

CHAPTER 1: PUBLIC SAFETY



INTRODUCTION

Immigrants' ability to enjoy safety and security in their communities suffers because of fear and mistrust of law enforcement. People consistently cited fear of detention and deportation as a reason to avoid contact with law enforcement. For undocumented victims of crime or for crime victims who have undocumented family members, this fear can be an obstacle to seeking protection. Advocates for battered immigrant and refugee women, in particular, reported that fear of deportation remains a barrier to seeking safety, despite federal immigration law intended to protect certain crime victims from deportation.

Reports indicate that fear of deportation following contact with local law enforcement agencies appears to be well founded. Immigrants, service providers, and legal services attorneys reported drivers and passengers being arrested following stops for traffic violations. Once in jail for any reason, people are subject to interrogation by Immigration and Customs Enforcement (ICE). Individuals are routinely turned over to ICE or Border Patrol upon a "detainer request" from those agencies, with no scrutiny by prosecutors or courts about the constitutional validity of the underlying arrest. This has left Minnesota law enforcement without an effective mechanism to detect or combat any immigration profiling that may take place.

Immigrants, refugees, advocates, and law enforcement all reported that trust of law enforcement is essential to individual and community safety, but building that trust can be challenging. Perceptions of cooperation with federal immigration officials and experiences with police in both home countries and Minnesota affect the relationship between immigrant communities and law enforcement. People pointed to the important role police can play in fostering trust, both through specific outreach and through day-to-day interactions.

HUMAN RIGHTS AND PUBLIC SAFETY

Everyone has the right to security of person.⁴⁸ The right to "security of person" refers to freedom from bodily injury, including fatal injury.⁴⁹ The government violates the right to personal security when it unjustifiably inflicts bodily injury.⁵⁰ The government also violates this right when it fails to take appropriate measures to protect individuals from known threats to life or bodily integrity

⁴⁸ Universal Declaration of Human Rights (UDHR), Art. 3.

⁴⁹ UN Human Rights Committee, Draft General Comment No. 35, Art. 9: Liberty and Security of the Person ¶13, UN Doc. CCPR/C/107/R.3 (Jan. 28, 2013) (noting that "[s]ecurity of person concerns freedom from injury to the body, or bodily integrity. Article 9 guarantees these rights to everyone. "Everyone" includes girls and boys, soldiers, persons with disabilities, aliens, persons convicted of crime, and persons who have engaged in terrorist activity" (citing 265/1987, Vuolanne v. Finland, para. 9.3; 1069/2002, Bakhtiyari v. Australia, para. 9.5; 1062/2002, Fijalkowska v. Poland, para 8.3; 1090/2002, Rameka v. New Zealand, paras. 7.2-7.3; 1051/2002, Ahani v. Canada, para. 10.3)).

⁵⁰ *Leehong v. Jamaica*, Communication No. 613/1995, ¶ 9.3, U.N. Doc. CCPR/C/66/D/613/1995 (12 Aug. 1999).

proceeding from private sources.⁵¹ The government must take both prospective measures to prevent future injury and retrospective measures such as enforcement of criminal laws in response to past injury.⁵² In particular, the government must respond appropriately to patterns of violence such as violence against women, including domestic violence.⁵³

Everyone also has the right to liberty.⁵⁴ No one shall be subjected to arbitrary arrest or detention.⁵⁵ No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.⁵⁶ Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.⁵⁷ Anyone arrested or detained on a criminal charge shall be brought promptly before a judge and shall be entitled to trial within a reasonable time or to release.⁵⁸ It shall not be the general rule that persons awaiting trial shall be detained in custody.⁵⁹ Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.⁶⁰ Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.⁶¹

No one shall be subjected to arbitrary or unlawful interference with his privacy.⁶² All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.⁶³ In this respect, the law shall prohibit any discrimination and guarantee to all persons equal

⁵¹ *Marcellana and Gumanoy v. Philippines*, Communication No. 1560/2007, ¶ 7.7, U.N. Doc. CCPR/C/94/D/1560/2007 (17 Nov. 2008); UN Human Rights Committee, *Concluding observations: Uganda 2004*, ¶ 12, U.N. Doc. CCPR/CO/80/UGA (4 May 2004) (internally displaced persons subject to attack by insurgents).

⁵² *Chongwe v. Zambia*, Communication No. 821/1998, ¶ 5.3; U.N. Doc. CCPR/C/70/D/821/1998 (2000); *Lalith Rajapakse v. Sri Lanka*, Communication No. 1250/2005, ¶ 9.7; U.N. Doc. CCPR/C/83/D/1250/2004 (24 Mar. 2005); *Gunaratna v. Sri Lanka*, Communication No. 1432/2005, ¶ 8.4, U.N. Doc. CCPR/C/95/D/1432/2005 (17 Mar. 2009).

⁵³ UN Human Rights Committee, *Concluding observations: Georgia 2002*, ¶ 14, U.N. Doc. CCPR/CO/74/GEO (19 Apr. 2002); UN Human Rights Committee, *Concluding observations: Republic of the Congo 2000*, ¶ 271, U.N. Doc. CCPR/C/79/Add.118 (25 Apr. 2000).

⁵⁴ UDHR, Art. 3.

⁵⁵ UDHR, Art. 9.

⁵⁶ International Covenant on Civil and Political Rights (ICCPR), Art. 9, ¶ 1.

⁵⁷ ICCPR, Art. 9, ¶ 2.

⁵⁸ UDHR, Arts. 10 - 11.

⁵⁹ ICCPR, Art. 9, ¶ 3.

⁶⁰ ICCPR, Art. 9, ¶ 4.

⁶¹ ICCPR, Art. 9, ¶ 5.

⁶² ICCPR, Art. 17, ¶ 1.

⁶³ ICCPR, Art. 26.

and effective protection against discrimination on any ground such as race, color, language, religion, national origin, or other status.⁶⁴

Non-discrimination is especially important in law enforcement to prevent racial profiling in arrests, prosecutions, convictions, and sentencing. Governments should make sure that police, prosecutors, and judges do not act out of conscious or unconscious racial bias.

