Arizona’s Support Our Law Enforcement and Safe Neighborhoods Act: Its Likely Consequences on Latino Communities and What to Do About Them

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INTRODUCTION

The U.S. has seen a recent wave of legislative efforts to empower state and local law enforcement officers with anti-illegal immigration responsibilities. Many states have followed Arizona’s lead in passing or proposing state laws which tighten anti-illegal measures.\(^1\) The consequences and problems caused by such laws are not likely to be short-lived. Studying the consequences, risks, and possible solutions to potential problems caused by such laws is important because the new legal landscape in Arizona may actually become the legal reality across the country.

Part I discusses the political climate that set the stage for Arizona’s Support Our Law Enforcement and Safe Neighborhoods Act (hereinafter, SOLESNA) and its current legal standing. Part II discusses SOLESNA’s provisions, as amended by Arizona’s House Bill 2162. Part III discusses several problems that are likely to arise from the SOLESNA’s implementation. Each problem is discussed under a separate heading. The headings are listed from a to d. Part IV discusses possible solutions to the problems listed in part III. Each solution is discussed under a separate heading. The headings are listed form a to p. Part V provides some concluding remarks and observations.

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PART I - BACKGROUND

Prior to enacting SOLESNA, Arizona had the highest number of illegal border crossings from Mexico that any other state\(^2\). Politicians and many Arizonians felt that the federal government was not doing enough to enforce federal immigration law.\(^3\) Arizona’s legislature set out to enforce federal immigration standards\(^4\) by enacting SOLESNA, which makes illegal presence within Arizona a state crime.\(^5\)

Public reactions to SOLESNA have been mixed across the nation. SOLESNA received wide public support in Arizona\(^6\) and sparked many demonstrations for and against it throughout the country.\(^7\) Only days after SOLESNA’s enactment in April of 2010, the National Coalition of Latino Clergy and Christian Leaders\(^8\) and a police officer from Arizona\(^9\) filed lawsuits to prevent SOLESNA’s implementation. Numerous lawsuits followed,\(^10\) including a lawsuit by the U.S. Department of Justice\(^11\) based on federal law preemption principles.\(^12\) A U.S. District Court

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\(^4\) 8 U.S.C. § 1325 (1996) (requiring that “any alien who 1) enters […] the U.S. at any […] place other than as designated by immigration officers, 2) eludes examination by immigration officers, or 3) [enters] the U.S. by a willfully false or misleading representation is guilty of improper entry by an alien).

\(^5\) Aoki & Shuford, *supra* note 1, at 6.

\(^6\) Id.

\(^7\) Cooper, *supra* note 2.


\(^12\) U.S. CONST. art. VI, cl. 2 (stating that federal statutes are the supreme law of the land).
issued preliminary injunctions on many of SOLESNA’s regulations, including those involving law enforcement officers determining the immigration status of persons reasonably suspected of being illegal aliens. The Ninth Circuit Court of Appeals affirmed the District Court’s decision to issue the preliminary injunctions. Arizona’s Governor, Jan Brewer, is currently planning to appeal the case to the U.S. Supreme Court. The various other lawsuits are still pending resolution.

On May 26, 2011, the U.S. Supreme Court upheld the Legal Arizona Workers Act (LAWA), which makes it a state crime to employ illegal aliens. Like SOLESNA, LAWA was challenged on a federal law preemption theory. Whether the U.S. Supreme Court will ultimately uphold SOLESNA remains to be seen. In the meantime, police departments across Arizona should get ready to meet the potential difficulties that SOLESNA is likely to bring if it is implemented.

PART II- SOLESNA

SOLESNA is a series of laws that create state penalties related to federal immigration law enforcement, employment of illegal immigrants, transportation and harboring of illegal aliens, and human smuggling. Originally, SOLESNA directed state and local law enforcement officers to make reasonable attempts to determine the immigration status of persons they

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13 Black’s Law Dictionary (9th ed. 2009) (defining preliminary injunction as “a temporary injunction issued before or during trial to prevent an irreparable injury from occurring before the court has a chance to decide the case”).


