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Limiting the Potential for Racial Profiling in State and Local Police Enforcement of Immigration Laws

Jessica Saunders

Enforcing immigration laws in a country as large and complex as the United States is a monumental undertaking, and federal efforts to control offenses have been criticized as being inadequate to the task. According to the Department of Homeland Security, the unauthorized immigrant population in the United States was approximately 11 million in 2010, a 27 percent increase over the preceding ten years.[1] Immigration laws are being enforced more aggressively under the Obama Administration, with record numbers of removals in the past few years (over 1 million from 2009 to 2011).[2] In addition, more state and local law enforcement departments have begun enforcing immigration laws, with various levels of controversy and success. Advocates of this development claim that local law enforcement can act as a force multiplier in aiding federal efforts because they outnumber U.S. Immigration and Customs Enforcement (ICE) agents by nearly 5,000 to one. Opponents believe that local law enforcement officials are ill-equipped to enforce complicated immigration laws, that doing so alienates the immigrant population and diverts resources away from higher-priority public safety priority tasks, and that, in trying to enforce immigration laws, law enforcement agencies may engage in racial profiling. This last concern is an important federal issue because of the U.S. Constitution's prohibitions on racial/ethnic discrimination.

In this paper, I do not take a position on the appropriateness of involving local law enforcement in immigration enforcement activities; instead, I outline ways in which the federal government can monitor whether enforcement is being applied in accordance with constitutional protections. I first describe how different state and local law enforcement have become involved in enforcing immigration offenses over the past two decades and discuss the pros and cons of these policies. I then review the research evidence on racial discrimination in immigration enforcement. Finally, I recommend a variety of methods for the oversight and monitoring of racial discrimination.

Evolution of State and Local Law Enforcement Involvement in Immigration Enforcement

Immigration enforcement at the local level is a relatively new phenomenon. It was first formally practiced in 2002 under ICE's 287(g) program, through which local law enforcement officials became deputized to enforce federal immigration law. Although the option to form Section 287(g) partnerships had been available since 1996, it wasn't until 2002 that the state of Florida signed the first agreement, motivated by a post-9/11 national security imperative (some of the hijackers had lived and received flight training in Florida as out-of-status immigrants).[3] The use of these agreements was slow to take off, with only eight being signed before 2007, but that year another 24 agencies signed up; currently, there are 57 active agreements across 21 states. Participation in the program involves a four-week training program, and as of February 2013 more than 1,300 officers have completed it, effectively increasing ICE's workforce by 6 percent.[4] The program had an annual operating budget of $68 million in 2012 and has been credited with identifying more than 300,000 deportable aliens from 2006 to 2012.[5]

Another federal program that formalizes state and local cooperation in immigration enforcement is the U.S. Department of Homeland Security's Secure Communities program, which is in place in more than 3,000 jurisdictions. Unlike the voluntary 287(g) program, the federal government has mandated that all jurisdictions across the United States participate in Secure Communities. The program, launched in 2008, prioritizes removing illegal immigrants who pose a threat to public safety by identifying potentially deportable immigrants who have been fingerprinted in the course of an arrest. As of August 2012, more than 166,000 illegal immigrants had been removed from the United States after identification through Secure Communities, with 37 percent of those having been convicted of an aggravated felony.[6]

Alongside these federal programs to increase local law enforcement officials' enforcement of federal immigration law, many states and localities have enacted policies and laws with the same goal. According to the National Conference on State Legislatures, in the first half of 2012 alone, a total of 41 state legislatures enacted 114 bills and adopted 92 resolutions in the area of immigration, 11 percent of which included provisions for law enforcement. Also, states are increasingly drafting omnibus bills that address a wide range of immigration issues, including law enforcement, employment verification, and access to public services. More than 50 immigration-related omnibus bills were introduced in 30 states in the first quarter of 2011.[7] Predictably, many of these laws have met with legal challenges that have limited or delayed their implementation; however, each year new laws continue to be introduced and debated.

The recent context of this issue has been defined by legislation in Arizona and the results of the Supreme Court review of that policy and the actions taken to implement it. In 2010, the Arizona legislature passed Senate Bill 1070, the "Support Our Law Enforcement and Safe Neighborhoods Act," which contained a set of provisions designed to intensify local law enforcement pressure on undocumented immigrants.[8] It required state and local law enforcement to make a reasonable attempt to ascertain the immigration status of people involved in a lawful stop when officers have a reasonable suspicion that an individual is in the country unlawfully, unless doing so hinders another investigation. It also prohibited state and local law enforcement agencies from restricting enforcement of federal immigration laws, and allowed state residents to sue localities that restrict enforcement. Petitioners, including the U.S.

