

**Questions for the Record from Senator Amy Klobuchar
To Chief Magnus
U.S. Senate Committee on the Judiciary
Subcommittee on Border Security and Immigration
“Narcos: Transnational Cartels and Border Security”
Submitted on December 19, 2018**

Question for Chief Magnus, Chief of Police, Tucson Police Department

In your testimony, you described a pilot program that the Tucson Police Department launched to prioritize drug treatment over jail time for low-level drug offenses. I strongly support treatment solutions like drug courts, and I lead a letter to the Appropriations Committee with Senator Wicker every year in support of funding for these programs. What lessons have you learned from the pilot program, and how can the federal government better support these efforts?

Response

The implementation of the Unified Medication Assisted Treatment Targeted Engagement Response (U-MATTER) program in Tucson, Arizona was predicated on the fact that fatal accidental overdoses are killing more Pima County residents than auto collisions and homicides combined. Fatal overdoses are the leading cause of accidental death in our city and county. They have continually increased in number over the past four years. Anecdotally, police officers throughout our city have reported a direct correlation between increased property crime levels and opioid/methamphetamine abuse. A powerful belief exists among law enforcement, locally and nationally, that drug misuse is a primary driver of property crime. Addressing the disease of addiction as a criminal matter rather than a public health crisis has done little to stem deaths or reduce rampant property crime.

During the period from July 1, 2018 to Jan. 10, 2019, the U-MATTER pilot program successfully deflected 153 individuals from incarceration to treatment. In that time the Tucson Police Department learned several lessons that will improve and move the program forward. These lessons include:

- The importance of robust, scientific (clinical) based training for law enforcement members;
- The need for training in motivational interviewing skills and techniques;
- How critical it is to maintain effective collaboration with state and county health departments, private and public health care, mental health providers, and substance use providers;
- The constant attention and ongoing efforts that must be dedicated to de-stigmatize addiction;
- Both law enforcement and the community must be continually reminded that substance misuse is complex and requires treatment programs which include wrap around services;
- While Medication Assisted Treatment (MAT) is the cornerstone of an opioid misuse treatment plan, basic human needs (contributors to addiction) must also be addressed. Permanent supportive housing, cognitive therapy, life skills and employment training,

obtaining health care benefits, etc. are all components of the U-MATTER program and contribute the likelihood of successful treatment;

- Embedding peer support specialists with law enforcement teams to conduct active outreach to overdose survivors and individuals who have disengaged from treatment is enormously beneficial;
- Harm-reduction policing is an organically generated concept borne out of law enforcement officers' increasing frustration with the failed model of arresting and incarcerating drug users—a model that fails to address the root societal problem of addiction.

The federal government continues to assist state, county, and local law enforcement in a variety of ways. The Bureau of Justice Comprehensive Opioid Abuse Program (COAP) is an example of the importance the federal government places on this crisis. Awarding almost \$320 million in FY2018 to combat the opioid crisis similarly reflects the federal government's recognition regarding the magnitude of this nationwide problem.

Even with this level of funding, legislation continues to be needed to legitimize and provide protections to progressive law enforcement agencies. The right mix of protections will allow local law enforcement to work more closely with their state and local addiction, health care, and mental health providers. The Health Insurance Portability and Accountability Act (HIPAA) provides stringent privacy protections that often inhibits law enforcement from accessing medical information and even discussing that information with case managers and support specialists. This routinely hampers the identification of potentially dangerous individuals in mental health crisis as well as opportunities for treatment.

By way of example, emergency rooms cannot provide the names of overdose victims to law enforcement who wish to engage individuals in treatment and provide them with naloxone. In addition, mental health case managers cannot share patient information with officers who are tasked with serving mental health petitions and providing patient emergency transports.

Continued federal funding for both mental health and substance misuse programs and evaluations (process and impact) is key to providing a foundation for evidence-based, data-driven strategies that can be replicated nationally.

**Chris Magnus
Chief of Police
Tucson Police Department
Questions for the Record
Submitted December 19, 2018**

QUESTIONS FROM SENATOR BOOKER

President Trump has signed an Executive Order that would withhold federal grants from so-called “sanctuary” cities and jurisdictions that do not actively participate in federal immigration enforcement efforts.¹ In particular, the Attorney General has sought to impose compliance conditions on jurisdictions that receive grants under the Edward Byrne Memorial Justice Assistance Grant (“JAG”) Program. As the Department of Justice itself notes, this program “is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, and crime victim and witness initiatives and mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.”² So far, a number of federal courts have blocked the enforcement of this Executive Order.

- a. *Why is it important for police departments like yours to foster relationships of trust with immigrant communities?*

Response

There are many reasons to foster strong relationships with our immigrant communities. The following list, while not all inclusive, highlights some of these:

- Immigrants (documented and undocumented alike), as well as the family and friends of immigrants, need to feel safe coming forward to report crimes and cooperate as witnesses to crimes without fear;
- From a crime deterrence standpoint it’s critical we avoid creating a subgroup of victims who are easily preyed upon because they are afraid to report crimes due to the threat that they or a family member will be deported;
- It’s important to ensure this vulnerable population will appear in court as needed to testify as victims or key witnesses in both civil and criminal cases rather than fearing the entire criminal justice system;
- Our intention is to partner with the residents of all neighborhoods in the community, regardless of documentation status, so we can make every area of the city as safe as possible through crime prevention initiatives and relationship building;
- The immigrant population contributes to the social, economic, and cultural fabric of the entire community. It is critical they have a positive perception of the police in order to maximize the many contributions they can make to our city.

