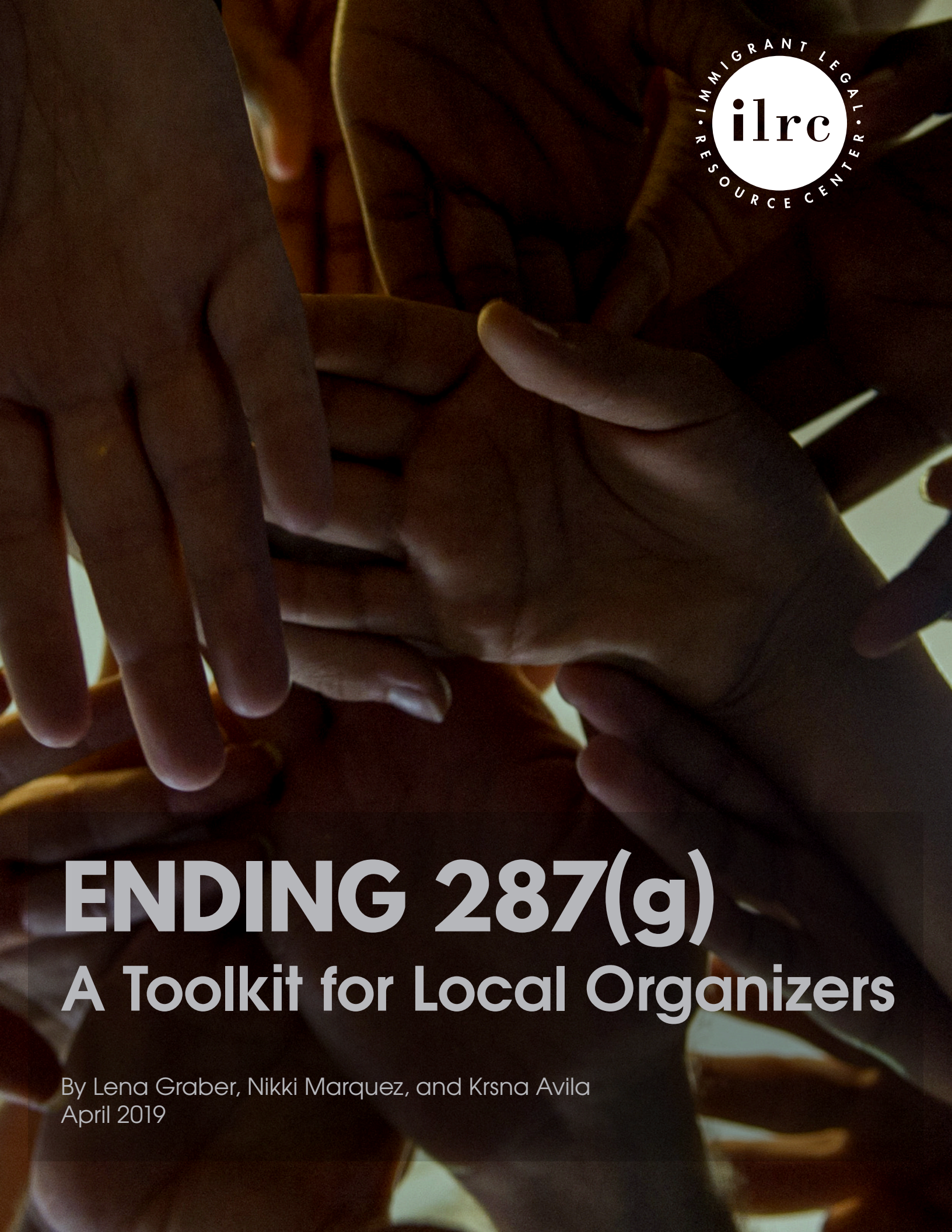


ENDING 287(g)

A Toolkit for Local Organizers

By Lena Graber, Nikki Marquez, and Krsna Avila
April 2019

How to Use This Toolkit

This toolkit is for local organizers fighting 287(g) agreements in their communities, whether those agreements already exist, are pending or are a potential threat.

