

The Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act - H.R. 2671

Takes a Balanced Approach to Law Enforcement

It is clear that homeland security will only be as effective as the involvement of state and local law enforcement. But it would go too far to force every police agency to enforce every violation. Therefore, this legislation strikes the right balance. It leaves with states and localities the decision on how involved its officers will be in homeland security. It only seeks police involvement in the course of officers' normal duties, not profiling or wholesale roundups of suspects. It merely gives those police departments that choose to be more involved in such enforcement the federal-side cooperation that is lacking today.

Leaves Involvement-Level Decisions with States and Localities

It is important that states and localities retain their existing level of authority and the ability to make their own decisions over how their resources are allocated. Even though it would improve the level of homeland security by having every police officer in the land on line in related enforcement, some locales may choose to play a lesser role. This bill preserves that decisionmaking ability. State or local authorities will still make their own policing policies. This bill refrains from placing lots of unfunded federal mandates on states and localities, as well.

Provides States and Localities with New Resources

This legislation provides new resources to those states and localities that choose a more active role in homeland security enforcement. It creates new funding streams, including increased authorization levels and a new grant program. It eases the ability of states and localities to participate in several law enforcement programs through the use of state-of-the-art technology.

Protects Victims

It is in society's interest that crimes in our communities are solved. Thus, this legislation contemplates that police officers would retain their current discretion when interviewing a crime victim or potential witness. There would be no requirement whatsoever that victims, witnesses, or anonymous tipsters be questioned, reported, or taken into custody for other violations. A

state or local officer in certain cases might choose not to pursue some suspected violations by those such as domestic violence victims.

Protects Civil Rights

This bill ensures that the fundamental civil rights of all individuals are protected by providing special training for law enforcement officers. Police officers who violate individual civil rights would be subject to criminal prosecution. Any facility used for detention would have to meet federal standards.