15 United States v. Arizona, 641 F.3d 339 (9th Cir. 2011).


18 Id.

19 Aoki & Shuford, supra note 1, at 6.
reasonably suspected of being in the country illegally during the course of any lawful contact with such persons.\textsuperscript{20} The law was amended by Arizona’s House Bill 2162 (HB 2162). As amended, SOLESNA directs law enforcement officers to make reasonable attempts to determine the immigration status of persons they have stopped, detained, or arrested when the officers have reasonable suspicion that such persons are illegal aliens.\textsuperscript{21} SOLESNA also provides that federal immigration authorities shall be notified when an illegal alien is convicted of a state or local crime, released from imprisonment, or assessed for any monetary obligation.\textsuperscript{22}

**PART III - POTENTIAL PROBLEMS**

SOLESNA’s implementation is likely to create various difficulties for U.S. citizens of Latino descent in Arizona. Latinos, as used here, means persons of Latin American descent. Latino citizens are particularly vulnerable to the problems listed below because many of them physically resemble illegal aliens.

\textsuperscript{21} H.B. 2162, 49th Leg., 2nd Reg. Sess. (Ariz. 2010) (requiring that “[f]or any lawful stop, detention or arrest made by [Arizona] law enforcement official[s] in the enforcement of any other law or ordinance of a county, city or town […] where reasonable suspicion exists that the person is an [illegal alien], a reasonable attempt shall be made, when practicable, to determine the immigration status of the person, except if the determination may hinder or obstruct an investigation […] Any person who is arrested shall have the person’s immigration status determined before the person is released […] [Law enforcement officials] may not consider race, color or national origin […] except to the extent permitted by the United States or Arizona Constitution. A person is presumed to not be an [illegal alien] if the person provides to the law enforcement officer or agency any of the following: 1. A valid Arizona driver license. 2. A valid Arizona nonoperating identification license. 3. A valid tribal enrollment card or other form of tribal identification. 4. If the entity requires proof of legal presence in the United States before issuance, any valid United States federal, state or local government issued identification).
\textsuperscript{22} H.B. 2162, 49th Leg., 2nd Reg. Sess. (Ariz. 2010) (requiring that [when an illegal alien] “is convicted of a violation of state or local law, on discharge from imprisonment or on the assessment of any monetary obligation that is imposed, the United States immigration and customs enforcement or the United States customs and border protection shall be immediately notified”).
Some Latinos living in Arizona view SOLESNA as a necessary measure to combat illegal immigration.\textsuperscript{23} A Latino Decisions Poll found that, in Arizona, 12\% of second-generation Latino voters and 30\% of fourth-generation of Latino voters support SOLESNA.\textsuperscript{24} Latino supporters of SOLESNA may rather live with the inconveniences listed below than with the current illegal immigration problems. Also, police officers can only ask for identification from suspected illegal immigrants who have been stopped, detained, or arrested. This could logically mean that most of the illegal aliens deported under SOLESNA’s provisions will be illegal aliens who are committing or are suspected of committing crimes other than their illegal presence in the state. Latino supporters of SOLESNA may be pleased that illegal immigrants who commit or are suspected of committing crimes within the U.S. are sent back to their countries of origin.

\textit{a. Latino Citizens Detained Under SOLESNA’s Identification Requirement}

U.S. citizens are not required to carry identification.\textsuperscript{25} Latino citizens, however, will now have to do so in order to avoid being misidentified by the police officers as illegal aliens. Thus, Latino citizens, as a class, will be treated differently under SOLESNA solely because of their ancestry. This runs counter to the nation’s constitutional principle of equality under the law.\textsuperscript{26} Latino citizens could essentially become second-class citizens who can be legally detained under


\textsuperscript{24} \textit{Id}.

\textsuperscript{25} Federal law requires that legal immigrants carry permanent resident identification cards at all times. \textit{See After a Green Card is Granted}, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (Aug. 9, 2011, 1:40 PM), http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=f1903a4107083210VgnVCM100000082ca60aRCRD&vgnextchannel=f1903a4107083210VgnVCM100000082ca60aRCRD.