Inside you will find a compilation of essential background information on 287(g) agreements, resources for research, and sample materials to work from in building your own campaign to end or stop 287(g). You can also find many more resources about restricting local participation in immigration enforcement at www.ilrc.org/enforcement, and you can find an interactive map of current and past 287(g) agreements at https://www.ilrc.org/national-map-287g-agreements.

Acknowledgments

Attorneys Lena Graber, Nikki Marquez, and Krsna Avila of the Immigrant Legal Resource Center authored this toolkit. Thanks also to Kemi Bello and Angie Junck for their edits and contributions, and to many partner organizations and coalitions for sharing sample materials, including Voces de la Frontera, the American Civil Liberties Union, Southern Poverty Law Center, Asian Americans Advancing Justice, American Friends Service Committee, and Center for American Progress. It was designed by Andy Stepanian and produced by Marie McIntosh. For questions about this material, please contact Lena Graber at lgraber@ilrc.org.

Table of Contents

INTRODUCTION

The Trump administration has vowed to increase 287(g) agreements, which deputize state and local law enforcement officers to undertake various duties of Immigration and Customs Enforcement (ICE) agents. Indeed, as of the date of this publication, 49 of the 78 total 287(g) agreements were created during this current administration, and the number will likely continue to increase. However, all of the current 287(g) agreements will expire on June 30, 2019, unless they are renewed. This is an important organizing opportunity to stop these agreements.

The 287(g) program is riddled with reports of racial profiling, abuse, discrimination, and violations of people's constitutional rights. Study after study has highlighted the problems endemic to 287(g) agreements, the mistreatment of residents, and the costs to localities. A recent report comes from the Department of Homeland Security's own Office of Inspector General, and criticizes ICE for entering into these agreements without adequate planning, oversight, and management of the local agencies involved.

In the face of the Trump administration's efforts to expand 287(g), however, local organizing has defeated multiple proposed agreements and demanded the termination of others. A local sheriff, police department, or other agency has the power to terminate a 287(g) agreement at any time. This is essential to organizing against deportations; we have real power over our own local officials, and can stop them from participating in 287(g) or otherwise being involved in immigration enforcement. In 287(g) jurisdictions, terminating this program is an essential first step to disentangling local law enforcement from immigration. This toolkit is meant to help communities get their local law enforcement agencies to reject 287(g) agreements.


NYPD
POLICE
8831
SRG 1
Courtesy
Professionalism
Respect

PART I: The Basics of 287(g) Agreements & Their Role in the Jail-to-Deportation Pipeline

1.) A Guide to 287(g) Agreements

What are 287(g) agreements?

Under 287(g) agreements, local law enforcement officers act as immigration agents.

Normally local law enforcement officers do not have authority to enforce immigration laws. But under §287(g) of the Immigration and Nationality Act, local officers are deputized with certain immigration enforcement powers.

With a 287(g) agreement, local police and sheriffs can investigate the immigration status of people in the jail, access Immigration Customs Enforcement (ICE) databases, and issue immigration detainers. With sign-off from an ICE supervisor, 287(g) officers can take statements and add records to people's immigration files and can place people in removal proceedings. The specific powers delegated to local officers are detailed in the Standard Operating Procedures at the end of 287(g) agreements.

287(g) agreements are voluntary.

Sheriffs and other agencies choose to get involved in federal immigration enforcement. The federal government cannot force anyone to participate in 287(g) and they do not condition any federal funding on having a 287(g) program.

What is the process for a jurisdiction to enter into a 287(g) agreement?

287(g) applications may be at locality's initiation OR because of ICE encouragement & recruitment.

- ICE reviews 287(g) applications in batches.
- The Department of Homeland Security's (DHS) Office of Civil Rights & Civil Liberties (CRCL) shares the list of applicants and solicits background information on those jurisdictions.

- ICE and the state or local jurisdiction sign an agreement (MOU) about each party's responsibilities, liabilities, etc. These MOUs are standard and have a standard list of specific enforcement powers delegated to the local officers.

- ICE trains the selected local officers in some immigration law and how to access DHS databases to do background searches on people.

Any party to a 287(g) agreement can terminate the agreement at any time.

