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I have been asked to talk about issues related to law enforcement. There is a drinking from a fire hose aspect here, because the issues have developed so rapidly, and there is so much going on. We have pardons, violations of due process, ignoring court orders, open threats, and the use of novel legal theories. But I want to focus on immigration actions, because that is where we have had direct local impacts. And what is happening illustrates a fundamental shift in approach.

I will start by providing some context.

There are approximately 1.2 Million public safety officers in the US. Approximately a tenth are United States employees, with the vast majority serving at the state and local level. There are around 18,000 police agencies. Here in Tompkins County there are ten different police departments operating and perhaps around 200 officers.

Law enforcement is an extremely federal system. By that I mean that each police department is separately managed. There are certainly standard principles of policing and best practices, but no one person or department is in charge. As an example, our Sheriff, while elected for the whole County, has no authority over the other agencies. And, it is critical to understand under our form of government, the national police agencies are not in charge of the state and local police agencies either.

The fragmentation aligns with basic ideas about limited government with checks and balances. Different police departments have responsibility for specific geographic areas and types of crimes. Each agency has a specific focus that is intensely local to what they are supposed to do, limiting and distributing power.

I share this point to make a second point. Making law enforcement work in our country requires coordination and collaboration between law enforcement agencies. Negotiating these relationships is an ongoing and complex undertaking.

For complicated crimes, or crimes that involve more than one place, police agencies do work together. There is cooperation and collaboration that serves the goals of public safety. There is usually a level of respect and courtesy between agencies that smooths over the rough edges.

A really good example of where this negotiation has to occur is the case of immigration enforcement. As a practical matter, ICE cannot meet its goals on deportations without help from local law enforcement. ICE is just too small. ICE needs local police agencies to help them.

However, there is one obvious element that is critical to this cooperation. The vague but essential idea of TRUST.

The different police agencies must share a basic belief that they are serving common interests, that the requests for assistance are legal, that adequate information is being shared, and that they will play fair with each other.

And beyond the police agencies, at the local level, our officers need to retain trust with the people they serve. In a community as diverse as ours, local law enforcement needs to work with foreign nationals, regardless of their immigration status. This work is just much harder if these people are afraid and hiding. Trust is the cement that holds it all together.

However, these immigration actions are following a new and different path.

The fact that we are sitting in this room suggests that we have a trust problem with the current Administration. While we do need borders and people should be here legally, Congress is not moving comprehensive immigration reform law that we really need. Instead, the Administration stopped the legislation that was proposed last summer so they could just do deportations instead.

The enforcement actions have gone well beyond seeking out and deporting criminals, to include individuals whose only violation is having overstayed on visas. Further, ICE has detained foreign people here legally specifically because of their political views. They have even deported a few children who are US citizens. The Administration has proceeded without hearings or appropriate due process, and has ignored direction from the courts. Our distrust is justified.

But let's keep in mind that if we have distrust, the present Administration clearly does not trust us either. The resolution that we passed in 2017 obviously struck a nerve. They believe we are not fulfilling our obligations related to mutual aid. The facts that our resolution does not call for us to hide and harbor, does not use the word sanctuary, and is an obvious reading of the law and our local responsibilities does not seem to matter.

So, if we do not trust each other, what should we do? The obvious answer is to try to rebuild trust. These are the conversations and negotiations that typically occur between police officers. But that is not what is happening.

Instead, this is a step into a fundamentally different world where mutual trust no longer needs to play a part. Respect and courtesy are not expected. Not collaboration - Just order following. If you believe in the Constitutional theory that we have an all-powerful unitary executive, this may seem rational. If you do not believe the President has power over every aspect of the governments in the country, then it is just bonkers.

If you are skeptical,...

The determination to proceed without trust is being expressed in several ways. The steps taken to threaten our Sheriff with criminal prosecution is one example. The press releases, lists, and theatre of military style takedowns of people on the street represent other attempts to intimidate that also fit this approach. The use of the Alien Enemies Act and the idea that a state of emergency is now the status quo to provide a justification for overriding local concerns is another. It all fits a pattern of giving direction rather than collaborating.

If we move to a model where the federal government attempts to take trust out of the equation, this system will just not work very well at all.

Local agencies that assist ICE with potentially illegal (and certainly sometimes cruel) enforcement actions will destroy any trust with the foreign nationals that live here. Certainly, for local police agencies, their trust with the general population could deteriorate as well.

While this is depressing to think about, there is something big to note here. If you look at the recent (apparently inaccurate) list of what the Administration calls sanctuary jurisdictions, it represents roughly a quarter of the governments in the country. The trust crisis that is local to us is also national. We are not alone, and it is important to keep that in mind for our further discussion here this evening. # # #