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May 9, 2013

**Support Blumenthal Amendment #10 to S. 744  
Protect Civil Rights in the SW Border Region Prosecution Initiative**

The Honorable Patrick Leahy, Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

The Honorable Charles Grassley, Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Grassley:

On behalf of The Leadership Conference on Civil and Human Rights, we write in support of Senator Blumenthal's amendment #10 (DAV13376) to S. 744, the "Border Security, Economic Opportunity, and Immigration Modernization Act." The Blumenthal amendment would add much-needed civil rights protections to the increased funding for the SW Border Region Prosecution Initiative.

A Department of Justice (DOJ) program reimburses state and local governments for the prosecution and detention of individuals in state court in cases initiated by the federal government. Nearly 40 local jurisdictions participated in the program in FY2012 and were reimbursed for about 6,000 locally-prosecuted criminal cases.<sup>i</sup> Section 1108 of S. 744 would authorize appropriations to keep the program running through FY2018. In addition, the bill includes a provision requiring the federal government to reimburse state, local, county, and tribal governments for the costs associated with the "prosecution and pre-trial detention of Federally initiated immigration-related criminal cases declined by local offices of the United States Attorneys."

Senator Blumenthal's amendment would prevent local jurisdictions from being reimbursed in cases where law enforcement officers have acted unlawfully. For example, the Department of Justice has determined that the Maricopa County Sheriff's Office, headed by Sheriff Joe Arpaio, engages in widespread misconduct, including racially discriminatory policing. DOJ concluded in 2011 that MCSO "engaged in a widespread pattern or practice of law enforcement and jail activities that discriminate against Latinos. This discrimination flows directly from a culture of bias and institutional deficiencies that result in the discriminatory treatment of Latinos." DOJ's statistical expert opined that "this case involves the most egregious racial profiling in the United States that he has ever personally seen in the course of his work, observed in litigation, or reviewed in professional literature."<sup>ii</sup> Yet Maricopa County was reimbursed *nearly half a million dollars* last year for 210 prosecutions through the Southwest Border Prosecution Initiative.



Law enforcement agencies like Maricopa County should not have a perverse incentive to arrest individuals through racially discriminatory policing or impermissible enforcement of federal immigration laws in order to obtain reimbursement from the federal government. In light of a high volume of community complaints about racial profiling in some southwest border regions, Senator Blumenthal's amendment would provide a critical check against such misconduct. It would provide the Department of Justice with necessary tools to ensure that prosecutions based on civil rights abuses and other unlawful practices are not rewarded, thereby prioritizing law enforcement agencies that are complying with their legal responsibilities.

For these reasons, we urge you to support Blumenthal amendment #10. If you have any questions, please contact Rob Randhava, Senior Counsel, at (202) 466-6058 or [randhava@civilrights.org](mailto:randhava@civilrights.org).

Sincerely,

Wade Henderson  
President & CEO

Nancy Zirkin  
Executive Vice President

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<sup>i</sup> [http://www.ojp.usdoj.gov/swbpi/docs/swbpi\\_awards\\_2012.pdf](http://www.ojp.usdoj.gov/swbpi/docs/swbpi_awards_2012.pdf)

<sup>ii</sup> [http://www.justice.gov/crt/about/spl/documents/mcso\\_findletter\\_12-15-11.pdf](http://www.justice.gov/crt/about/spl/documents/mcso_findletter_12-15-11.pdf)