

Chris Burbank
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Committee on Oversight and Government Reform
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To begin, I would like to say to the Hartling Family and the Root Family that I am sincerely sorry for your loss. You, as all victims of crime, deserve the tireless effort of law enforcement and the love of your communities.

We are experiencing a modern transformation of our world and especially of our nation. Demographics, cultures, economies and public expectations are evolving rapidly. Interconnection of the globe through technology and the migration of people is a dynamic driver of change. Modern immigration has introduced ethnic, cultural, religious and intellectual diversity creating avenues for multi-cultural competitiveness. Robust scientific evidence indicates that immigrants contribute economically, improve the local tax base, stabilize rural and urban economies, and drive down crime whether they move lawfully or unlawfully into new communities. Some of the highest immigrant populated cities have experienced the steepest declines in crime over the last ten years. Coincidentally, this dramatic change has also marked an increase in bias, inequality, vitriol and fear. Immigrants are ever increasingly stereotyped and demonized inappropriately for their involvement in criminal activity. Immigration continues to provoke tense political disagreement.

Research conducted over the past thirty years has consistently shown that immigrants are less likely to commit serious crimes or to be incarcerated. This holds true whether documented or undocumented and regardless of their country of origin. It is a fact, as undocumented immigration has increased, both violent and property crime has decreased dramatically throughout the nation over the past ten years. There is no demonstrable correlation between immigrants and crime. Additionally, there is no documented relationship between enhanced immigration enforcement and reduced crime. Public policy must be driven by evidence and not anecdotes.

The mission of law enforcement should always be to prevent crime and disorder from occurring in our neighborhoods not to merely respond after the fact. We have demonstrated that enforcement; arrest, incarceration and force are not the most effective tools to prevent crime. A case in point, as incarceration rates soared in the nineties, so did police officers, search warrant service and other enforcement activities. We were at “war” against drugs, against gangs, and yet violent crime increased.

The lasting legacy of this period was not crime reduction but rather historically high national incarceration rates, zero tolerance approaches, stop and frisk practices and the over incarceration of individuals for misdemeanor violations, harming our communities far more than helping. In fact, the bias, inequity and mistrust in communities of color that we face today are the result of hard on crime, indifferent enforcement tactics perpetrated on neighborhoods labeled “high crime.”

People experience their lives within neighborhoods, rarely at a national, state or even city level. This is especially evident in socioeconomically depressed communities. Effective and appropriate policy and practices must understand and address life issues, education, health, housing, safety and transportation. Public safety as exercised through community policing, is best accomplished at a local level capable of a nimble, small government approach to addressing these life issues.

Immigration enforcement has created a double standard wrought with constitutional concerns. Immigrants not only face potential criminal penalty but excessive detention without due process and ultimately deportation. Immigration enforcement can only be accomplished through racial profiling. Immigrants, within the United States, have been stopped for traffic violations, questioned about their status, detained for numerous days without probable cause, transferred to the custody of ICE and deported without notification to their families. This most certainly does not represent equal treatment under the law.

Recidivism rates hover around sixty-seven percent for individuals incarcerated within the United States. Conversely, persons adjudicated within a restorative justice model, designed to be an alternative to incarceration, reoffend at a rate less than forty percent. Education or knowledge about society, social norms, laws and traffic codes, gained through participation and inclusion is the way out of addiction, substance abuse and misdemeanor crime. When communities or groups of people are afraid to participate we systematically isolate them, creating a negative environment where success is difficult if not impossible.

What then should the role of law enforcement be? This is a deceptively tricky question. Law enforcement executives agree that officers should enforce and uphold the law regardless of race, ethnicity, gender, religion, sexual orientation, or national origin. However, law enforcement is formally tasked with enforcing the laws that legislators sign. Consequently, if the law of the land is bias, it is the job of law enforcement to enforce racism.

Shortly after immigration legislation came to be the topic of debate in Utah during the summer of 2008, the Center for Policing Equity (formerly the Consortium for Police Leadership in Equity) was invited to conduct research on what the impact of law enforcement officers acting as immigration agents might mean to the State of Utah and City of Salt Lake. The findings were submitted in a report to Congress in advance of House Judiciary Committee hearings on racial profiling. The findings reveal that giving law enforcement the powers of federal immigration agents is likely to discourage cooperation with law enforcement and encourage community contempt and mistrust. This means that, undocumented Latinos, legal Latino citizens, and White citizens are all less willing to report crimes when they occur. In fact, about one-third of the citizens surveyed said that they would not report certain serious crimes under a policy of cross-deputization. This is a finding that warrants repeating: One in three law abiding citizens who, under normal circumstances would report a serious crime, would not report if law enforcement officers were empowered to ask for proof that an individual was in this country legally. The result of this under-reporting is that all people are made more

susceptible to violent criminal behavior—particularly the most vulnerable segments of our population. Similarly, data from the report suggested that support of the bill was related more to fear and dislike of Latinos than principled objections to illegal immigration, concerns about public safety, or even a dislike of immigration.

