

NumbersUSA

111th Congress; May 20, 2009

H.R. 2406

The Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act of 2009

Takes a Balanced Approach to Law Enforcement

It is clear that homeland security is only as effective as the involvement of our state and local law enforcement, yet it would be too bold to force every police agency to enforce every immigration violation. H.R. 2406 strikes the right balance. It recognizes the inherent authority of state and local law enforcement to enforce our immigration laws while granting discretion to these states and localities to determine how involved their officers will be in homeland security. The Clear Act only seeks police involvement in the course normal enforcement duties. It simply gives those police departments a choice to be more involved and cooperate with federal authorities.

Leaves Involvement-Level Decisions with States and Localities

It is important for states and localities to retain their existing authority and the ability to make their own decisions about how their resources are allocated. While it would improve our overall system of homeland security by giving every police and sheriff's department clear authority, some locales may choose to play a lesser role. This bill preserves that decision-making ability. State or local authorities will still make their own policing policies.

Provides States and Localities with New Resources

This legislation provides new resources to those states and localities that choose a more active role in homeland security enforcement. It creates new funding streams, while expanding existing programs. It eases the ability of states and localities to participate in several law enforcement programs through the use of state-of-the-art technology.

Protects Victims

It is in our best interest for crimes to be reported so they can be solved. Thus, this legislation would allow police officers to retain their current discretion when interviewing a crime victim or potential witness. There would be no requirement whatsoever that victims, witnesses, or anonymous tipsters be questioned, reported, or taken into custody for immigration violations. The growing backlog of localities seeking to sign up for immigration enforcement agreements under Section 287(g) of U.S. immigration law is evidence that this approach works and does not deter the reporting of crimes.

Protects Civil Rights

The CLEAR Act ensures that the fundamental civil rights of all individuals are protected by providing special training for law enforcement officers. Police officers who violate individual civil rights would be subject to criminal prosecution. Any facility used for detention under the terms of the bill would have to meet federal standards.