BARRIERS TO SAFETY FOR VICTIMS OF CRIME

People consistently cited fear of detention and deportation by federal immigration authorities as a reason to avoid any contact with law enforcement.⁶⁵ An attorney explained, “There’s a very real underlying fear that they will be deported or their kids taken away.”⁶⁶ One interviewee summed up the situation: “Of course undocumented immigrants feel less safe.”⁶⁷

For undocumented victims of crime or for crime victims who have undocumented family members, lack of status often creates a barrier to seeking protection from violence.⁶⁸ A public defender reported, “People are afraid of the police. We see a lot of people who are victims of crime because they will not call the police. People are so afraid of detention.”⁶⁹ Fear of detection by federal immigration authorities also impacts the ability of witnesses to come forward. One participant described witnessing a crime, but deciding with her husband that calling the police was too risky because she was undocumented.⁷⁰ One service provider reported that plainclothes ICE agents question Spanish-speaking individuals who are waiting outside of the county’s courtrooms, creating a serious deterrent to any involvement with the justice system.⁷¹

Crime victims themselves may face prosecution for forgery or identity theft when their status comes to light.⁷² A service provider reported that her immigrant clients “are totally afraid to call the police, especially the undocumented. There are rumors that they will be investigated first. There have been stories of victims being questioned. It depends on the officer you get.”⁷³

⁶⁴ ICCPR, Art. 26.

⁶⁵ Conversation 9.

⁶⁶ Interview 110.

⁶⁷ Interview 119.

⁶⁸ Interview 83.

⁶⁹ Interview 124.

⁷⁰ Conversation 23.

⁷¹ Interview 112.

⁷² Paul McEnroe, *Protecting illegal immigrants to catch criminals*, Minneapolis Star Tribune, Oct. 27, 2011, <http://www.startribune.com/local/132387733.html>.

⁷³ Interview 123.

Advocates throughout Minnesota report particular barriers to safety for battered refugee and immigrant women.⁷⁴ One advocate reported that women in her community are not willing to talk to the police.⁷⁵ Regardless of immigration status, victims of domestic violence also are reluctant to report abuse for fear of their partners being deported.⁷⁶ One advocate reported there is a “fear of deportation as they are financially dependent on the man.”⁷⁷ Another advocate described several individuals who refused to seek police help from domestic violence out of fear that their partners – often the breadwinners – will subsequently be deported.⁷⁸

In 2004, The Advocates for Human rights documented serious violations of refugee and immigrant women’s right to safety and security of the person in Minnesota.⁷⁹ In the decade since that report, significant progress has been made around language access in state courts and in new immigration protections which have become available to victims of domestic violence. However, the tightening relationship between federal immigration authorities and local law enforcement agencies now poses a significant barrier to domestic violence victims’ ability to seek protection from the police.

The Victims of Trafficking and Violence Protection Act of 2000 amended federal law by creating the U-visa program.⁸⁰ Designed to “strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes... committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States,”⁸¹ the U-visa classification facilitates “the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused aliens who are not in lawful immigration status.”⁸²

⁷⁴ The Advocates for Human Rights documented barriers to access to safety for battered refugee and immigrant women in its 2004 report, *The Government Response to Domestic Violence Against Refugee and Immigrant Women in the Minneapolis/St. Paul Metropolitan Area: A Human Rights Report*.

⁷⁵ Interview 99.

⁷⁶ Interview 94; Interview 60; Interview 69; Interview 75; 8 U.S.C. §1227(a)(2)(E)(i)-(ii) (enumerates crimes of domestic violence as ground for deportation).

⁷⁷ Interview 99.

⁷⁸ Interview 94.

⁷⁹ The Advocates for Human Rights, *The Government Response to Domestic Violence Against Refugee and Immigrant Women in the Minneapolis/St. Paul Metropolitan Area: A Human Rights Report*, (Dec. 10, 2004).

⁸⁰ Victims of Violence and Trafficking Prevention Act of 2000, Public Law No. 106-386, 114 Stat. 1464 (2000).

⁸¹ Victims of Violence and Trafficking Prevention Act of 2000, Pub. Law No. 106-386, 114 Stat. 1464, sec. 1513(a)(2)(B) (2000).

⁸² Victims of Violence and Trafficking Prevention Act of 2000, Pub. Law No. 106-386, 114 Stat. 1464, sec. 1513(a)(2)(B) (2000).

While the U-visa sought to bring undocumented crime victims out of the shadows by eliminating the fear of deportation, implementation of the program has been uneven. Advocates report that crime victims face significant hurdles in seeking protection from deportation.⁸³ This appears due in part to a misunderstanding of the U-visa regulations by state and local law enforcement officials who are asked to sign the required certification paperwork that allows a U-visa to be considered by federal immigration authorities.⁸⁴ Advocates reported that they often must explain the U-visa regulations and the certification purpose and process to local law enforcement.⁸⁵

Law enforcement willingness to sign U-visa certifications varies among Minnesota jurisdictions.⁸⁶ Advocates noted that some certifiers appear to approach U-visa certification requests “looking for reasons not to sign.”⁸⁷ While some jurisdictions appear to sign U-visa certifications when the criteria under the federal program are met, other jurisdictions impose their own restrictions, such as certifying only after a case results in conviction, and still others refuse to sign any U-visa certifications.⁸⁸ One law enforcement agency reported that because Congress only makes 10,000 U-visas available each year, the local law enforcement agency felt an obligation to certify only cases they felt were “real” or “deserving” cases, rather than all cases which qualify for certification.⁸⁹ Advocates also said the potential deportation of a spouse or partner who perpetrated the crime had a chilling effect on the willingness of women to apply for a U-visa.⁹⁰

Advocates also report that undocumented people who call police increasingly face suspicion that they are making false reports to gain immigration status under the U-visa program.⁹¹ Criminal defense attorneys are raising potential eligibility for a U-visa in an attempt to undermine the victim’s credibility as a witness.⁹² One criminal defense attorney expressed concern about an individual the attorney believed had reported a crime in hopes of getting a U visa.⁹³

In one sexual assault trial, an undocumented victim was asked by defense counsel about her legal status.⁹⁴ When the victim replied she did not know if she should answer the question, the defense

⁸³ Correspondence 1; Correspondence 6.

⁸⁴ Correspondence 1; Correspondence 6.

⁸⁵ Correspondence 1; Correspondence 6.

⁸⁶ Interview 87; Interview 63; Interview 99; Interview 69; Interview 60.

⁸⁷ Correspondence 8.

⁸⁸ Interview 99; Interview 87; Interview 60.

⁸⁹ Interview 76.

⁹⁰ Interview 94, Interview 99.

⁹¹ Notes on file with the author.

⁹² Interview 180, Interview 173.

⁹³ Interview 112.