\textsuperscript{26} SOLESNA could be unconstitutional as a violation of the Equal Protection clause of the Fourteenth Amendment of the U.S. Constitution, which provides that “no state shall […] deny to any person […] the equal protection of the laws.” \textit{See U.S. Const. amend. XIV, § 1}. 
b. Reasonable suspicion

Reasonable suspicion is one of the lowest standards of suspicion in criminal law.\(^28\) It only requires that police officers have “a particularized and objective basis, supported by specific and articulable facts, for suspecting a person of criminal activity.”\(^29\) SOLESNA does not provide specific examples of the type of facts that will add up to reasonable suspicion that a person is an illegal immigrant. Thus, police officers will have enormous discretion as to who they ask for proof of legal presence in the county.\(^30\)

SOLESNA provides that police officers may not consider race, color or national origin in their reasonable suspicion determinations except to the extent permitted by the United States or Arizona Constitution.\(^31\) Federal and Arizona courts have held that race and ethnicity, when considered along with other factors, can be used to enforce immigration laws.\(^32\) Police officers,

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\(^{27}\) U.S. citizens of Latino descent may have a valid claim that detaining citizens under SOLESNA’s reasonable suspicion standard and requiring that they show identification constitutes an unreasonable search and seizure under the Fourth Amendment of the U.S. Constitution, which provides that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing […] the persons or things to be seized.” \textit{See} U.S. CONST. amend. IV.

\(^{28}\) \textit{Terry v. Ohio}, 392 U.S. 1, 27 (1968) (establishing that reasonable suspicion is more than a hunch but less than probable cause, the legal standard for arrests and warrants).

\(^{29}\) \textit{Black’s Law Dictionary} (9th ed. 2009).


thus, could base their suspicions on race, color, and national origin in conjunction with other things like style of dress, English language proficiency, and demeanor. This places Latino citizens at risk of being misidentified as illegal aliens and is likely to lead to claims or actual incidents of abuse of discretion by police officers.

The loose standard for reasonable suspicion opens the door to the possibility that police officers will appear as biased, untrustworthy, and perhaps even racist when selecting who to ask for proof of legal presence in the country. A blonde, blue-eyed illegal immigrant can be overlooked in favor of requesting documentation from a dark-skinned Latino citizen, for example. A Latino citizen may become suspect because he or she is used to speaking “Tex-Mex” or may have a heavily “Chicano” accent.

Studies have shown that the public is generally concerned with controlling police discretion and policing processes. In fact, the most common reason why people in top management positions within police departments see their positions endangered is that they fail to control police discretion. Police officers may have concerns about overstepping the limits of their discretion if such limits are not well defined. Collective bargaining representatives of police unions and organizations may share the same concern.

\textit{c. Loss of Culture}

Among the more subtle problems that SOLESNA can create is the loss of aspects of Latino culture. Many people claim that part of what makes illegal immigrants identifiable, for example,

\begin{itemize}
\item [35] Mastrofski, \textit{supra} note 33, at 109.
\end{itemize}
is their style of dress. Police officers could systematically use popular styles of dress, hairstyles, and facial hairstyles among Latinos as a factor in identifying possible illegal aliens. Latinos may avoid sporting the illegal immigrant “look” in order to avoid suspicion. The “look” may become stigmatized and its contribution to this diversified nation could be lost. Most troubling of all is the fact that politicians, police officers, and the public may become used to or desensitized to the fact that people’s style of dress and grooming will be used to identify them as suspected criminals.

d. Mistrust of Law Enforcement

Trust is a central component of John Locke’s social contract tradition upon which this nation was founded. Democracy, freedom, and liberty necessitate an atmosphere of trust among those governed and those in power. Latino citizens throughout Arizona may become guarded against the police and those in power or feel uneasy when stopped, detained, or arrested as a result of the police’s new immigration law enforcement capabilities. Trust between Latinos and law enforcement may erode as a result. Children within Latino communities could be socialized into negative attitudes and beliefs regarding law enforcement.

Many police chiefs in Arizona oppose SOLESNA on the ground that it will increase mistrust of law enforcement among Latinos, making them less likely to cooperate with the

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Police officers already are the objects of mistrust and suspicion across the country. Police officers can be perceived as villains if people do not support the source of their authority. If mistrust can cause communities to become uncooperative, and perhaps even violent towards police, it is important that the community understand the legitimacy of police officers’ authority under SOLESNA.