- Although 287(g) agreements must be periodically renewed, either the sheriff or locality or ICE may at any time decide to end the program.

- **TIP**: 287(g) application and renewal windows are KEY to organize a campaign

Are there different kinds of 287(g) agreements?

- Jail model = officers only do immigration business within the jail, not stopping people on the street to ask about immigration status

- Task force model = local police/sheriffs are delegated authority to question and arrest people just for immigration violations in their homes, on the street, etc.

- Currently only jail models exist - but the Trump administration is open to bringing back task forces

What are the incentives for 287(g)?

Localities spend their own funds on 287(g) agreements.

Sheriffs or police who join 287(g) spend local funds to carry out the federal government's deportation agenda. Even though the Department of Homeland Security (DHS) has the largest budget of any federal agency, there is no reimbursement from ICE for the local staff time or resources used.

Why do sheriffs want 287(g)?

- Some sheriffs are very anti-immigrant and want to get involved in immigration enforcement so they can help carry out the federal government's deportation agenda.

- A 287(g) agreement may intersect with a detention contract with ICE that makes the sheriff money. This means that the more immigrants 287(g) officers can identify, the more they can transfer to detention and get paid for. These incentives worsen biases against immigrants in law enforcement. For more information about detention contracts, see Section C below.

- ICE and some sheriffs argue that 287(g) gives the locality the legal authority that they otherwise lack to hold people on detainers, but this is in dispute.

Why does ICE want 287(g)?

- Although some people thought 287(g) would be replaced by Secure Communities (SComm), that hasn't happened, because 287(g) still allows ICE to have local law enforcement do their work for them. SComm automatically gives ICE a lot of information on all the people booked into jails across the country. But it only connects the fingerprints of the arrested person with whatever ICE already has in DHS databases. If ICE needs more information, they need to go to the jail and question the person. In most places, ICE agents themselves do this and it is usually called the Criminal Alien Program (CAP). But with 287(g), local officers do the screening and investigation for ICE.

- 287(g) saves ICE time and paperwork because local officers do extra screening and questioning, file detainers and prepare Notices to Appear, etc. 287(g) is very similar to having ICE agents in the jail, except that the work is performed by local police or sheriffs.

- The Trump administration wants more of the 287(g) program because it brings more attention and resources to immigration enforcement and gets local agencies to focus more on immigrants, even if it results in increased racial profiling and harassment of Latinx people.

2.) 5 Ways 287(g) Agreements Hurt Our Communities

287(g) Agreements Mean More Deportations.

This explicit agreement with ICE adds the lens of immigration to jailing and policing practices, making it that much harder to get a county to stop holding or transferring people to ICE. Although jails already send all fingerprints to ICE, 287(g) allows ICE to outsource their labor of immigration enforcement to local police, who help them by doing further investigation on people and filing preliminary paperwork like detainers, warrants, and Notices to Appear in immigration court.

287(g) Agreements Widen the Door to Racial profiling.

ICE's influence in the criminal legal system undermines efforts to reduce biased policing. Local police access to immigration enforcement duties actually incentivizes racial profiling. When police officers know that an arrest can lead to immigration detention, they are more likely to stop or arrest Latinos or others who look or sound "foreign."

One study showed that "immediately after Irving, Texas law enforcement had 24-hour access (via telephone and video teleconference) to ICE in the local jail, discretionary arrests of Hispanics for petty offenses — particularly minor traffic offenses — rose dramatically."[1] Although this study focused on Texas, communities across the country witnessed similar patterns as SComm enabled law enforcement to send immigrants into removal proceedings from a simple traffic stop.[2] In 2017, a rigorous study in Frederick County, Maryland, found that the 287(g) program "led to a significantly higher number of arrests of Hispanics by the Sheriff's Office than would have occurred in its absence."[3]

287(g) Agreements Add to the Burden of Local Safety Net Programs like Foster Care.

Communities ultimately pay for the consequences of immigration enforcement. Some children whose parents or caretakers are detained or deported end up in the child welfare system, at the expense of states and counties. The Applied Research Center conservatively estimated in 2011 that more than 5,000 children were in foster care because their parents have been detained or deported. Assistance to ICE from local law enforcement puts an even greater burden on family services, child welfare programs, and safety net programs.