⁹⁴ Correspondence 9.

moved for her to be charged with the crime of illegal entry and identify theft.⁹⁵ The judge ordered the county attorney to provide a definitive answer on whether the state was going to charge her and told the victim that she needed to be represented by counsel at the hearing scheduled for the next morning.⁹⁶ The judge then asked the victim if she would receive immigration status from reporting.⁹⁷ Given the real risk that reporting a crime could lead to exposure of their immigration status and that their status could weaken the case against the perpetrator, undocumented crime victims face strong incentives to remain silent.

DRIVING AND DEPORTATION

A combination of restrictions on Minnesota driver's license eligibility and expanded ICE presence in local jails leaves undocumented Minnesotans vulnerable to arrest, detention, and deportation. Because immigrants who are turned over to immigration authorities for deportation following traffic stops typically do not face any criminal charges, state and local law enforcement officials are left without an effective mechanism to identify and address instances or patterns of racial or national origin profiling.

“They are so afraid of being stopped, constantly thinking, when was the last time I saw my kids, will I be deported?”

RESTRICTIONS ON DRIVER'S LICENSES

Minnesota regulations require proof of lawful presence in the United States for all applicants for driver's licenses and state identification cards, effectively barring undocumented immigrants from obtaining driver's licenses and making it difficult for many people who are lawfully present to obtain licenses.⁹⁸ Advocates reported numerous cases of individuals who were arrested following traffic stops for failure to carry a driver's license or proof of insurance and booked into local jails. Once in jail, they were interviewed by ICE officers to obtain admissions of unlawful presence in the United States and later turned over to federal authorities for deportation.

The driver's license issue stokes fear in the community. One advocate reports, “We have big meetings and ask people what the biggest issue is – driver's licenses. They are so afraid of being stopped, constantly thinking, when was the last time I saw my kids, will I be deported?”⁹⁹ One

⁹⁵ Correspondence 9.

⁹⁶ Correspondence 9.

⁹⁷ Correspondence 9.

⁹⁸ Minn. Rules 7410.0410 (2013) (as amended by 28 SR 314, Sept. 15, 2003). Even for some refugees and immigrants who are legally present in the United States, Minnesota's restrictive driver's license rules pose a problem. A public defender said “homeless refugees often have no documents. So, they end up getting arrested because they don't have documents and can't prove their identity.” Interview 124.

⁹⁹ Interview 128.

person offered the opinion that the bar on driver's licenses is another way for police and other law enforcement agencies to target immigrants.¹⁰⁰

This fear appears well founded. As one community organizer explained, "A number of our leaders have been lost because they were driving to work, arrested for not having their address on their ID, and brought to the county jail where ICE comes."¹⁰¹

One U.S. citizen whose husband was deported following a traffic stop described the experience: "He knew he shouldn't drive, but he needed to go to work." Arrested in May 2013 for driving without a license, her husband was detained in immigration custody until his deportation in November.¹⁰²

A national trend to restrict state-issued identification documents to U.S. citizens and lawfully present immigrants spread after passage of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, which required states to include Social Security numbers on licenses and encouraged states to pilot programs denying licenses to undocumented immigrants.¹⁰³ After the September 11th terrorist attacks, the movement to deny driver's licenses to those in the country without legal status gained new momentum. Supporters cited the need to "prevent criminals and potential terrorists from obtaining and using state identification cards" as a primary reason for restrictions.¹⁰⁴ In 2002, a bill to include "visa expiration dates" on driver's licenses in Minnesota failed to pass the legislature.¹⁰⁵ The Department of Public Safety then used the emergency rulemaking process to enact a requirement that Minnesotans provide proof of lawful immigration status in order to receive a state issued identity card or driver's license.¹⁰⁶ This rule remains in place, requiring proof of legal immigration status and, in the cases of persons admitted for a temporary period of time, listing the expiration date of that status on the face of the license or identity card.¹⁰⁷

EXPANDED ICE PRESENCE IN LOCAL JAILS

The increased capacity of ICE officers to identify and interview noncitizens who are in the custody of Minnesota's county jails means that noncitizens in jail may be identified and questioned by ICE and

¹⁰⁰ Interview 139 ("people end up in contact with immigration because of driver's license problems.")

¹⁰¹ Interview 107.

¹⁰² Dianne Towalski, *Couple's plight spotlights need for immigration reform*, *The Catholic Spirit*, Jan. 2, 2014, at 6.

¹⁰³ Illegal Immigration Reform and Immigrant Responsibility Act, Pub. Law 104-208 § 656(b), 110 Stat. 3009, 3009-716-18 (1996). The requirement to include Social Security numbers was subsequently repealed.

¹⁰⁴ Rich Stanek, *Essay: Terrorism: Minnesota Responds to the Clear and Present Danger*, 29 W. Mitchell L.Rev. 739, 744 (2003).

¹⁰⁵ Report of the Administrative Law Judge, 15-2400-15360-1, bullet 3, <http://mn.gov/oah/multimedia/pdf/240015360.rr.pdf>.

¹⁰⁶ Minn. Rules 7410.0410 subp. 1 (2013).

¹⁰⁷ Minn. Rules 7410.0410 subp. 1 (2013).

turned over for deportation without any criminal charges being filed. People reported that immigrants in local jails were not given any explanation of their rights or of the potential consequences of voluntarily providing information prior to being placed on the telephone with or interviewed by ICE officers and were not represented by counsel at any point in the process.¹⁰⁸ “Sometimes they just say ‘sign here’ and we don’t know what to do,”¹⁰⁹ stated one immigrant.

In Minnesota, ICE uses the Criminal Alien Program (CAP), Secure Communities (S-COMM), detainer requests, and stipulated removal orders to identify, interrogate, and secure deportation orders against aliens who are booked into county jails. Although characterized in ICE’s public communications and congressional appropriations requests as tools which target “criminal aliens,” data indicate that many people identified and deported through these programs have no criminal convictions or have convictions for minor offenses.¹¹⁰

Developed following the passage of the Immigration Reform and Control Act of 1986 (IRCA),¹¹¹ the Criminal Alien Program (CAP) today provides “ICE-wide direction and support in the biometric and biographic identification, arrest, and removal of priority aliens who are incarcerated within federal, state, and local prisons and jails, as well as at-large criminal aliens that have circumvented identification.”¹¹² CAP utilizes over 125 jail enforcement teams nationwide to screen incarcerated aliens as they are being booked into jail, which occurs after a person is arrested but before the arrested person faces specific criminal charges.¹¹³ Under CAP, immigration officers review booking sheets and interview people they suspect of being aliens. These interviews are almost uniformly conducted without access to counsel. Any admissions made during the interview form the basis of a detainer request and can result in the initiation of removal proceedings.