**PART IV- PROPOSED COMMUNITY POLICING SOLUTIONS**

Every solution proposed below could be categorized as a community policing measure. There is little agreement on the exact definition of community policing. Community policing is best thought of as a general principle rather than a specific type of activity. To some commentators, community policing is the promotion of community support for police activities. To others, the goal of community policing is the creation of “secure and tolerant democratic communities.” The term “community policing” will be used in this paper to signify a general approach to policing which emphasizes community support and input into police activities.

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40 Andreas Schneider, *The Ideal Type of Authority in the United States and Germany*, 47 SOC. PERSP. 313, 314 (2004).
42 Moore, *supra* note 39, at 120.
43 *Id.* at 131.
44 *Id.* at 131-32.
Community policing can change the way Latino citizens think about the basis for police authority under SOLESNA because the focus of policing would shift from traditional policing practices to addressing the needs and desires of the community.\textsuperscript{45} Community approval and satisfaction with law enforcement’s performance would become a major police concern along with crime fighting\textsuperscript{46} and immigration law enforcement under SOLESNA.

\textit{a. Police Department Measures to Prevent Discrimination}

Police departments should take effective measures to ensure that SOLESNA is not applied in an illegally discriminatory manner. Police departments in Arizona can establish a system of incentives for police officers who are able to accurately suspect people of being in the country illegally, rather than fishing for illegal aliens among citizens and legal residents. Police departments could keep track of the factors used successfully by officers and reward those who are able to discriminate against or inconvenience the legal population the least. Such an incentive could lead to greater caution among officers as to when to ask for identification from suspected illegal aliens. On the other hand, the incentive could chill the purpose of the law if officers become unwilling to risk asking for identification from suspected illegal aliens as a result of the program.

Police departments in Arizona should establish systemic supervision of officers in the field,\textsuperscript{47} at least during the initial stages of SOLESNA’s implementation. Police departments could benefit from consulting with lawyers as to the exact limits of their legal discretion. Opportunities for “[c]areer advancement, recognition, material reward, and status” could help to

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{45} Moore, supra note 39, at 123.
\item \textsuperscript{46} Id.
\item \textsuperscript{47} Mastrofski, supra note 33, at 103.
\end{itemize}
\end{footnotesize}
motivate officers in the field to stay within legally prescribed behavior. Awards, monetary prizes, and titles such as “Best Constitutional Guardian of the Month” can be given out to outstanding officers who manage to implement SOLESNA without or with few incidents of abuse of discretion or illegal discrimination.

b. Hiring Latinos

A key principle behind the concept of community policing is that the public should become an active participant in the maintenance of safety and order. Police departments in Arizona could invest resources on recruiting Latino community members into the force. Police departments could follow the Border Patrol’s lead in hiring vast numbers of Latinos in order to reduce “us versus them” appearances. Currently, Latinos make up more than half of all Border Patrol agents.

Police departments in Arizona can establish an aggressive recruitment campaign within Latino communities. Latino police recruits could have valuable familiarity with Latino culture, which could make SOLESNA’s enforcement more effective and orderly. Recruiting local officers also establishes positive personal connections between police departments and the families, neighbors, and friends of the new officers. As this is multiplied and aggregated, it is likely to have an impact on how close the community feels to law enforcement.

c. Nonemergency Interactions

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48 Id. at 103-104.
49 Skolnick& Bayley, supra note 41, at 5.
51 Id.
Proponents of community policing suggest that police officers and the communities they serve can benefit from “nonemergency interactions.” Proponents suggest that nonemergency interactions produce calm, casual, and nonemergency interactions between the police and the communities they serve, which in turn result in increased familiarity and friendliness between them. Individual community members are more relaxed and friendly towards individual officers when there is no emergency at hand.

Police departments in Arizona which service Latino communities could benefit from increased nonemergency interactions with Latinos, especially during the initial stages of SOLESNA’s implementation. Given the amount of media attention, demonstrations, and public debate that SOLESNA has stirred in the past, it is likely that Latino communities in Arizona will be anxious or fearful as to the police’s new role as immigration law enforcers. Nonemergency interactions between Latinos and the police may help ease any tensions.