b. *What are the most significant initiatives that the Tucson Police Department has undertaken to build trust with immigrant communities in recent years?*

Response

Our department has engaged in trust building in a number of significant ways that include:

- Recruiting and hiring that reflects the diversity of the community—with an emphasis on hiring local police recruits and other police personnel who grew up in neighborhoods where there is a strong presence of immigrant residents;
- Offering bonus pay for bilingual personnel;
- Assigning specific Spanish-speaking officers as liaisons to the local Latino population. These liaisons are trusted by the community to receive complaints, address rumors, connect community members to services, etc.;
- Providing extensive training to our officers on engaging with the immigrant community including specific guidance on interactions with undocumented persons;
- Implementing departmental general orders that thoroughly and clearly address issues such as making inquiries about immigration status; working with the Border Patrol, ICE, and other federal immigration authorities; handling detainees; using federal agents as interpreters; and more;
- Conducting regular meetings between the department’s administration and members of various immigrant communities to maintain open dialogue and build understanding.

c. *In your testimony, you explained: “Immigrants should feel safe in their communities and comfortable calling upon law enforcement to report crimes, serving as witnesses, and calling for help in emergencies.” Leaving aside countervailing federal efforts for the moment, do you believe that your department’s efforts have helped immigrants who are crime victims or witnesses feel more comfortable coming forward to the police?*

Response

Yes. Our ongoing outreach efforts to assure our immigrant community that we *are not the Border Patrol or ICE* and that we are not going to make inquiries about immigration status under most circumstances has built confidence in these communities. As a result, we have not experienced reductions in persons reporting crimes such as sexual assault. We attribute this to the trust immigrant individuals have in our agency.

d. *As you recognized in your testimony, “Over the last two years, policing has become more difficult in many of our neighborhoods.” What are the most significant challenges your department has faced as a result of the Trump Administration’s aggressive policies, practices, and rhetoric concerning immigration? Please provide any supportive statistics to the extent they are available at this time.*

Response

Some of the more significant challenges include:

- Confusion over the role of local police versus federal immigration authorities, such as ICE and Border Patrol. Increasingly, members of these agencies dress like and refer to themselves as “police.” This practice leads to uncertainty and fear;
- Unwillingness of immigrants to show up for court appearances based on fear of deportation or fear that a family member/associate might be deported;
- Anger and hostility directed to police in general without an understanding that the local police are not the federal immigration authorities. This undermines our long term community policing efforts.

e. *In your assessment, do you believe that the Executive Order concerning so-called sanctuary cities and jurisdictions makes it harder for your department to keep your communities safe?*

Response

Yes, absolutely. Many anecdotal stories are brought to our attention involving immigrants and their family members who are now afraid and therefore unwilling to interact with the police even though Tucson is an “Immigrant Welcoming City”—not a “sanctuary city.”

There is little clarity on what defines a “sanctuary city.” Because of this, many cities are mischaracterized as being sanctuary jurisdictions even though they cooperate with federal law enforcement in efforts to combat transnational gangs, drug cartels, and human trafficking. As long as the national rhetoric continues to advance these misunderstandings, the task of keeping Tucson safe will be increasingly difficult.

f. *What efforts has your department undertaken during the last two years to try to retain trust with immigrant communities despite the aggressive actions of federal immigration authorities?*

Response

See response to question (b) above.

g. *In recent years, how has Tucson used Byrne JAG funding to support law enforcement efforts?*

Response

Tucson Police has used the Byrne JAG grants almost exclusively for equipment and community outreach related purchases. Some examples of this by fiscal year include:

- FY 15: Training vests, bomb robot;
- FY 16: Body worn camera, docking stations, computers, data storage, software licensing and maintenance, and supplies - all related to body worn cameras;
- FY 17: Purchases delayed due to pending “sanctuary city” litigation in Midwest: Various equipment in support of our training academy; Special Investigations Division firearms

tracking equipment; SWAT crisis intervention and response equipment; safety equipment; community outreach supplies;

- FY 18 Pending final release - NIBRS compliance training; FARO 3-D crime-scene scanner; SWAT crisis intervention and response equipment; community outreach resources for pedestrian fatality prevention.

h. *If Tucson were denied Byrne JAG funding as a result of President Trump's Executive Order, how would law enforcement efforts in and around Tucson be affected?*

Response

If Tucson were denied Byrne JAG funding, key areas within the police department would not have adequate equipment to provide services in an efficient and safe manner.

i. *In your assessment, have the aggressive actions by federal immigration authorities during the last two years made it harder for your department to counter the threats posed to your communities by drug cartels and other criminal organizations?*

Response

Yes. Countering the threats created by cartels and other criminal organizations requires open and continuous communication with all segments of the community. Some of the primary victims of these cartels and other criminal organizations are unwilling to come forward and report crimes they have witnessed or been the victim of out of fear of deportation. When victims and witnesses of crimes are reluctant to communicate and work with the police, this makes everyone in the community, regardless of documentation status, less safe.

¹Exec. Order No. 13,768, 82 Fed. Reg. 8799 (Jan. 25, 2017).

²Office of Justice Programs, *Edward Byrne Memorial Justice Assistance Grant Program*, U.S. DEP'T OF JUSTICE, <https://www.bja.gov/jag> (last visited Dec. 19, 2018)