Department of Justice, sought to prevent the SB 1070's implementation, and the day before it was to take effect, a federal judge granted an injunction blocking several of its key provisions. The state of Arizona appealed the ruling, and the U.S. Court of Appeals for the Ninth Circuit denied the appeal in April of 2011. Arizona then sought certiorari in order to have the case heard by the U.S. Supreme Court.

In June 2012, the U.S. Supreme Court upheld the provision of SB 1070 that requires state and local law enforcement officers to question immigration status during lawful stops on the grounds that it does not conflict with federal law. The Court ruled that federal law does not preempt the state's instruction to its police to check the immigration status of people they detain, as long as the checking is done without violating anyone's civil rights. Although the Court struck down some portions of the Arizona law, it ruled that states have some role in crafting their own immigration enforcement policies. Since 2010, other states have also attempted to strengthen the role of local police in enforcing immigration-related laws, including Alabama (HB 56), Georgia (HB 87), Indiana (SB 590), South Carolina (S 20), and Utah (H 116).[9]

Arizona Governor Jan Brewer, the Republican who spearheaded the battle to pass the overall law, applauded the Supreme Court's decision, citing that it gives law enforcement "one more tool" to use "in collaborating with federal authorities to reduce the crime and other impacts associated with illegal immigration."[10] U.S. District Court Judge Bolton, who enjoined SB 1070, has allowed a class action lawsuit to test additional constitutional questions not considered in the Supreme Court case addressing the Fifth Amendment right to due process, First Amendment right to free speech, and Fourteenth Amendment right to equal protection.

Immigration enforcement at the local level is a relatively new phenomenon.

Pros and Cons of State and Local Involvement

There are three main arguments in favor of involving state and local law enforcement in immigration enforcement. First, many claim that it will reduce crime. Since every criminal offense committed by an illegal alien is theoretically avertable, deporting illegal immigrants, some of whom may pose a threat to public safety, may reduce crime and ease the police's workload in the long term.[11] Second, according to a variety of representative polls, there is widespread public support for using state and local law enforcement officers to increase immigration enforcement in the interior of the country (versus enforcement only at the borders).[12] Third, the thousands of state and local law enforcement officers are natural partners with the federal government since they already enforce criminal law, cross paths with illegal and criminal aliens in the course of their routine job functions, and significantly outnumber ICE officers.

However, there are also significant counterarguments. Enforcing federal immigration law is very different from typical policing duties and could hinder the primary mission of law enforcement, which is ensuring public safety. Additional immigration enforcement responsibilities, whether they arise through partnerships with the federal government or through new state or local laws and ordinances, can lead to four serious issues with respect to that core public safety mission. First, the weak association between immi-

gration and crime makes immigration enforcement an inefficient means of crime control; research consistently finds that immigrants commit crimes at lower rates than their native-born counterparts.[13] Second, immigration enforcement by state and local police can strain police-community relations, thereby undermining community participation and support. Third, adding another task to an already overburdened criminal justice system diverts resources that are needed for other public safety activities. Finally, enforcing immigration law leaves state and local law enforcement vulnerable to charges of racial discrimination and profiling. The first three of these concerns are essentially local questions of efficiency and resource allocation, so it seems appropriate that individual jurisdictions consider them and reach their own conclusions. The risk of racial discrimination and profiling, however, involves federal civil rights law and the U.S. Constitution.

Opponents warn that, without proper oversight, state and local efforts will lead inevitably to racial profiling and violations of the civil rights guaranteed by the U.S. Constitution. These are legitimate concerns, but steps can be taken to monitor the actions of law enforcement and the effects of the new laws to ensure equitable enforcement. Immigration enforcement at the state and local level requires training officers to avoid racial profiling. But to strengthen the legitimacy of law enforcement organizations in the eyes of diverse populations, more than just training is needed. To demonstrate accountability and oversight and assure the public that laws are being enforced in a fair and unbiased way, departments should monitor their own activities, collecting data on stops and immigration-related arrests. Such data will make it possible to detect and address problems—and to substantiate to groups and individuals that enforcement activities are appropriate and being applied in a race-blind manner.

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Is Race-Blind Immigration Enforcement Possible?