Police departments in Arizona could send officers into Latino communities with the purpose of interacting with Latinos in positive, nonemergency ways. Police departments are known to sometimes pass out flyers relating to different police functions. Officers could be stationed outside supermarkets, inside shopping malls, and on busy city streets passing out flyers about their new immigration law duties and talking with the locals about how they will implement the new law. The police can ask the public for patience and an appreciation for the fact that the law is the law and officers have no choice but to enforce it. Officers can divert

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52 Skolnick & Bayley, supra note 41, at 29.
53 Id. at 33-34.
54 Id. at 34.
angry or non-enthusiastic members of the public to the political arena if they disagree with the law. Members of the police force could even encourage or start a political movement to repeal the law.

d. Communicating Directly With the Public

The words “communicate” and “community” have a common origin. Community “implies a commonality of interest, values, identities, demands, and expectations.” Community policing involves very active communication between the police and the public. Ideally, the police and Latino communities would find common interests and goals relating to SOLESNA’s implementation. Then, they could attempt to work together to further those goals and interests. For example, police departments in Arizona have an interest in enforcing SOLESNA with the least amount of public resistance possible, while the interests of the community involve being free from discrimination, unfair treatment, and unrestrained police discretion. The police could emphasize that a smooth implementation of SOLESNA would further peace in Latino neighborhoods, while making discrimination, fair treatment, and restrained police discretion a priority. Also, police departments could reassure Latino communities that the values of peace, justice, and safety remain their priorities and that the enforcement of immigration laws at a local level will serve to further those values.

Community policing also involves informing the public about strategic priorities, approaches, and even what to expect when interacting with individual officers. The police should try to

56 Skolnick & Bayley, supra note 41, at 5.
57 Id. at 27.
58 Id.
59 Id. at 13.
communicate with Latinos about what their priorities are and how they plan to achieve them. This can be done through newspapers, flyers, and advertisement campaigns.

When approaching the public, police departments are in a favorable position to argue that their hands are tied as to the correctness or morality of enforcing immigration laws at the local and state level. Their job is simply to enforce laws, not to make them, or to speak for or against them. Police departments can insist that their focus is on maintaining good relationships with Latino communities while acting in their new capacity as immigration law enforcement officials. Police departments could inform Latinos that they too are perplexed and worried about their new role within the communities they serve. Police departments should inform the public that they will maintain open the possibility of modifying their approaches as problems or successes arise during the course of SOLESNA’s long term implementation.

Police departments can advertise and lead an educational program in English and Spanish designed to break down SOLESNA for community members and, hopefully, overcome any impediments to communication between the police and Latino communities. The police can detail how police officers will be enforcing the new law and what the community can do to minimize the possibility of having unpleasant interactions with police officers.

e. Tailoring to Local Communities

An important principle of community policing is that different communities have different priorities and problems. Community policing officers should adapt their policing to

\[^{60}\text{Id.}\]
the communities they serve. Police departments should maximize the input of Latinos already working for the police force in Arizona since they can provide specific guidelines as to how Latinos may react towards officers in their new capacity as immigration law enforcers. Street officers enforcing immigration laws, ideally, should be culturally acclimatized to the communities they serve. Something as simple as the personal space required or the tone of voice used within a culture can make the difference between a pleasant or troubling police encounter. At least during the initial stages of SOLESNA’s implementation, care should be taken to send culturally conscious officers into Latino communities.

f. Police Hotline to Address Community’s Questions Regarding SOLESNA

A hotline could be established for a brief time period with the purpose of answering questions from the public about SOLESNA. The hotline could remain in place for a longer time in order to process initial complaints or incidences of community dissatisfaction or confusion due to a particular police officer’s enforcement of the new law. The hotline should be widely advertised prior to and immediately after SOLESNA’s implementation.

g. Increased Police Accountability

Supporters of community policing recognize that, as police cooperate with the communities they serve to a greater extent, they also become more accountable those communities. Accountability, as used here, means “the sense of enhanced knowledge of collective and individual police activities and the opportunity to comment on them.”

61 Id.
62 Id. at 15.
63 Id.
Community policing also changes the standards by which individual police officers are accountable to their superiors.\textsuperscript{64}

Police departments should attempt to retain the community’s trust by appearing as neutral and professional as possible when implementing SOLESNA. It is important that police departments establish and inform their officers about any new evaluative criteria regarding their responsibilities under SOLESNA. For example, management within police departments could review individual police officer’s determinations of reasonable suspicion and the instances in which they asked for documentation. This can be done at random or uniformly among the force.

