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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 ARTURO
 VENEGAS**

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

I, ARTURO VENEGAS, hereby declare:

I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

1. I am a retired police chief with over 33 years of law enforcement experience. I served as Police Chief for the City of Sacramento for 10 years and previous to that position, spent over 23 years in various positions from Cadet to Deputy Chief with the Fresno, California Police Department.
2. I am currently Project Director of the Law Enforcement Engagement Initiative (LEEI), a position I have held since May 2009. LEEI is a law enforcement call-to-action campaign for comprehensive immigration reform.
3. Since September 2008, I have served as an expert consultant to the Special Litigation Section, Civil Rights Division of the United States Department of Justice. In this capacity, I have reviewed organizational policies, procedures and operational applications of law enforcement agencies being investigated, to ensure consistency. From February 2003 through June 2006, I was a consultant to the National Community Policing Consortium, community Oriented Policing Service, of the U.S. Department of Justice where I provided training and development expertise to criminal justice agencies and communities across the country on community policing and neighborhood engagement, strategic planning, constitutional safeguards and intelligence information policies, personnel

recruitment, hiring, training, retention and development, and managing patrol and investigative operations.

4. I have read and reviewed Utah's new law, HB 497, and based on over 33 years of law enforcement experience, I believe the law is problematic for law enforcement for a number of reasons.
5. First, as a result of HB 497's provisions that require or otherwise permit Utah law enforcement officials to engage in enforcement of federal immigration laws, immigrant communities in the State of Utah will view local police officers as arms of Immigration and Customs Enforcement (ICE) and will grow to distrust the police. This will lead individuals to avoid contact with law enforcement out of fear that it could lead to their deportation or the deportation of a family member, friend or neighbor, which in turn undermines the public safety of all individuals in the State of Utah.
6. I am also concerned about the complexity of HB 497's provisions, especially provisions concerning an officer's responsibility to verify immigration status. The elaborate system of mandatory and permissive immigration status checks created by HB 497 makes it very difficult for an officer to determine when he or she is required to verify status and when it is just an option. The provisions of HB 497 often leave the determination of whether to inquire into an individual's immigration status within the discretion of the individual officer in the field rather

than articulating a clear departmental policy of when verification is required and permitted.

7. Moreover, the law actually takes away the authority of law enforcement leaders in the State of Utah to craft clear departmental policies and policing priorities for their officers. The law prohibits all law enforcement agencies within the state from limiting or restricting “by ordinance, regulation, or policy the authority of any law enforcement agency ... to assist the federal government in the enforcement of any federal law or regulating governing immigration law.” As a former Chief of Police I find this provision particularly concerning because it strips law enforcement leaders of the authority to set policing priorities for their officers. So, for example, if an individual officer determined that it was a greater priority to engage in immigration status checks for all individuals encountered in the field rather than answer calls for service, his or her supervisor would be unable to discipline the officer or otherwise ensure that the officer complied with the department’s policing priorities.
8. I also find HB 497 problematic from a law enforcement perspective because having police involved in immigration enforcement increases the risk that officers will resort to racial and ethnic profiling. By requiring law enforcement officers to verify immigration status in certain situations, the law increases the risk that officers will resort to racial and ethnic factors in order to comply with their enforcement responsibilities because immigration status is a legal status which

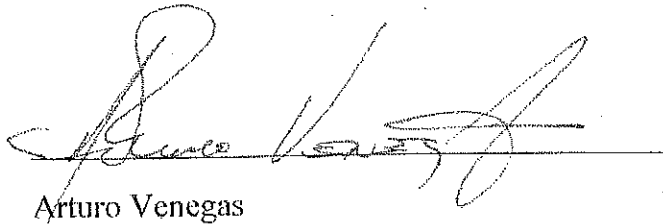
cannot be visibly observed. Moreover, the law leaves immigration status checks up to the discretion of the officer in many instances, and in doing so creates a significant risk that officers will rely on physical appearance or manner of speaking – in other words whomever “looks” or “sounds” foreign – to determine when to initiate investigations into immigration status.

9. These provisions also increase the risk that individuals, including U.S. citizens and legal permanent residents will be subject to prolonged detention as a result of the burden and time commitment necessarily involved in verifying immigration status. If an individual is unable to produce one of a short list of acceptable identification documents, HB 497 requires Utah law enforcement officers to verify status in certain situations. However, because immigration status is not something that can be easily determined in the field, officers will inevitably increase the duration of stops and arrests in order to perform these immigration status checks. As a result, U.S. citizens, permanent residents, and other individuals with valid immigration status may be subjected to prolonged detention.
10. Also as a result, officers’ time will be diverted from the primary law enforcement responsibility to enforce criminal law and will be spent instead enforcing civil immigration laws. An officer busy verifying immigration status in the field or bringing an individual to a jail for that same purpose will be unable to answer calls for help from the community and community safety will suffer as a result.

11. In my opinion, HB 497 is extremely harmful for local law enforcement. It invites improper consideration of race or ethnicity for police stops and arrests, divests law enforcement officials with the authority to set appropriate policing priorities, and will further undermine public safety by causing communities to distrust the police.

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

Executed this 4th day of May 2011 in Sacramento, California.



Arturo Venegas