Racial profiling is defined as any police-initiated action that relies on, or is influenced by, the race, ethnicity, or national origin of an individual rather than his or her behavior. Many immigrant and civil rights advocacy groups claim that local police cannot engage in immigration enforcement without discrimination and violations of civil rights because increased suspicion would be based, at least partially, on race, ethnicity, or national origin, all of which are federally protected classes.

There is little rigorous research evaluating state and local law enforcement of immigration law and whether it leads to racial profiling. A prevailing concern for policing executives voiced by both the Police Foundation (a nonprofit organization dedicated to helping the police be more effective in doing their job) and the International Association of Chiefs of Police (a nonprofit whose goals include promoting improved practices throughout the law enforcement community) is that immigration enforcement will leave police open to charges of racial profiling and discrimination.

Immigration law enforcement involves a complex and evolving set of rules that require extensive and continual training, which is not generally included in routine police training.[14]

ICE provides training for officers involved in its 287(g) partnerships, but questions have arisen as to the adequacy this training. A recent audit by the U.S. Government Accountability Office looked at how local enforcement of federal immigration law has been implemented across the various participating jurisdictions.[15] The audit concluded that over half of the agencies the GAO interviewed reported hearing concerns from community members about the potential for the program to lead to racial profiling and intimidation by police officers. In response to the GAO's call for more serious oversight and monitoring, all agencies participating in the 287(g) partnerships will be required to submit data to demonstrate whether local enforcement of civil immigration offenses is being done pursuant to the goals of the 287(g) program.

There is anecdotal evidence that the 287(g) program has negatively impacted police-community relationships. Interviews with Hispanics in the 287(g) partnership jurisdiction of Alamance County, North Carolina, indicated an erosion of trust in the local authorities and a decreased willingness to report crimes.[16] This finding was mirrored in a 2009 study conducted by the Southern Poverty Law Center on the impacts of the 287(g) partnership in Davidson County, Tennessee.[17] This study showed that over half of Latinos surveyed indicated they would not call to report a crime to the police in the future, and one-third indicated that their fear of the police related directly to immigration issues.

The most comprehensive study to date found some evidence for a deleterious effect of local immigration enforcement on policing, but not that such enforcement resulted in racial profiling, as many had feared.[18] Virginia's Prince William County Police entered into a 287(g) partnership in 2007, and the partnership was the subject of a study by a research team at the Police Executive Research Forum and the University of Virginia's Center for Survey Research. The study found that the partnership negatively impacted police-community relations, especially within the Hispanic community, and that there were large differences between Hispanic and non-Hispanics in overall satisfaction with police, police fairness, officer fairness, and the (287g) partnership itself. These differences appeared to decrease over time, suggesting that the negative feelings were perhaps only temporary, although another possibility is that the policy drove the more dissatisfied Hispanics from the community. Although the study did not measure the partnership's effect on reporting victimization, the study did find that Hispanics were less likely to report being a victim of a crime both before and after the partnership's implementation and that both police and community members believed that the partnership may have had the effect of lowering crime.

However, the study found that the 287(g) partnership did not appear to create a problem with racial profiling. The researchers "found no evidence of overzealous or inappropriate immigration enforcement actions by the police. The flood of costly racial-profiling litigation that some had feared . . . never materialized." Hence, the study's authors conclude,

> One implication of Prince William's experience is inescapable: it is indeed possible for a local government to have an impact on its experience with illegal immigration, despite the national scope of the problem and the primacy of the Federal government in dealing with the issue.[19]

The most publicized accusations of racial profiling have been in Maricopa County, Arizona, where multiple lawsuits have been filed accusing the Maricopa County Sheriff's Office (MSCO) of racial profiling in its enforcement of immigration laws. In March 2009, the Department of Justice launched an investigation into Sheriff Joseph Arpaio's practices to determine whether the Maricopa County deputies engaged in "patterns or practices of discriminatory police practices," such as "unconstitutional searches and seizures," and "national-origin discrimination."[20] In October 2009, Maricopa County's 287(g) partnership with ICE was terminated, but Sheriff Arpaio announced that he would continue his immigration enforcement. In May 2012, the Department of Justice officially filed suit against Sheriff Arpaio for discrimination.[21]

