

Dear [Constituent]

Thank you so much for your letter regarding cooperating with federal immigration enforcement.

I wish to assure you that the proposed bill does not hinder the County's ability to cooperate with federal officials on criminal matters. It simply bars cooperation on civil immigration enforcement. (As you may or may not know, being present in the country without documentation is not actually a crime under the US code. It is simply a civil violation, similar to not getting a permit before you build a deck.)

Further, we are not in a viable position to be able to afford to participate in civil immigration enforcement. As you correctly point out, immigration enforcement is the domain of the federal government. As a result, it is unlikely our county insurance provider would honor a claim if we were to be successfully sued over one of our employees participating in a federal matter as effectively a freelancer. As you have most assuredly seen in the news from Minnesota, the violence associated with the national administration's enforcement policies is breeding countless lawsuits. We could very easily be on the hook for 10s of millions to 100s of millions of dollars if our officers participated.

Such an outcome would require us to significantly raise taxes, and/or sell off major assets like the County Parks. This, I cannot allow.

I intend to vote yes on the ban to cooperating with ICE on civil immigration enforcement. I hope this letter provides prospective on the why.

Thank you for participating in our Democracy!

Alex Rose
Member - Allegheny County Council

Councilman Rose,

I respectfully disagree with both the legal framing and the policy conclusion.

First, while it is true that unlawful presence is generally treated as a civil violation, that does not make it analogous to “not getting a permit before you build a deck.” Unlawful entry is a federal crime, and unlawful presence is a continuing violation of federal law that makes an individual subject to removal proceedings. The “civil vs. criminal” distinction does not change the fact that these individuals are in the country contrary to law, nor does it erase

the County's legitimate interest in cooperating when those individuals are already in our custody on other grounds.

Second, when ICE issues a detainer, it is not asking Allegheny County to go out and act as a federal immigration task force. It is asking that, once someone is already in local custody, our jail notify federal authorities and briefly hold that person so that ICE can exercise its lawful authority. Declining that cooperation means releasing individuals whom the federal government has identified for possible removal—sometimes with significant prior criminal histories—back into the community rather than facilitating a safe, controlled transfer in a secure setting.

With respect to liability, I understand the concern, but I would submit that the County also faces real legal and moral risk by intentionally refusing to cooperate. If the County knowingly adopts a policy that results in the release of an individual ICE has flagged—who then goes on to victimize someone in Allegheny County—that is its own kind of exposure and a grave breach of our duty to protect the public. The experience in Minnesota is, in my view, an argument for clear policies, proper training, and cooperation with federal authorities—not for creating local sanctuary rules that guarantee more releases and more preventable crimes.

Finally, I share your desire to protect taxpayers and preserve our parks and services. That is precisely why I believe the safer, more fiscally responsible course is to align with federal law, cooperate on detainers when individuals are already in our custody, and avoid policies that make Allegheny County a magnet for those seeking to evade immigration enforcement. Public safety is a core function of county government and should not be subordinated to ideological objections to federal immigration policy.

For these reasons, I continue to urge you to oppose the ban on cooperation with ICE on so-called “civil” immigration enforcement. At a minimum, I hope you will consider amendments that preserve meaningful cooperation in cases where ICE has lodged detainers on individuals in our jail, especially when there is any criminal history or public safety concern.

Remember, you swore an oath to uphold the Constitution of the United States. Voting for this bill puts you in direct opposition to that oath.

Sincerely,

[Constituent]

[From Alex Rose]

I do understand your concern. However, and I am sorry to be combative, there is no such thing as the crime of unlawful presence. Someone present here without documents isn't [sic] doing so in violation of our laws. Because, no relevant law has ever been created. Historically, Congress has been reluctant [sic] to create that law because it would then afford undocumented individuals the right to a jury trial before any deportation could happen. As long as deportations remain rooted in civil law, they may happen on a much expedited timeline.

That is not to say no such law never can be created. And I would encourage you to write your federal representatives and ask them to pass such a law, if that is your desire.

Further, I must stress again, that criminal matters are not impacted by this bill. If ICE has an arrest warrant, then it will be respected without question.