According to ICE, Secure Communities “uses an already-existing federal information-sharing partnership between ICE and the Federal Bureau of Investigation (FBI) that helps to identify criminal aliens without imposing new or additional requirements on state and local law

¹⁰⁸ Interview 124.

¹⁰⁹ Conversation 23.

¹¹⁰ Aarti Kohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, Chief Justice Earl Warren Institute on Law and Social Policy, University of California, Berkley Law School, (Oct. 2011).

¹¹¹ IRCA required the Attorney General, “in the case of an alien who is convicted of an offense which makes the alien subject to deportation...[to] begin any deportation proceeding as expeditiously as possible after the date of the conviction.”

¹¹² Immigration and Customs Enforcement, “Criminal Alien Program,” <http://www.ice.gov/criminal-alien-program/> (accessed February 21, 2014).

¹¹³ Marc R. Rosenblum and William A. Kandel, *Interior Immigration Enforcement: Programs Targeting Criminal Aliens*, Congressional Research Service (December 20, 2012) at 14, <https://www.fas.org/sgp/crs/homesec/R42057.pdf>.

enforcement. For decades, local jurisdictions have shared the fingerprints of individuals who are arrested or booked into custody with the FBI to see if they have a criminal record. Under Secure Communities, the FBI automatically sends the fingerprints to DHS to check against its immigration databases.”¹¹⁴ If the record check indicates that the alien is unlawfully in the United States, ICE initiates a detainer request for the alien to be turned over to ICE custody upon release from criminal custody.

In cases where ICE wishes to assume custody of a person who is in the custody of a local or state law enforcement agency, 8 C.F.R. § 287.7 permits ICE to issue a “detainer request” that the law enforcement agency notify ICE before releasing the alien and maintain custody of the subject for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays) following the scheduled release to allow ICE to assume custody. Once the individual is in ICE custody, he may be removed, even if criminal charges against the individual remain pending. Unlike some other requests for transfer of custody, the state or local law enforcement agency is under no obligation to honor ICE’s request.¹¹⁵

Immigration law provides for the entry by an immigration judge of an order of removal stipulated to by the alien (or the alien’s representative) and ICE; a stipulated order shall constitute a conclusive determination of the alien’s removability from the United States.¹¹⁶ The use of stipulated removals increased over 500 percent between 2004 and 2008,¹¹⁷ today comprising approximately one-third of all removals from the United States.¹¹⁸ Ninety-three percent of all persons removed under stipulated removal orders were charged with being in the United States without permission.¹¹⁹

¹¹⁴ Immigration and Customs Enforcement, “Secure Communities,” http://www.ice.gov/secure_communities/ (accessed February 21, 2014).

¹¹⁵ Honoring of detainer requests also interferes with the criminal justice system. When criminal charges were filed, The Advocates for Human Rights received reports of immigrants being turned over to immigration and deported before completion of their criminal cases, leaving unresolved criminal charges and outstanding warrants for failure to appear on their criminal records.

¹¹⁶ 8 U.S.C. §1229a(c); 8 C.F.R. 1003.25(b). A “stipulated removal order” is where an immigrant agrees or “stipulates” to deportation and gives up his or her right to an immigration court hearing. These agreements are reviewed by a judge to determine whether the waiver of the right to a hearing and acceptance of deportation was done “knowingly, voluntarily, and intelligently.” If the judge signs off on the agreement, the immigrant is deported without ever appearing in court.

¹¹⁷ Jayashri Srikantiah and Karen Tumlin, *Backgrounder: Stipulated Removal*, Stanford Immigrants’ Rights Clinic and National Immigration Law Center, http://www.law.stanford.edu/sites/default/files/child-page/163220/doc/slspublic/Stipulated_removal_backgrounder.pdf (accessed March 19, 2014).

¹¹⁸ Jennifer Lee Koh, *Stipulated Orders of Removal and the Crisis in Immigration Adjudication*, 91 N.C. L.Rev. 475, 479 (2013).

¹¹⁹ Jayashri Srikantiah and Karen Tumlin, *Backgrounder: Stipulated Removal*, Stanford Immigrants’ Rights Clinic and National Immigration Law Center, http://www.law.stanford.edu/sites/default/files/child-page/163220/doc/slspublic/Stipulated_removal_backgrounder.pdf (accessed March 19, 2014).

IMMIGRATION PROFILING

The greatly expanded capacity to screen and obtain admissions of alienage or unlawful entry from people in Minnesota jails before any charges have been brought has left Minnesota law enforcement without an effective mechanism to detect or combat any immigration profiling that may take place. This relationship between local and immigration enforcement bypasses the procedural safeguards against constitutional violations which exist in the criminal justice system, where searches and seizures can be challenged and where evidence, including testimony, may be suppressed if found to have been obtained in violation of law. Because ICE interviews, detainer requests, and transfers often take place prior to criminal charges, no prosecutor reviews the evidence, no public defender is assigned, and no hearing before a judge takes place.

When the driver failed to produce a valid Minnesota driver's license and was unable to communicate in English, the officer called federal immigration officials.

Several people interviewed pointed to specific incidents they perceived to be unjustified stops.¹²⁰ One advocate reported that law enforcement routinely sat across the street from a local mobile home park, where many immigrants live,¹²¹ while another reported police sitting in a neighborhood convenience store parking lot where he ran plates on Latino-driven cars.¹²² One public defender reported different justifications used to stop people believed to be undocumented based on their appearance: "Those 'pine tree scent' things that hang from the rearview mirror – lots of Hispanic clients get pulled over for it or for having the license plate lights out."¹²³

Regardless of the motivation for these stops, the result for undocumented drivers can be deportation. A legal service provider reported an example: "One family, they were stopped for no reason. Dad and son were referred to ICE. Local police made the stop, but there was never even a ticket."¹²⁴

One advocate shared a police report involving a client who was pulled over by local police for failure to use a turn signal.¹²⁵ The police report describes how, when the driver failed to produce a valid Minnesota driver's license and was unable to communicate in English, the officer called federal immigration officials. "I advised [them] of the situation... [and] the federal immigration officer

¹²⁰ Conversation 16; Conversation 21; Conversation 8; Conversation 9; Interview 12; Interview 42.

¹²¹ Interview 94.

¹²² Interview 172.