Arizona is not the only state in which such accusations have been raised. In July 2010, the Department of Justice launched an investigation of the Alamance County Sheriff's Office in North Carolina regarding alleged racial profiling. In May 2011, the Cobb County Sheriff's Office in Georgia settled a racial profiling lawsuit that was brought after Angel Francisco Castro Torres claimed that two officers stopped him for no reason, and then arrested him for obstructing an officer as a ruse to get him deported. Part of a racial profiling lawsuit settlement reached in July 2011 between the American Civil Liberties Union and authorities in Sonoma County, California, stipulates that deputies will no longer relay information to ICE for persons arrested solely for traffic violations. And in November 2009, the Frederick County Sheriff's Office in Maryland was sued after entering into a 287(g) partnership, as was the Davidson County Sheriff's Office (Tennessee) in January 2011. However, it should be noted that formal lawsuits have not been levied against the majority of departments that engage in immigration enforcement.

Assessing Racial Profiling in Policing

There are a variety of ways to measure racial bias in policing, and these measures vary in their power, sophistication, and ability to draw a causal relationship. In general, they involve making an assortment of comparisons among how populations are policed and how that policing varies by time and context, which are then coupled with statistical techniques to detect differences. These methods of assessing racial bias are not without cost, but the value to both individual departments engaged in immigration enforcement and society as a whole in ensuring that civil rights are not being violated is considerable. Since it appears that local and state law enforcement agencies' involvement in immigration enforcement is likely to continue and may become more widespread, the Obama Administration should require the collection and monitoring of data on such activity to ensure that constitutional protections are maintained—and that the confidence of the public in the police departments charged with protecting them can be preserved.

Thorough recordkeeping on and analysis of immigration enforcement activities is also important because such scrutiny can reveal evidence of racial profiling even in programs that appear to be administered in a race-blind manner. For example, the ICE's Criminal Alien Program, in which an immigration check is run only after someone has been detained on criminal charges, seems, at first glance, inherently less prone to discriminatory policing practices. However, a study of the program's implementation in Irvine, Texas, found that when police were allowed to investigate the immigration status of detainees only after they had been detained in the Irving Jail, this led to police arresting more Hispanics for traffic stops, suggesting that police officers may have begun to stop cars and/or detain traffic violators at least partially on the basis of

race.[22] The same issue is being debated for the Secure Communities program, where the immigration check is not conducted until after arrest, but the concern is that arrests will be made as a pretext to check immigration status.[23] This is why examining how immigration enforcement policies are implemented is critically important. Below, I discuss several methods to set up an appropriate monitoring methodology.

There are many methods that police departments and accountability offices have been using to measure potential racial bias in police practices. These efforts, generally labeled external and internal benchmarking, attempt to model what the racial distribution of contacts between individuals and the police (e.g., traffic stops, pedestrian stops) "would have been" if officers' stop decisions were unaffected by race; this benchmark distribution then serves as a basis for comparison with observed racial distributions of stops and arrests. Constructing valid benchmarks is not easy, since doing so requires estimating the demographic characteristics of two populations: individuals involved in criminal activity and the subset of this population that is "exposed" to the patrolling officers, given differences in policing levels in different areas or neighborhoods. Both of these rates are challenging to estimate, and each method takes a different approach to doing so, with different strengths and weaknesses.

Currently, there is no unifying method using commonly collected administrative data that can definitively assess racial bias in policing practices. In fact, most such analyses do not meet scientific standards for attributing causal effects—meaning that they cannot tell us whether police are using race as a factor when making decisions. None of the existing methods for assessing bias and profiling is perfect, but, especially when used together, they can provide a starting point for considering how to address this issue with regard to immigration enforcement.

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Population Data

One way to look at racial bias in police behavior is to compare the characteristics of the population that comes in contact with the police (derived from police records on stoops and arrests) against the characteristics of the general population in the area (based on U.S. Census data). A discrepancy between these two figures could indicate racial bias. However, this relatively simple approach could lead to very misleading conclusions because it is very sensitive to bias. Police do not spread their efforts across their jurisdictions evenly: They focus on the areas where more crime occurs, which may have different demographic make-ups than the overall jurisdiction. As a result, assuming that those differences in focus are not themselves shaped by profiling behavior—i.e., the police focus on an area is driven by observed crime, not the characteristics of the individuals who live there—then, to demonstrate bias, one must take into account the differences in police exposure in the different areas.

To do this, researchers have analyzed data from smaller units, such as precincts, census tracts, and even individual blocks. By using smaller units for comparison, it is possible to make comparisons of areas that, for example, might have comparable crime rates (and therefore would be expected to have comparable police exposure) but different racial or ethnic compositions. The larger issue is that no one knows the true underlying racial distribution of those involved in criminal offenses, but research suggests that it may not be equal.