Police departments should develop a culture that despises abuses of authority and discriminatory practices. Police officers should be thoroughly informed about the relevant state and federal constitutional standards governing reasonable suspicion. Once an officer displays illegally discriminatory behavior, measures should be taken by that officer’s superiors to address and rectify that officer’s conduct.

A tough-on-discrimination culture within police departments might prevent discrimination by police officers against Latinos on the streets. Police management could engage in a campaign to inform the public as to what constitutes illegal discrimination and encourage the community to report incidents of abuse of discretion, in part, to send a signal to their employees that such practices will not be tolerated. Police management should also look beyond their departments to local civic associations, civil rights leaders, and politicians as potential means to get the message across to the public.

\textsuperscript{64} Id. at 25.
h. Posting Signs and Warnings That Immigration Status Will Be Checked

Police departments throughout Arizona could post signs and warnings that detail the circumstances under which community members will be required to produce identifications. Posters and signs can be placed outside restaurants, movie theatres, supermarkets, office buildings, apartment buildings, and other crowded places. The signs could provide a lay language explanation of SOLESNA and list the kinds of identifications that will be accepted by the police.

Police departments in Arizona could publically adopt and advertise their community policing policy. Ads with smiling cops and a friendly slogan could notify the community that there has been a change in strategy at the local police department. People wanting more information can be directed to a website or phone number. Police departments should detail their community policing action plans for the community to understand what has changed. The programs could include any or all of the suggestions provided here, for example.

i. Mini-stations

Police departments in Arizona could establish or expand the number of police mini-stations located in Latino communities. The mini-stations can function as information centers regarding SOLESNA and a place where community members can have their concerns heard and their questions answered. Police departments could establish temporary mini-stations that can be moved from location to location for the purpose of serving as information centers. A large bus or recreational vehicle can be adapted for this purpose. Perhaps a welcoming motto painted across the exterior of the vehicle could help attract people towards it. The vehicle could
participate in state and local fairs, concerts, and various community events as a mobile SOLESNA information center.

\[ j. \text{ Liaison officers and councils} \]

Liaison officers and councils are popular aspects of police departments around the world, especially when designed to bring the police closer to groups whose relations with the police have been uneasy. For example, liaison officers and councils have been established to bring police departments into closer contact with blacks in the United States, Aborigines in Australia, Koreans in Japan, and gays in many countries.\(^65\) Community relations units or councils have also been established throughout the U.S. in the past.\(^66\) During the 1950s, for example, community relations stations were established “to develop public support for policing and overcome ‘attitudes of contempt that middle-class citizens held towards the police.’”\(^67\) These community relations units spoke to school children and gave presentations at civil associations in order to communicate the police’s perspective on important matters.\(^68\)

Police departments in the U.S. also established community relations units after rioting and social unrest during the 1940s and 1960s.\(^69\) Such units were designed to restore relations between the police and rioting minority groups in the hopes of preventing future unrest.\(^70\) Some of these units’ activities included “Officer Friendly programs, maintain[ing] contacts with civil

\(^{65}\) Skolnick & Bayley, \textit{supra} note 41, at 11.
\(^{66}\) Moore, \textit{supra} note 39, at 134.
\(^{68}\) Moore, \textit{supra} note 39, at 134.
\(^{69}\) \textit{Id.}
\(^{70}\) \textit{Id.}
rights activists […] attend[ing] meetings of militant groups, and advis[ing] command staff of rising tensions.”

Arizona police departments could establish pre-emptive liaison officers and councils with the goal of preventing relations with Latino communities from deteriorating as a result of tensions brought about by SOLESNA’s implementation. Such officers and councils could inform the public as to any problems facing the police regarding SOLESNA’s implementation. The new liaison officers and councils can copy the strategies of those of the past by visiting schools, civil association meetings, having “Officer Friendly” programs, maintaining contacts with civil rights activists, etcetera. This can provide the police with an opportunity to express their concerns and positions and request that the public cooperate with them.

Police departments could go a step further by establishing programs of civilian oversight of police operations. Such programs could require that police officers articulate in writing the specific facts that led them to have reasonable suspicion that a person was an illegal alien and to make the information available for public scrutiny. This can be achieved by requiring police officers to fill a form each time they determined that they had reasonable suspicion that a person was an illegal alien.