¹²³ Interview 122.

¹²⁴ Interview 75.

¹²⁵ Correspondence 10.

advised me that [the driver] is illegal and he wants her held for deportation.”¹²⁶ The police report lists charges of no proof of insurance, no driver’s license, and illegal entry.¹²⁷ Another person shared the story of an acquaintance stopped for expired license tabs while driving home from work. “He was picked up, taken to the county jail, and deported two weeks later.”¹²⁸

Another person reported being stopped by local police in northern Minnesota after pulling into a parking lot.¹²⁹ The officer made no allegations of traffic violations and instead asked the driver repeatedly to give him her address and to explain what she was doing in that part of the state before radioing for Border Patrol backup.¹³⁰ Border Patrol arrived, continued asking questions, and demanded proof of citizenship from everyone in the vehicle.¹³¹ When the driver’s license checked out as valid, they were allowed to leave. Border Patrol followed the vehicle to their campsite and then continued to follow them to a local gas station.¹³²

Staff at one northern Minnesota college also talked about the cooperation between Border Patrol and law enforcement. “One issue we have is to remind students to carry their documentation. Last year a group of students was stopped by the state patrol and border patrol was called. The student showed a foreign driver’s license and college ID but not a passport or green card. They were detained until their parents drove from the Cities with their green card and the roommate came in and corrected the birthdate that had been given so the international student could be found in the system.”¹³³

Advocates also reported arrests following stops or questioning by police that appear to fall outside the scope permitted by law, including numerous reports of people who were stopped by local police who had run their license plates and found no driver’s license issued in the vehicle owner’s name.¹³⁴ An advocate reported people who were passengers in a vehicle had been asked for identification.¹³⁵

¹²⁶ Correspondence 10.

¹²⁷ Correspondence 10.

¹²⁸ Conversation 23.

¹²⁹ Correspondence 12.

¹³⁰ Correspondence 12.

¹³¹ Correspondence 12.

¹³² Correspondence 12

¹³³ Interview 61.

¹³⁴ Correspondence 11.

¹³⁵ Interview 63.

Law enforcement generally performs traffic stops to (1) investigate a suspected crime; (2) issue a traffic citation; or (3) arrest a person suspected of a crime.¹³⁶ Despite their brevity and limited scope, traffic stops are seizures and, thus, trigger Fourth Amendment protections against unreasonable searches and seizures.¹³⁷

Not all searches and seizures are unreasonable.¹³⁸ The U.S. Supreme Court has identified situations in which it is reasonable for an officer to seize or search a suspect without a warrant or probable cause in *Terry v. Ohio*.¹³⁹ One of these situations is a “‘comparatively non-threatening’ temporary detention justified where an officer’s ‘‘observations lead him [or her] reasonably to suspect’ that a particular person has committed, is committing, or is about to commit a crime.”¹⁴⁰ During a *Terry* stop, an officer may only ask questions to determine the suspect’s identity and to gain information related to the circumstances that led to the stop.¹⁴¹ Unless the officer has independent reasonable suspicion of other criminal activity, this means that the scope of a *Terry* stop must be confined to the initial justification for the stop.¹⁴² Minnesota has fully adopted the principles outlined in *Terry*.¹⁴³ In general, traffic stops are *Terry* stops.¹⁴⁴ In order to remain within the scope of the *Terry* doctrine, questioning by an officer during a stop must be limited to inquiries relating to the identity of the driver and to the circumstances that provided reasonable suspicion for the stop.¹⁴⁵

Under the Fifth Amendment, all drivers and passengers have a right to remain silent during traffic stops.¹⁴⁶ While the Fifth Amendment privilege against self-incrimination does not extend to disclosures of identity,¹⁴⁷ Minnesota does not require identification. Thus, other than proof of insurance and a driver’s license,¹⁴⁸ drivers do not have an obligation to provide any additional information to police and passengers do not have to provide any information at all.

¹³⁶ Federal Law Enforcement Training Center, “Traffic Stop Study Guide 2010,” at 7, <http://resources.learningforlife.org/exploring/lawneforfcement/study/tstop.pdf> (accessed Dec. 6, 2012).

¹³⁷ *Delaware v. Prouse*, 440 U.S. 648, 653 (1979); *State v. Day*, 461 N.W.2d 404, 406 (Minn. Ct. App. 1990); *State v. Engholm*, 290 N.W.2d 780, 783 (Minn. 1980).

¹³⁸ *U.S. v. Sharpe*, 470 U.S. 675, 682 (1985).

¹³⁹ *Terry v. Ohio*, 392 U.S. 1 (1968).

¹⁴⁰ *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984) (quoting *Terry v. Ohio*, 392 U.S. 1, 29 (1968)).

¹⁴¹ *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984) (quoting *Terry v. Ohio*, 392 U.S. 1, 29 (1968)).

¹⁴² *State v. Burbach*, 706 N.W.2d 484, 488 (Minn. 2005).

¹⁴³ *State v. Askerooth*, 681 N.W.2d 353, 363 (Minn. 2004).

¹⁴⁴ *State v. Wiegand*, 645 N.W.2d 125, 133-34 (Minn. 2002) (citing *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984)).

¹⁴⁵ *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984).

¹⁴⁶ *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984). ([T]he officer may ask the detainee a moderate number of questions...[b]ut the detainee is not obliged to respond.”)

¹⁴⁷ *California v. Byers*, 402 U.S. 424, 429-30 (1971).

¹⁴⁸ Minn. Stat. §§169.791, sub. 2, 171.08 (2013) (drivers must provide proof of insurance and driver’s license upon officer’s demand).

One interviewee reported being called over for questioning by police while walking into a gas station to pay for fuel.¹⁴⁹ In a similar incident, a public defender described an incident where a Latino individual parked his car and was walking toward a restaurant when he was asked for identification by a patrol officer.¹⁵⁰ The officer made no allegations of any violation of motor vehicle operation or suspicion of any criminal activity.¹⁵¹ When the individual failed to produce a valid Minnesota driver's license he was arrested and booked into the county jail and turned over to ICE for deportation.¹⁵²

One advocate reported the case of an individual who was parked on the wrong side of the street while jump-starting a friend's car.¹⁵³ The police stopped, asked him for identification, and when he presented a Mexican *matricula consular*, they arrested him.¹⁵⁴ He was booked into jail, interviewed by ICE under the Criminal Alien Program, and placed in deportation proceedings.¹⁵⁵ The individual had no criminal history and no criminal charges were brought against him.¹⁵⁶

A legal service provider recounted an incident when a van leaving an employer site was followed by the county sheriff who pulled the van over and asked everyone inside for identification.¹⁵⁷ While they allegedly had a warrant for the driver, all the passengers were turned over to ICE for questioning and placed in removal proceedings.¹⁵⁸ Despite a probability that some of these stops are unconstitutional, immigrants are transferred to ICE before any criminal proceedings and so there is no review of the constitutionality of the initial arrest.