An example of the challenges in using simple population data to test for racial profiling can be seen in a simple analysis of New York City's controversial "Stop and Frisk" policy. According to police statistics, 42 percent of the people who were stopped in New York City in 2011 were young black and Latino men, whereas only 4.7 percent of New Yorkers fall into that demographic category.[24] However, these statistics do not control for differences in police exposure across the city. In earlier research, RAND researchers examining New York City's "Stop and Frisk" policy conducted several analyses using different benchmarks to assess potential racial bias and demonstrate how external benchmarks are extremely sensitive and should not be used in isolation.[25] Their analysis found that after adjustments for stop circumstances were accounted for, there were only small racial differences in the rates of frisk, search, use of force, and arrest. The researchers found that comparisons of smaller subsets of data, where characteristics between the populations are more similar, are more reliable. The raw statistics can distort the magnitude or even the existence of racial bias.

In another example, to detect whether officers are engaging in racial profiling when they choose whether or not to stop drivers who have committed minor traffic offenses, a department could compare the population of those who were stopped not against the general population within the jurisdiction, but instead against the population of those who had driver's licenses.[26] This specificity would increase the chance that the two populations are more alike and therefore the likelihood that differences in the racial/ethnic composition of the two populations are evidence of police bias. (However, it should be noted that using possession of a driver's license would be less of an effective control for examinations of profiling in immigration enforcement, since most states require proof of valid immigration status or citizenship to obtain a license.)

Arrest/Crime Suspect Data

An alternative way to identify racial bias in policing is to compare the pool of arrestees with the pool of those who are suspected of a crime. The crime suspect pool will likely be a better representation of the population who has had contact with the police and of the racial distribution of criminals on the street. If the race and ethnicity of those arrested do not match the race and ethnicity of suspects, this would suggest bias in regard to whom the police choose to arrest. These data can also be used to compare the racial composition of those identified by the public as behaving suspiciously against the racial composition of those suspects who have contact with the police to assess how bias among the public could shape police behavior. Using arrestee data for creating benchmarks is still somewhat problematic because different racial groups can have different probabilities of being arrested for other unrelated reasons, making arrestee data inherently unrepresentative of actual criminal behavior in the general population. Therefore, crime suspect data are likely superior to arrestee data for creating reliable benchmarks.

Applying this method to immigration enforcement, analysis of arrestee or crime suspect data would have to be able to tease out differences between the baseline probabilities of arrest for criminal behavior and of arrest for immigration-related concerns. It would be challenging to distinguish between racial profiling on the part of law enforcement and differences in offending behavior with raw numbers alone, so more complex analyses are required. This approach, especially benchmarking using criminal suspect data, has at least the potential to be more effective in identifying racial bias than analyses that use only population data, no matter how disaggregated.

This approach would not address concerns about how profiling could result in police stopping or harassing, but not arresting, innocent members of a particular race or ethnic group as part of immigration enforcement due to racial bias, because police are not required to maintain data about interactions that do not result in arrest. This is, perhaps, one of the greatest concerns with directing state and local law enforcement officers to enforce immigration offenses. The collection of this information is not impossible—for example, the New York Police Department maintains data on stops and searches that do not result in arrest in order to monitor its controversial "Stop and Frisk" program.

Observation Data

Researchers have suggested another method for identifying populations at risk for racial profiling: using systematic social observers—individuals who place themselves in positions to observe behaviors and keep a systematic record of what they see. In an example related to traffic tickets, the observers might observe and record (1) the apparent racial distribution of all drivers and (2) the apparent racial distribution of drivers who violate traffic laws, then compare them against (3) the racial distribution of drivers who were stopped by police. In principle, this would allow the detection of differences among behaviorally similar populations based on the race of the individuals involved.

However, applying the approach in practice is not simple, especially for immigration-related offenses. Even if observers are able to describe accurately who comes into contact with police for law violations and therefore might be at risk for racial profiling, there is no reason to believe that actual police contact would occur as expected. Police target certain behaviors and individuals who fit suspect descriptions, and it is not clear that observers can identify the same set of markers that police use to determine with whom they legitimately come into contact. Therefore, observers may not be able to accurately distinguish targeting based on appropriate criteria from that based on race and ethnicity.