1.) See Trevor Gardner II and Aarti Kohli, *The C.A.P. Effect: Racial Profiling in the ICE Criminal Alien Program* (The Chief Justice Earl Warren Institute on Race, Ethnicity & Diversity, Sept. 2009) www.law.berkeley.edu/files/policybrief_irving_0909_v9.pdf (last accessed Dec. 5, 2017).

2.) *See* Alexa Alonso et al, Immigration Enforcement Off Target: Minor Offenses with Major Consequences, *American Immigration Lawyers Association* (August 2011) available at http://www.aila.org/File/Related/11081609.pdf (documenting cases of racial profiling by local police in order to transfer individuals to ICE or Border Patrol from across the country, including many cases from California). *See also* Aarti Kohli, Peter L. Markowitz and Lisa Chavez, Secure Communities by the Numbers: An Analysis of Demographics and Due Process (The Chief Justice Earl Warren Institute on Race, Ethnicity & Diversity, Oct. 2011).

3) Michael Coon, Local Immigration Enforcement and Arrests of the Hispanic Population, Journal on Migration and Human Security, August 8, 2018, available at https://journals.sagepub.com/doi/abs/10.1177/233150241700500305.

Your Community's Tax Dollars Are Wasted by Paying for the Costs of 287(g).

With 287(g) agreements, localities spend their own resources to make sure no one slips through ICE's grasp. Jurisdictions with 287(g) shift resources away from local priorities and towards immigration enforcement via the staff time and salary used to inquire into immigration status, respond to ICE inquiries, collect data for ICE, or notify ICE about timing of inmates' release. ICE does not reimburse any of these costs, meaning the county is essentially subsidizing deportations for DHS, which, with a budget of over $18 billion, is already the largest law enforcement agency in the country.

287(g) Agreements Expose Your City or County to Legal Liability.

Local law enforcement involvement in federal immigration enforcement has resulted in the violations of the constitutional rights of citizens and noncitizens alike. Furthermore, your town or county is liable for what happens to individuals detained on ICE hold requests, even if ICE caused their detention. Often times, there is no legal basis for local law enforcement to hold an individual on an ICE hold. As a result, lawsuits have been filed across the country, many resulting in damages against numerous city, county, and state corrections agencies.