TRUST BETWEEN IMMIGRANT COMMUNITIES AND LOCAL LAW ENFORCEMENT

Trust in the justice system and understanding law enforcement's role were cited as important preconditions to immigrants voluntarily accessing law enforcement protection. Conversations with law enforcement officials reflect recognition that trust between immigrant and refugee communities and local law enforcement is important. Nonetheless, building trust can be challenging. Perceptions of cooperation with federal immigration officials and experiences with police in both home countries and Minnesota affect the relationship between immigrant

¹⁴⁹ Interview 172.

¹⁵⁰ Interview 124.

¹⁵¹ Interview 124.

¹⁵² Interview 124.

¹⁵³ Interview 121.

¹⁵⁴ Interview 121.

¹⁵⁵ Interview 121.

¹⁵⁶ Interview 121.

¹⁵⁷ Interview 63.

¹⁵⁸ Interview 63.

communities and law enforcement. People pointed to the important role police can play in fostering trust through day-to-day interactions and in specific outreach programs.

DAY-TO-DAY INTERACTIONS

“Some people are from countries where when you speak out you aren’t safe, but here you have to speak up to be safe.”

While some law enforcement agencies appear to actively reach out to the immigrant and refugee community with a message “*no somos la migra*” (we are not federal immigration officials),¹⁵⁹ interviews from around the state indicate that cooperation with federal immigration authorities increasingly is embedded in local law enforcement operations.¹⁶⁰ Law enforcement officers’ decisions whether to take people to jail for traffic violations, where they routinely are interrogated by federal immigration officials and often turned over to ICE for deportation, in particular create an impression in the immigrant and refugee community that police are actively engaged in enforcing federal immigration laws.¹⁶¹ Participants cited actual or perceived cooperation between local law enforcement agencies and federal immigration authorities as a cause of undermined community trust of the police and a barrier for immigrants who need to access law enforcement.¹⁶²

Many people interviewed expressed that Minnesota is a safe place in which to live, especially in comparison to their countries of origin.¹⁶³ “Minnesota is safer than the country I come from,” reported one participant. “There are lots of police, there is a government, education for everyone, less violence, there are rules, and the law is enforced.”¹⁶⁴ Participants’ perceptions of law enforcement ranged from, “I feel so safe. The law is applied and the police do a great job,¹⁶⁵ to “I’m not afraid of the gangs but I am afraid of the government. I feel unsafe, like the police will throw me in jail.”¹⁶⁶ Some people noted outright fear of law enforcement either because of experiences in their home countries or perceptions that they would not be treated fairly here.¹⁶⁷

Immigrants and refugees reported that their experience with police in their home countries colored their perception of law enforcement in the United States. As one interviewee stated, “Police make me feel unsafe. In my country, the police are always watching; they never help people. They always

¹⁵⁹ Interview 63.

¹⁶⁰ Interview 112; Interview 116; Interview 124; Interview 121; Interview 94; Interview 99; Interview 75.

¹⁶¹ Interview 94.

¹⁶² Conversation 22; Conversation 23; Conversation 2; Conversation 8; Conversation 9; Conversation 15.

¹⁶³ Conversation 8; Interview 14; Interview 50; Interview 11.

¹⁶⁴ Conversation 8.

¹⁶⁵ Interview 24.

¹⁶⁶ Interview 42.

¹⁶⁷ Interview 106; Interview 23.

make trouble for me. And when I'm in America I see police and I'm scared first." Another summarized the feeling within his community: "When we deal with the police we don't tell them everything. In our country, police are just for repression, killing. We think it will be the same here."¹⁶⁸ Adjusting to this new culture was not easy; as one participant stated, "Some people are from countries where when you speak out you aren't safe, but here you have to speak up to be safe."¹⁶⁹

While perceptions of law enforcement varied greatly, law enforcement interaction with immigrant and refugee community members impacts immigrants' perceptions of the community at large. Numerous participants reported that police conduct through outreach or during the normal course of business was a factor in their perception of Minnesota as a whole.¹⁷⁰ Positive encounters with law enforcement in the course of their duties helped earn trust. Interviewees particularly focused on whether they were treated with respect by the police.¹⁷¹ Participants also identified outreach by law enforcement as the best way to overcome cultural barriers to accessing assistance.¹⁷²

While education and outreach are important in building trust, interviews with community members and advocates made clear that people's perceptions are most influenced by actual experiences with law enforcement. Numerous participants reported believing they had been stopped without cause.¹⁷³ This undermined their trust in the police and contributed to a perception that law enforcement engages in racial profiling. "How can I feel welcome if I can't move freely?" asked one participant who reported having been stopped by police.¹⁷⁴

Enacted to help crime victims and witnesses come forward to assist police in investigations without fear of questions about their immigration status, city separation ordinances attempt to ensure that immigrants and refugees who are victims of crime are protected by the police, regardless of immigration status, and that perpetrators of domestic violence and other crimes cannot use the threat of deportation to keep victims from turning to the police for help. While city separation ordinances in Minneapolis¹⁷⁵ and Saint Paul¹⁷⁶ continue to help promote a trusting relationship between immigrant and refugee community members and local police departments, the

¹⁶⁸ Interview 5; Interview 23; Interview 4; Conversation 2.

¹⁶⁹ Conversation 9.

¹⁷⁰ Conversation 16; Conversation 8; Conversation 9; Conversation 12; Interview 13; Interview 18; Interview 24; Interview 25; Interview 32; Interview 6; Interview 46.

¹⁷¹ Conversation 16; Conversation 9; Conversation 12; Interview 18; Interview 22; Interview 23.

¹⁷² Conversation 11; Interview 146; Interview 5.

¹⁷³ Interview 12; Interview 42; Interview 49.

¹⁷⁴ Conversation 6.

¹⁷⁵ Minneapolis Code of Ordinances, Title II, Chapter 19, Employee Authority in Immigration Matters (2013).