The main obstacle to the implementation of programs of this type is that police departments tend to be sternly opposed to civilian “supervision” of their mistakes in implementing legislation and police policies. Police departments usually regard “[a]d hoc

71 Id. (quoting a personal communication with Herman Goldstein, author (July 27, 1990)).
72 Skolnick & Bayley, supra note 41, at 31.
civilian review [of their actions as] unthinkable.”73 Also, opponents of civilian oversight could claim that civilian overview programs chill law enforcement officers in the performance of their duties.

A disadvantage of assigning specific units with the task of developing community relations is that such units are often undermined by police officers themselves.74 Community policing is usually isolated from crime-related duties within police departments.75 Community policing is typically the task of specialized units created for that assigned purpose only or of crime prevention units, mini-stations officers or “community relations squads.”76 These units “do their own thing” as they are not “integrated into traditional patrol or criminal investigation activities.”77 These units have become known as “rubber gun squads” in the past.78

It is hard to convince the general public that an entire department is involved in progressive community relations work when only a few officers are exclusively dedicated to that task. More disquieting is the fact that most police officers miss out of the opportunity to take community policing seriously by putting it into practice during the course of their daily interactions with the public. There is the danger that, “once a special squad is formed, everyone in the department is seemingly relieved of responsibility for enhancing the quality of community relations.”79 Thus, the best strategy to improving cooperation between Latinos and police officers in their new

73 Id.
74 Moore, supra note 39, at 135.
75 Skolnick & Bayley, supra note 41, at 26.
76 Id.
77 Id.
78 Moore, supra note 39, at 135.
79 Id.
capacity as immigration law enforcers could be to train every officer in community policing strategies.\footnote{Id.}

\textit{k. Community Nominated Problems}

Another community policing technique is to open police departments to community-nominated problems.\footnote{Id. at 123.} Police departments in Arizona can advertise a willingness to accept suggestions as to any problems that may arise as a result of SOLESNA. This would not be a pre-emptive strategy. Rather, police departments would wait until they hear from the communities themselves about any problems that SOLESNA may have created. Police departments should also keep up with media reports, legal developments, and politics affecting SOLESNA in order to adapt their strategies to avoid aggravating any existing problems or creating new ones.

\textit{l. Political Support for Community Policing}

Police departments could be pressured into keeping a watchful eye as to how their officers implement SOLESNA if they are held accountable to politicians and the public alike. If police departments adopt community policing, “[p]olitics, in the sense of community responsiveness and accountability, reemerges as a virtue and an explicit basis of police legitimacy.”\footnote{Id.} On the other hand, people may resent community policing if they believe that it channels limited resources away from crime fighting and other essential police duties.\footnote{Skolnick & Bayley, supra note 41, at 26.} Community policing can be considered an expensive extravagance when resources are limited. Therefore, community policing programs need to be popular and attractive in order to gather...
support among politicians and the community. It is easier to convince politicians and the general public to fund police programs designed to be responsive to their concerns than programs supporting traditional policing models.\textsuperscript{84}

While people in Flint, Michigan were opposed to tax increases, they supported a tax increase to expand foot patrols, for example.\textsuperscript{85} Likewise, in New York City, the Community Patrol Officers Program has not been affected by budget cuts it would have suffered if it was not a popular program among the general public.\textsuperscript{86} Police departments in Arizona should carefully plan and execute campaigns in support of their community policing programs in order to ensure public and political support. Police departments in Arizona could also attempt to increase public and political support for their role as SOLESNA’s enforcers. Community policing provides an excellent means through which the police could gain grassroots support for their programs.\textsuperscript{87}

\textit{m. Guidelines}

Police departments in Arizona should establish and publish guidelines for SOLESNA’s implementation. Ideally, the guidelines should provide examples of the kinds of factors which are likely to lead to reasonable suspicion that a person is an illegal alien. The guidelines can also specify which additional training, if any, police officers have received in order to enforce immigration law. Publishing SOLESNA guidelines can offer police departments an opportunity to make their values, priorities, and concerns known to the public.