These findings echo the sentiment that immigration enforcement is not viewed as a legitimate public safety tool and does not serve to enhance community well being but further divides communities and undermines the already difficult job law enforcement has of maintaining public trust in the service of public safety.

Throughout history, law enforcement has been an efficient tool of social oppression. Prior to 1865, law enforcement's job was to protect property rights of slave owners by patrolling for runaway slaves and even detaining free Blacks if they failed to carry proper documentation. Law enforcement played a similar, if less visible role during World War II, when they were required to enforce curfews and detain suspected "enemy aliens"—all of which was coded language for the harassment and persecution of Japanese Americans. And it was barely a generation ago that law enforcement's job was to keep water fountains separate and high schools racially segregated. In these and countless other cases, law enforcement was directed to protect certain races against the symbolic threats of others. The profession of law enforcement is still working to repair the mistrust, resentment, and rage that many in our communities continue to feel.

It is not surprising that many law enforcement officials across the nation are troubled at the proposition of mandatory immigration enforcement practices that appear motivated by prejudice and are likely to result in increased crime. Individuals become officers out of a desire to assist others and make a difference in society. That is why it is so discouraging for officers to show up to work knowing that the community they serve suspects them of racism. It is even more disheartening to realize that by doing their jobs, they are compromising the civil rights of community members. It is the intention of officers to serve the public with integrity. That is why so many in law enforcement are voicing their objection to institutionalized racial profiling and biased policing.

The time has come to accomplish comprehensive immigration reform. Families, such as those represented on the panel with me, deserve nothing less. We must bring millions of people residing in our neighborhoods, contributing to our economy, adding value to our lives out of the shadows and into mainstream. Crime and disorder prevention is best accomplished when we are partners in the effort with all members of society. Just as we have been unable to incarcerate our way out of crime we will never solve immigration issues through deportation.

Chief Chris Burbank (Retired) The Center for Policing Equity Director of Law Enforcement Engagement

Chief Burbank recently accepted the position as Director of Law Enforcement Engagement with The Center for Policing Equity. He has been involved with CPE since its inception, utilizing their research capability at the height of the immigration debate, and supporting their efforts throughout the Nation. He is an unwavering advocate of the National Initiative and Justice Database as solutions to waning public trust and confidence in policing.

Chief Burbank was with the Salt Lake City Police Department from 1991 until his retirement in June of 2015. He was appointed to the position of Chief of Police in March 2006, becoming the 45th Chief of the Department. During his nine-year tenure as Chief he distinguished himself as progressive and innovative, influencing not only the City of Salt Lake but also the profession.

In 2014, Chief Burbank was selected as a member of the “Enlightened Fifty” most influential leaders in the State of Utah. In January 2013, Chief Burbank was selected as one of six Police Chiefs in the nation to meet with President Barack Obama to discuss the Administration’s plan and direction concerning gun violence in America. He was recognized in June 2013, by the Utah National Guard with their annual Minuteman Award for contributions to the wellbeing of the State of Utah.

Chief Burbank has been an outspoken opponent to the cross deputization of police officers as immigration enforcement agents. He has participated in several national conferences regarding the issue, including the U.S. Department of Justice’s Civil Rights Division’s 2009 Title VI Conference. In May 2010, Chief Burbank and nine other Police Chiefs met with Attorney General Eric Holder regarding Arizona immigration laws. He has addressed the House of Representatives Committee on the Judiciary regarding racial profiling and civil rights issues.

Chief Burbank was chosen by the Salt Lake Tribune as Utahn of the Year for 2011. The state’s largest newspaper cited his handling of several high profile protest incidents and stated, “Burbank’s stature as a community leader, including a willingness to endure threats and criticism over his position on immigration enforcement, is noteworthy at a time of ebbing confidence in those elected to govern.”

Chief Burbank is the Past First Vice President of the Major Cities Chiefs Association, an assembly of the 75 largest policing agencies in the United States and Canada. Chief Burbank has a Bachelor of Science degree in Sociology from the University of Utah and is a graduate of the FBI’s National Executive Institute.