¹⁷⁶ Saint Paul Code of Ordinances, Title III, Chapter 44, Employee Authority in Immigration Matters (2013).

effectiveness of these ordinances has been undermined by the expanded ICE presence in county jails, which are not subject to the municipal ordinances.

BEST PRACTICE: POLICE – COMMUNITY RELATIONS

The police departments in Brooklyn Park and Brooklyn Center recognized that changing demographics in their communities signaled a need to adjust their community policing strategies. The holistic approach they undertook has had a positive effect on law enforcement, community members, and served as a model for other departments and agencies.¹⁷⁷

The initial step was creating a Joint Community Police Partnership, which has evolved and now includes six communities (all metro-area suburban cities) in addition to the county and area human services council. A new position of community liaison took the lead role in connecting with the community and learning what community members identified as their needs. The liaison for one community emphasized the need for a variety of strategies for outreach, including “one on one interviews, talking with police officers, and spending time out in the community,” among others.¹⁷⁸

The impact on the police department has been notable. The goal is to educate the officers and “give them a toolbox” to best serve the needs of their community. This involves continuing to tweak and adjust officer training. The liaison noted that she regularly goes to “roll-call” and talks about various strategies, such as reminding officers about the language line and how to use it.¹⁷⁹ It is effective because the police officers can see how these strategies have made their jobs easier. The officers also have opportunities to engage in positive community events: a group from the police academy volunteers at the Latino food shelf a few times a year, and officers attend community events. “When you can give an officer a positive two-way communication with a community member, it’s a win for both.”¹⁸⁰ This also builds trust and provides community members a chance to interact with police officers in a friendly situation.

Some interviewees reported believing they would not be treated the same as U.S. citizens by law enforcement. As one person reported, “Immigrants are people they do not want to help.”¹⁸¹ This belief appears to be rooted in immigrants’ own experiences or the experiences of those around them.

¹⁷⁷ Pradine Saint-Fort, Noëlle Yasso, Susan Shah, “Engaging Police in Immigrant Communities: Promising Practices from the Field,” VERA Institute of Justice, November 13, 2012, 8-14, <http://www.vera.org/pubs/engaging-police-immigrant-communities-promising-practices-field>.

¹⁷⁸ Interview 190.

¹⁷⁹ Interview 190.

¹⁸⁰ Interview 190.

¹⁸¹ Interview 41; Conversation 22; Conversation 23; Interview 5.

One immigrant explained an incident with a neighbor over a property disagreement: “The neighbors called the police and he took their side, even though the bush was on our property and our side of the yard. I do not think that guy even cared to get into it enough. He probably saw the white family against the Somali family, and sided with the whites.”¹⁸² Another immigrant reported feeling humiliated by the police following a minor traffic incident: “My sister was driving down the parking lot at normal speeds when someone backed her car into ours. When the officer arrived he immediately walked up to the Caucasian lady who caused the accident and treated us as if we didn’t have the capacity to deal with the situation.”¹⁸³ Another participant reported that his Latino friend moved from his suburban community because he had been pulled over so frequently.¹⁸⁴

In general, people interviewed seemed to believe that when racial profiling occurred it resulted from individual officer misconduct combined with lack of oversight.¹⁸⁵ Nonetheless, perceptions by participants that some officers or departments engaged in racial profiling more routinely than others were reported.¹⁸⁶ Public defenders and advocates were able to list jurisdictions where traffic offenders are ticketed without arrest and those where arrest and booking for failure to provide a license is routine.¹⁸⁷ One advocate reported that a local police department had a reputation among Latino immigrants of police officers who act like ICE agents.¹⁸⁸

Such immigration profiling may contribute to disproportionate minority contact with law enforcement. One county attorney noted that “The initial treatment of people by law enforcement is a challenge,” and talked of an ongoing effort to address racial disparities in pretrial release and bail decisions.¹⁸⁹

ORIENTATION TO LAWS AND REGULATIONS

One key way to build trust between immigrant communities and law enforcement is through education by law enforcement about the many laws and regulations of which newer immigrants may not be aware.¹⁹⁰ One woman said, “A welcome orientation would be very important for both

¹⁸² Interview 41.

¹⁸³ Interview 37.

¹⁸⁴ Conversation 22.

¹⁸⁵ Institute on Race and Poverty and Council on Crime and Justice, *Minnesota Statewide Racial Profiling Report: All Participating Jurisdictions. Report to the Minnesota Legislature*, (Sept. 22, 2003), <http://www.law.umn.edu/uploads/cb/94/cb94cf65dc50826424729d214a1f6b82/27-Racial-Profiling-Aggregate-Report.pdf>. (The Minnesota legislature, concerned with allegations of racial profiling, commissioned a statewide study to determine whether racial profiling exists in the context of traffic stops.)

¹⁸⁶ Interview 112; Interview 124; Interview 121; Interview 94.

¹⁸⁷ Interview 112; Interview 124; Interview 121; Interview 94.

¹⁸⁸ Interview 94.

¹⁸⁹ Interview 59.

¹⁹⁰ Conversation 16; Conversation 19; Conversation 21.

sides. I heard of a man who tried to cut his grass with a machete, which could be very scary for the host community.”¹⁹¹ Another group noted: “Orientation is a main issue. People need to be educated and trained about things that matter such as driving records, credit cards, laws, etc.”¹⁹² A parent educator explained that an important part of health and safety education was teaching parents about positive child discipline and what is not legally acceptable in the United States.¹⁹³ A community liaison explained, “A guy came to see me with a traffic ticket. I looked at it and explained to him what to do, what it means. We have to teach them they have rights, they can contest the ticket if they disagree.”¹⁹⁴

“People thought they would have to pay for the police if they call 911, so we clarified that.”

Communities have responded to this need by coordinating training academies.¹⁹⁵ One community in greater Minnesota created an eight-week “citizen’s academy.”¹⁹⁶ The community education coordinator explained it this way: “We heard through the community connectors that people were getting

ordinance citations (for not mowing, etc.) and they did not understand. We talked to the police department and they said they were concerned about bigger issues like drunk driving, domestic abuse, and child discipline, so they created the citizens academy. We recruit participants from the people in the adult basic education classes and through the collaborative. These classes have also been offered in English for non-immigrants. Each time they change the content; a lot of it is about driving, traffic tickets, child abuse and neglect, noise ordinances, pets off-leash, the number of people in a rental dwelling, how to call 911, and emphasizing that 911 is not connected to immigration status. In one class, it came up that people thought they would have to pay for the police if they call 911, so we clarified that.”¹⁹⁷

Another police department also hosts a similar New Americans’ Academy.¹⁹⁸ The current class of sixteen students includes fourteen Spanish speakers,¹⁹⁹ and is led by a bilingual Spanish-speaking

¹⁹¹ Conversation 19.

