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**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF UTAH
 CENTRAL DIVISION**

Utah Coalition of La Raza, et al.,
 Plaintiffs,

v.

Gary R. Herbert, et al.,
 Defendants.

**DECLARATION OF EDUARDO
 GONZALEZ**

Case No. 2:11-cv-00401-BCW
 Judge: Brooke C. Wells

- 1 8. In November, 2009, I joined the monitoring team enforcing two Consent
2 Judgments regarding the City of Detroit's police force—one for use of force and
3 one related to corrections practices.
- 4 9. I have read Utah's HB 497, and based on my extensive experience in law
5 enforcement, specifically as a police chief and independent monitor, I have several
6 concerns with this law.
- 7 10. First, HB 497 undermines public safety by either requiring or inviting local law
8 enforcement in the State of Utah to become involved in immigration enforcement.
9 As a direct result, victims and witnesses of crime will be too afraid to report crimes
10 to the police based on concerns that contact with law enforcement could result in
11 investigations into their immigration status or that of their family, friends or
12 neighbors.
- 13 11. This distrust between local police and community members that HB 497 will create
14 will impact legal immigrants as well as undocumented immigrants because
15 immigrant families and communities are typically mixed in terms of whether
16 individuals have immigration status. Additionally, because the countries from
17 which many immigrants originate have a history of abusive police practices, it
18 takes considerable effort and time for police officers to gain their trust. HB 497
19 undermines this important work by signaling to immigrant communities that
20 contact with law enforcement could result in deportation.
- 21 12. HB 497 also diverts critical law enforcement resources away from the task of
22 pursuing serious and violent crimes and into the complicated task of enforcing
23 federal immigration laws, a task that state and local law enforcement officers are
24 not trained to perform.
- 25 13. HB 497 creates a complicated system of mandatory and permissive immigration
26 status verifications that put Utah law enforcement officials in a difficult position.
27 While it is clear that the law requires local law enforcement to verify immigration
28 status in numerous instances, it is difficult to separate when immigration status
verification is only allowed under the law, rather than required. The discretionary

1 immigration status verification under the law leaves a great deal of discretion to the
2 individual officer out in the field. One concern is that in an effort to comply with
3 the complicated provisions of HB 497, many officers will perform immigration
4 status verification for all individuals encountered. Another concern is that officers
5 will rely on factors such as physical appearance or manner of speaking, essentially
6 anyone who “looks” or “sounds” foreign, in determining when to exercise the
7 discretion the law provides.

8 14. Importantly, HB 497 does not give sufficient tools to allow police officers to
9 enforce its provisions without coming into conflict with established constitutional
10 protections, such as the protection against unlawful detention and racial profiling.
11 The law does not establish any training for law enforcement officers while at the
12 same time adding significant requirements to their policing duties. Section 4 of the
13 law requires officers to make determinations regarding the veracity of statements
14 claiming citizenship or lawful status. Based on my 34 years of law enforcement
15 experience I believe it will be extremely difficult to train Utah law enforcement
16 officers on how to determine whether a statement as to citizenship or lawful status
17 is likely to be false. This will lead many officers to resort to racial and ethnic
factors to form the requisite reasonable cause.

18 15. HB 497 also expands law enforcement officials’ power to conduct warrantless
19 arrests in ways that are extremely dangerous. The law would require officers to
20 determine first whether the individual is an alien and second whether the individual
21 is subject to a removal order issued by an immigration judge, a civil immigration
22 detainer, or charged or convicted in another state with one or more aggravated
23 felonies as defined under federal immigration law. These are very complicated
24 determinations that cannot be easily made in the field and for which local law
25 enforcement officers are not adequately trained. As a result, I believe
26 constitutional violations, including unlawful arrests and detention, will occur by
27 officers attempting to exercise this new authority.
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16. In my opinion, HB 497 is a dangerous law that will cause serious harm if implemented. It will divert precious police resources away from fighting crime, create rampant distrust of police in immigrant communities, and lead to unlawful racial and ethnic profiling.

I declare under penalty of perjury of the laws that the foregoing is true and correct.

Executed this 2nd of May 2011 in Miami, Florida.


Eduardo Gonzalez