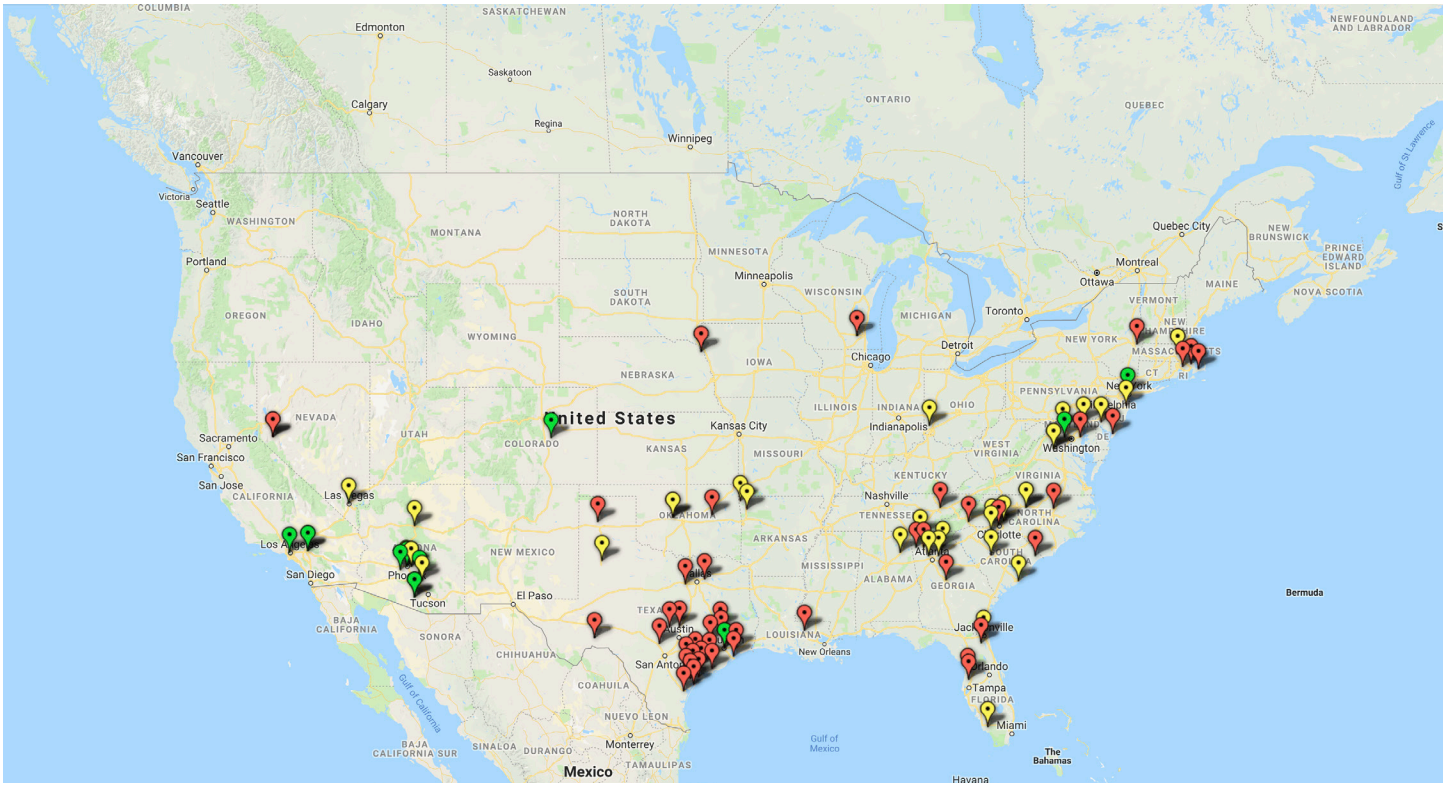
PART II: 5 Steps to Take Before Launching Your Campaign to End 287(g)

1.) Research Where Your City or County Stands on 287(g)

Where do 287(g) agreements exist?

The map below shows current and past 287(g) agreements across the country. As the current administration has placed a renewed emphasis on these types of arrangements with local law enforcement, this map can be a useful tool for identifying other jurisdictions that are facing a similar fight. The map also shows jurisdictions who have managed to end their 287(g) agreements.

For an interactive, regularly updated map, please visit: https://www.ilrc.org/national-map-287g-agreements



red

287(g) Agreements Signed During Trump administration

yellow

287(g) Agreements Signed Before Trump administration

green

287(g) Agreements That Were Terminated

2.) Know and Map Out Your Local Decision-Making Structure

Who has the power to make policy about ICE collaboration at the local level?

The first step to ending a current or stopping a new 287(g) agreement is to map out and understand the local political structure. Once you understand what agencies partner with ICE, you can then develop a strategy to influence change.

> **TIP:** Most 287(g) agreements are with county sheriff's departments. A handful of agreements also exist with police departments and state police agencies.

Counties

Law enforcement agencies report to local governments. Although in most states sheriffs are independently elected, they still rely on county (or state) governing bodies, such as a county council or board of supervisors, for their budgets. The county council or commission may also have the authority to pass countywide laws that the sheriff's department would be responsible for enforcing. However, the sheriff may have some independence to develop and establish its own internal policies and practices. In this situation, power over the sheriff's budget can be an important avenue for establishing new rules about collaboration with ICE, if an independent rule is hard to obtain.

The chart below examines common figures in county-level governance and law enforcement. As you begin your campaign against 287(g) agreements, this chart may be helpful in mapping what the political structure in your county looks like. Every community is different! This chart lays out some of the common systems of local checks and balances, but you should always identify the real offices and decision-makers in your own community. Once you have adapted this chart for your county, you can identify different levers of influence that will help you develop an effective campaign strategy.

Cities and Towns

Most cities and towns have a municipal police department that is accountable to the governing body or authority, a mayor or city council, for example. It is often these governing bodies that create the rules that law enforcement must follow. In addition, the city government will also control the police budget, which can be an important wedge.