¹⁹² Conversation 21.

¹⁹³ Interview 156.

¹⁹⁴ Interview 65.

¹⁹⁵ Interview 65; Interview 190.

¹⁹⁶ Interview 65.

¹⁹⁷ Interview 64.

¹⁹⁸ Joint Community Police Partnership, “New Americans’ Academy Curriculum Summary,” <http://www.vera.org/files/newamericanscurriculum.pdf>.

¹⁹⁹ Interview 190.

police cadet and a student from the law enforcement program at a local community college.²⁰⁰ This community welcomes families in the New Americans' Academy to bring their children, recognizing that childcare might otherwise be a barrier to participation. The department has also recognized the value of engaging with youth, particularly to help those refugees who may have a bad impression of law enforcement from experiences in their home country.²⁰¹ The children convey information to their parents, making youth outreach an important entry point for educating the broader community.²⁰²

In addition to the value of educating immigrants about the laws and regulations in their community, orientations and trainings like the citizens academy build trust between new arrivals and their government. Communities around Minnesota have started building these connections, many through English language classes. One English language program brings police officers to the classroom to talk with the students about common legal issues.²⁰³ This police department also developed videos they use to teach about car accidents, kids and gangs, and other common problems.²⁰⁴ The school director expressed hope that she can also engage the police as volunteers in the classroom, so the police can “connect more fully and really see and understand the students.”²⁰⁵

In order for immigrants to really become part of their communities, they need to understand the laws that govern civic life. Without this, misunderstandings and frustrations build between immigrants and long-term residents and can create deeper divisions. The host community has an obligation and vested interest in providing education and information to all citizens about these laws. It is especially important for police and other government agencies to conduct outreach to immigrant communities, both to increase knowledge of and compliance with laws, but also to build trust and relationships with newer communities.

²⁰⁰ Interview 190.

²⁰¹ Interview 190.

²⁰² Interview 190.

²⁰³ Interview 100.

²⁰⁴ Interview 100.

²⁰⁵ Interview 100.

RECOMMENDATIONS

Finding: Undocumented immigrants and their family members fear that contacting law enforcement as a victim or witness will lead to deportation.

Recommendations

- Law enforcement agencies and county attorneys should encourage crime reporting by undocumented crime victims by adopting policies that articulate clear standards for exercising charging or prosecutorial discretion when evidence of the victim's unlawful presence in the United States is uncovered during the course of the investigation or prosecution.
- Cities, counties, and the State of Minnesota should enact local separation ordinances, rules, or laws to provide clear guidance to public employees, including law enforcement officers, about when to inquire about immigration status.

Finding: Existing protections for undocumented crime victims are not effectively implemented.

Recommendations

- Federal, state, and local law enforcement agencies should establish clear points of contact for U-visa certification. Points of contact should receive training on the U-visa certification's purpose and requirements on a regular basis.
- Minnesota should establish a single statewide point of contact at the Department of Public Safety who can make decisions on certification requests and who can provide training and support to other points of contact statewide.
- Minnesota should increase the capacity of local domestic violence and sexual assault programs to serve as points of contact, leveraging the relationships between Minnesota's robust Domestic Violence Coordinated Community Response (DV CCRs), Domestic Assault Response Teams (DARTs), Sexual Assault Multidisciplinary Response Teams/Sexual Assault Response Teams (SMARTs/SARTs), and key criminal justice personnel.
- Federal, state, and local agencies charged with enforcing civil anti-discrimination laws, labor and employment laws, worksite safety provisions, and housing codes should identify points of contact for U-visa certification and should establish protocols for reviewing certification requests to ensure that victims of

discrimination and exploitation who are also victims of serious crimes can be identified and certified for U-visas.

Finding: Undocumented immigrants cannot obtain Minnesota driver's licenses, undermining public safety and increasing opportunities for discriminatory targeting of people who appear to be immigrants by law enforcement officers.

Recommendation

- Minnesota should enact legislation or make regulatory changes to decouple driving privileges from immigration status.

Finding: Increased coordination between local law enforcement and federal immigration agencies creates conditions for constitutional violations with no effective remedy.

Recommendations

- Law enforcement agencies responsible for the enforcement of traffic laws, including municipal police departments, sheriff's offices, and the Minnesota State Patrol, should establish clear protocols for involving federal immigration agencies at the point of traffic stops. Federal immigration officers should never be called to provide interpretation assistance.
- To avoid practices by individual officers that result in racial profiling, law enforcement agencies should provide clear guidance about when patrol officers should ask passengers in vehicles to provide identification.
- Information should be available, in an accessible and understandable format, to everyone booked into county jails in Minnesota about their right to remain silent and the possible consequences of voluntary interviews with federal immigration officials.
- Free immigration legal services should be accessible to every person booked into county jails.
- Municipal and county jails should develop clear guidelines for when to honor ICE detainer requests.
- Prior to turning an individual who has not been criminally charged over to ICE pursuant to an informal detainer request, the case should be reviewed by the city or

county attorney to ensure that the initial stop or arrest meets the standards sufficient to justify criminal charges, including review to ensure that the stop was not based on race or national origin.

- Prior to turning an individual who has been criminally charged over to ICE pursuant to an informal detainer request, the case should be reviewed by the city or county attorney to ensure that deportation does not interfere either with the state's interest in pursuing criminal charges against the individual or with the individual's right to defend themselves against the charges. The city or county attorney should not authorize the individual's release to ICE without moving to dismiss the pending criminal charges against the individual.
- Minnesota should enact legislation that allows law enforcement to honor ICE detainer requests only in certain clearly defined circumstances to eliminate the opportunity to engage in immigration profiling through traffic stops.

Finding: Immigrant communities lack trust in local law enforcement.

Recommendations

- Everyday encounters between immigrant and refugee community members and police officers affect the community's understanding of, and level of trust in, the public safety system. Police officers should use routine traffic stops and other low-level encounters as an opportunity to explain why a stop was made or the police were called, what laws were broken, and how to avoid future violations.
- Police departments should invest in community liaisons who can build relationships with community members. Outreach strategies might include: regular community orientation sessions that focus on frequent violations identified by police and on questions and problems identified by the community; citizen academies and cadet programs; and active participation in community events.