to what Chief Justice Roberts of the Supreme Court referred to as a "gun to the head".