This chart below examines common figures in city-level governance and law enforcement. Similar to the county chart, this chart may be helpful in mapping what the political structure in your city looks like, which should then shape your campaign strategy.

COUNTY AUTHORITIES

	Sheriff	County Executive	County Council, Commission or Board
Type of Power	• Sheriff often manages county or regional jails • May have custody of both pre-trial inmates and those serving fairly short sentences • Most Sheriffs and Sheriff Deputies have arrest and enforcement powers, but some only run jails and don't have patrols	• Could have many names • Doesn't exist in many states • Likely controls county budget or oversees county-wide agencies	• A legislative body with power to write countywide laws • Can call meetings and oversight hearings or demand information from law enforcement • Some states have County Boards, which are a similar law-making body of elected officials • May also be called County Commission
Jurisdiction	• Sheriffs are usually the county-wide law enforcement and jail authority • Usually have power to make arrests and detain people throughout the county	• Governs the whole county • May be the primary local executive authority for small towns without their own council or mayor	• A County Commission/ Board/ Council passes county budgets and other county laws and regulations • Generally a county law cannot be overruled by a city-level law
Appointed or Elected	• Usually independently elected		• Usually elected by district or at-large

CITY AUTHORITIES

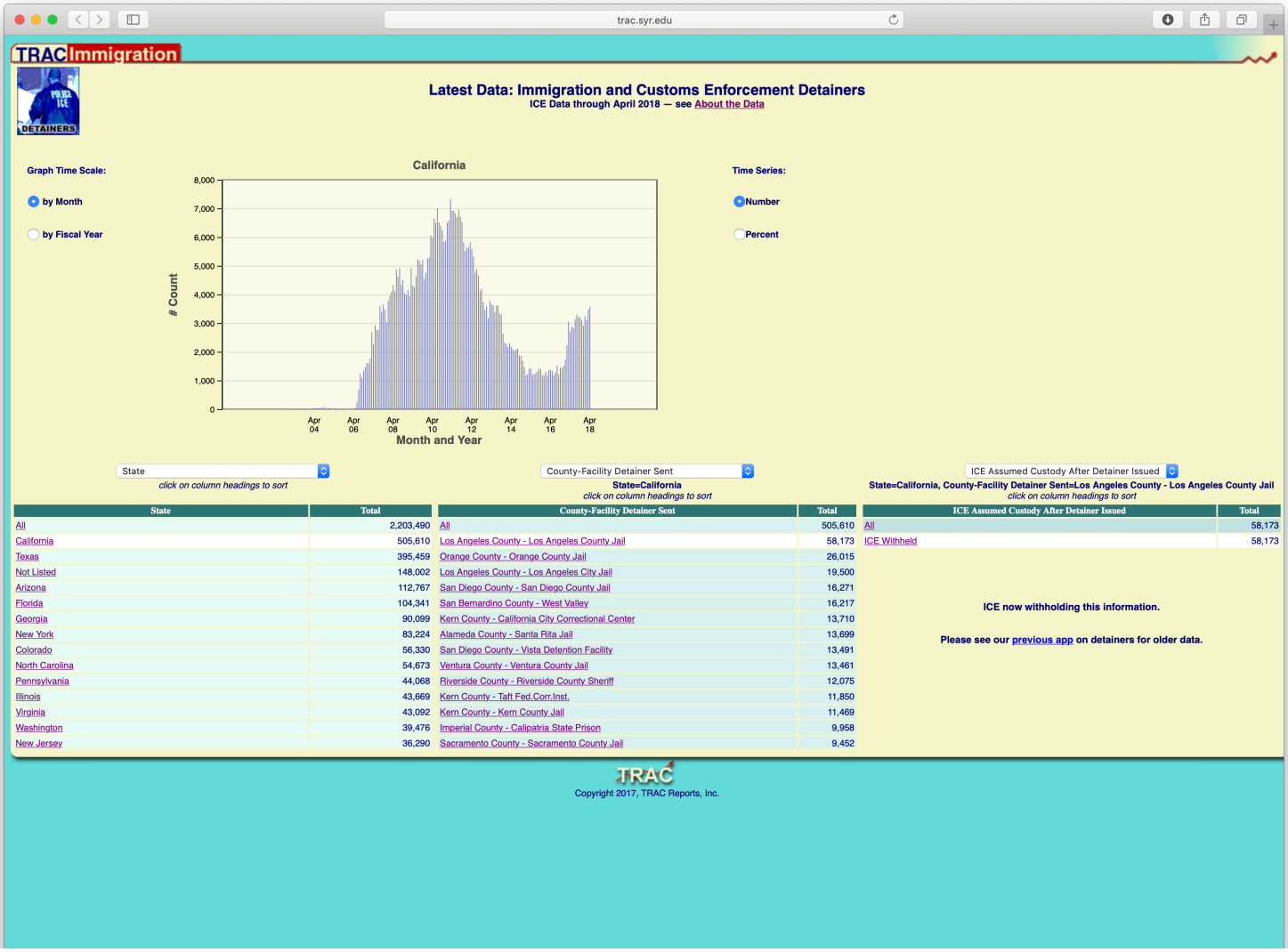
	Police Chief or Commissioner	Mayor or City Manager	City Council
Type of Power	• Police can make arrests, search, and detain people • Chief is the head of city police • Authority over police practices, training, and protocol • Police usually manage the city jail or hold rooms, where people would be held during temporary detention after arrest — then transfer to county sheriff/ jail	• Mayor is generally in charge of running a town or city • Usually manages local budgets and oversees city agencies • May have managerial authority to tell police or jails what to do • Some towns have a City Manager, which is similar to a Mayor	• City Council is a group of officials with power to pass local laws, often called ordinances • May also conduct oversight hearings of the jail or police • Likely has a subcommittee with specific focus on police, public safety, or immigration issues • In some cities has power to appoint the mayor or city manager
Jurisdiction	• Highest authority for the local (city) police department • No jurisdiction over neighboring towns • May detain people after arrest or before trial	• Mayor is the chief executive of a town or city, like the President, but on a local level • Usually has power to pass executive orders • Does not have authority over other towns	• City Council is usually the legislative branch of city government • Does not have power to override county or state laws
Appointed or Elected	• Usually appointed by mayor or city manager	• Usually elected	• Usually elected by districts or at-large