Instrumental Variables

Because of the challenges associated with assessment based only on information about police actions and the characteristics of the individuals involved, an alternative approach is to seek out instrumental variables—broader differences that can help provide insight into how race issues affect the distribution of individuals stopped or arrested by police. RAND used just such a variable—daylight—to provide a way to examine racial disparities in drivers stopped by police. In a

Raw statistics can distort the magnitude or even the existence of racial bias.

study carried out in Oakland, California, RAND researchers compared the race/ethnicity of drivers pulled over for traffic violations during the day, when police officers could likely see the apparent race of the driver, with the race/ethnicity of those pulled over at night, when assessing driver characteristics before the stop was more difficult.[27] The study found that the racial make-up of drivers pulled over for traffic violations did not differ with different levels of natural lighting, after controlling for other variables. This analysis showed that there was no racial bias in traffic stops in Oakland when this study was conducted. In instances where such instrumental variables are available, their use can produce strong results—and could be applied to immigration enforcement activity as well.

Officer-Level Data

Rather than seeking to compare populations of individuals stopped by police against the population who might have been stopped, an alternative approach for assessing bias is to analyze stops at the officer level. In this approach, the goal is to identify officers whose characteristics—including the shifts they work, characteristics of their beats, types of crime they address, and so on—are as similar as possible, and then examine the racial/ethnic makeup of the individuals they stop or arrest.[28] For example, a traffic police officer on the north side of a city who works primarily during the night shift would be compared with other traffic police officers from the north side of the city who work nights. They would be compared along a set of outcomes, including the race of the individuals they pull over, search, and arrest. This method can identify particular officers who are using race, either consciously or unconsciously, to make decisions that are supposed to be race-blind. This method has strong potential, but it cannot tell us whether there is department-level discrimination: Since each officer is typically judged against others in his or her department, if there is pervasive racial profiling occurring across the department, it would not show up. This approach could be applied to immigration enforcement activities as well, but can only identify individual officers who are engaging in profiling more or less frequently than their peers.

Collecting Data to Monitor for Profiling Is Critical to Ensure Constitutional Immigration Enforcement

There is limited empirical evidence on which to judge the merits of involving state and local law enforcement in immigration enforcement. Though involving larger numbers of additional officers in the enforcement of immigration laws clearly has the potential to apprehend more individuals who are in the country illegally, the costs associated with doing so are not yet clear. Here we have focused on only one of those costs, the potential that immigration enforcement will increase the use of racial or ethnic profiling in policing.

Since a variety of states and localities are moving forward with increased local immigration enforcement, either in partnership with the federal government or on their own, steps should be taken to minimize the risk of profiling occurring in such enforcement. The federal government and the public will be able to know whether unconstitutional profiling is occurring only if necessary data are collected and shared. Because of the difficulty in distinguishing profiling from legitimate law enforcement practices, external monitoring or auditing is insufficient without appropriate data that could detect profiling if it is occurring—and, conversely, identify when apparent disparities in enforcement activities do

not, in fact, arise from profiling. A combination of the previously reviewed methods should be used in concert to comprehensively assess racial profiling with immigration enforcement.

As a result, we strongly recommend the mandatory collection of data to monitor the implementation of these policies to ensure that they are applied in a race-blind matter. But simply collecting data is not enough. As the discussion here shows, though existing approaches for assessing profiling in traditional law enforcement activities provide a strong foundation for detecting profiling in the realm of immigration enforcement, the approaches each have strengths and weaknesses. As a result, mandatory data collection on immigration enforcement should be paired with requirements to make such data available for analysis using the best available techniques—and to support the development of better techniques to distinguish acceptable and legitimate targeting of law enforcement from targeting based on race or ethnicity. Such a developmental process is needed to ensure scientific, evidence-based methods that produce results that can reassure the public and help to maintain the critical link between police departments and the often ethnically diverse populations they are charged with protecting. ■

The federal government and the public will be able to know whether unconstitutional profiling is occurring only if necessary data are collected and shared.

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About This Perspective

The passage of immigration enforcement laws, traditionally the purview of the federal government, by Arizona and other states raises the concern that, in trying to enforce these laws, state and local law enforcement agencies may engage in racial profiling. This Perspective provides an overview of the issues surrounding immigration enforcement at the local level, which is a relatively new phenomenon; describes several approaches for detecting racial profiling by police; and calls for the mandatory collection of data by law enforcement agencies so that these approaches can be used to monitor the implementation of state and local immigration laws to ensure that they are applied in a race-blind manner.

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