\textit{n. Identification Retrieval System}

\textsuperscript{84} Moore, \textit{supra} note 39, at 149.
\textsuperscript{85} \textit{Id.} (quoting ROBERT C. TROJANOWICZ, \textit{AN EVALUATION OF THE NEIGHBORHOOD FOOT PATROL PROGRAM IN FLINT, MICHIGAN} (1982).
\textsuperscript{86} Moore, \textit{supra} note 39, at 149.
\textsuperscript{87} Skolnick, \textit{supra} note 41, at 32.
Police departments in Arizona could establish a system through which people who are stopped, arrested, or detained without carrying an identification can quickly gain access to their documents. People can be given rides to the locations in which their identifications are or a chance to contact friends and family members who can bring the identifications to where they are needed. This service is important because, without it, U.S. citizens may have to spend hours in detention when they have not violated any laws.\textsuperscript{88} Detentions of U.S. citizens under such circumstances may constitute unreasonable seizures under the Fourth Amendment of the U.S. Constitution\textsuperscript{89} and an illegal deprivation of liberty without due process of law as guaranteed by the due process clause of the Fourteenth Amendment.\textsuperscript{90}

\textit{o. Training Officers in Community Policing}

When police officers are respectful of the public and act fairly, the general public gives them more legitimacy.\textsuperscript{91} Police are required to interact well with people in order for community policing to work.\textsuperscript{92} This would require that officers be culturally savvy in knowing how to read situations accurately within Latino communities and how to communicative effectively with Latinos in general. Thus, under community policing, the standards for recruiting and preparing

\textsuperscript{88} U.S. citizens are not required by law to carry identification.
\textsuperscript{89} The Fourth Amendment of the U.S. Constitution provides that “[t]he right of the people to be secure in their persons […] against unreasonable […] seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing […] the persons […] to be seized.” \textit{See} U.S. CONST. amend. IV.
\textsuperscript{90} The Fourteenth amendment states that “[n]o state shall […] deprive any person of […] liberty […] without due process of law.” \textit{See} US CONSTIT. Amend. XIV, § 1.
\textsuperscript{91} Mastrofski, \textit{supra} note 33, at 111-12 (quoting \textit{TOM R. TYLER AND YUEN J. HUO}, \textit{Trust in the Law: Encouraging Public Cooperation with the Police and Courts} (2002)).
\textsuperscript{92} Skolnick, \textit{supra} note 41, at 19.
officers to work well with Latino communities are different and more extensive than the usual police training.93

Community policing is designed to maximize individual police officers’ inventiveness, creativity, and originality because of the diverse roles that they play within the communities they serve.94 More is expected from officers in community policing programs. The success of the programs, in fact, depends on the extent of each officer’s knowledge of the community they serve.95 Police officers would need to be informed about the local demographic, economic, and cultural aspects of the communities they serve. This is especially important for officers working in Latino communities where large numbers of illegal immigrants are known to reside. Officers situated where they will be expected to enforce SOLESNA the most would receive the most training regarding the law’s requirements, how to apply them, and the community they serve. This would create greater opportunities for police officers to advance their careers within the force, since it requires extra training and diversifies the personal skills deemed to be of desirable among officers.96

Police departments could gain credibility and support if a state-wide training program was established to instruct officers in how to implement SOLESNA. The public may want to know that police officers are being educated as to the factors they can legally take into account in order to establish reasonable suspicion, for example. Police departments can inform the public that their officers have received a uniform and thorough education on how to enforce the SOLESNA without infringing upon the privacy or constitutional rights of the communities they serve.

93 Moore, supra note 39, at 147.
94 Id.
95 Id.
96 Skolnich & Bayley, supra note 41, at 34.
Local Experimentation

Different police departments throughout Arizona could experiment on a small scale with any or all of the suggestions provided here. The departments could then share notes on their successes and failures. A state-wide, and perhaps nation-wide, strategy of implementation of illegal immigration laws like SOLESNA could result from the sharing of information across police departments.

CONCLUSION

The assorted suggestions provided here are an attempt to prevent a breakdown of police relations with Latino citizens and communities across Arizona, which is likely to occur with SOLESNA’s implementation. Whether such a breakdown will actually take place or will be timely prevented by police-initiated programs or other factors is anyone’s guess at this point. Police departments should be pressured and encouraged to make use of the time available before SOLESNA’s implementation to prepare to meet the problems and issues here described.