3.) Familiarize Yourself with Data on Immigration Enforcement in Your City or County

In addition to understanding your local political structure and potential incentives for ICE collaboration, background data can be useful for developing your arguments. A good source of information is the Transactional Records Access Clearinghouse (TRAC), which collects a variety of data on immigration courts and immigration enforcement, including a collection of detainers issued from 2003 – April 2018, and a tool for analyzing all ICE arrests through June 2018. Below are images of these tools.

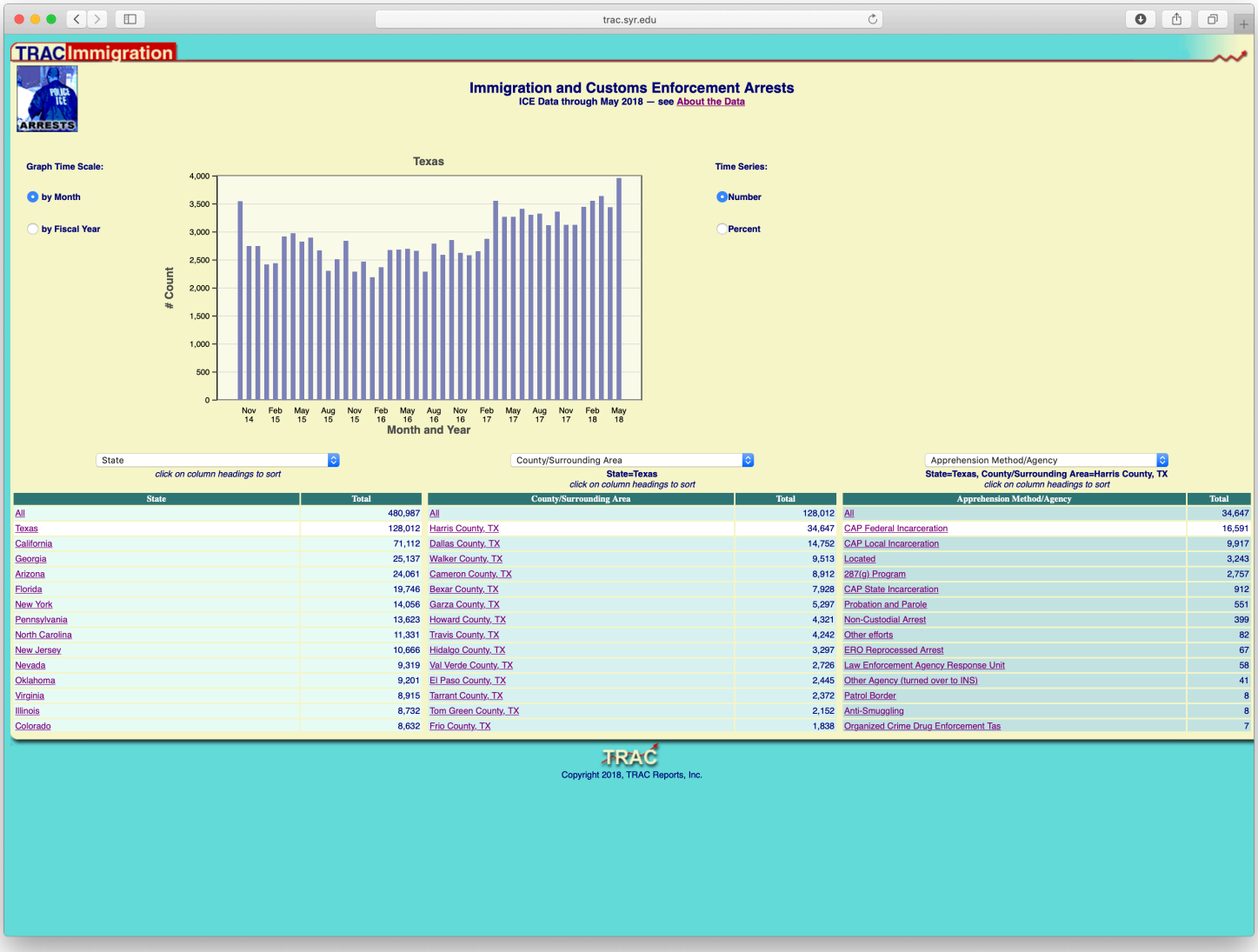
Each chart provides a summary of certain data available on the TRAC website. Through these charts, you can look up data for certain jurisdictions. The charts are interactive, so you can use the various drop down menus to look at and compare different data.

ICE Detainers Tool



Available at: http://trac.syr.edu/phptools/immigration/detain/

ICE Arrests Tool



State	Total
All	480,987
Texas	128,012
California	71,112
Georgia	25,137
Arizona	24,061
Florida	19,746
New York	14,056
Pennsylvania	13,623
North Carolina	11,331
New Jersey	10,666
Nevada	9,319
Oklahoma	9,201
Virginia	8,915
Illinois	8,732
Colorado	8,632

County/Surrounding Area	Total
All	128,012
Harris County, TX	34,647
Dallas County, TX	14,752
Walker County, TX	9,513
Cameron County, TX	8,912
Bexar County, TX	7,928
Garza County, TX	5,297
Howard County, TX	4,321
Travis County, TX	4,242
Hidalgo County, TX	3,297
Val Verde County, TX	2,726
El Paso County, TX	2,445
Tarrant County, TX	2,372
Tom Green County, TX	2,152
Frio County, TX	1,838

Apprehension Method/Agency	Total
All	34,647
CAP Federal Incarceration	16,591
CAP Local Incarceration	9,917
Located	3,243
287(g) Program	2,757
CAP State Incarceration	912
Probation and Parole	551
Non-Custodial Arrest	399
Other efforts	82
ERO Reprocessed Arrest	67
Law Enforcement Agency Response Unit	58
Other Agency (turned over to INS)	41
Patrol Border	8
Anti-Smuggling	8
Organized Crime Drug Enforcement Tas	7

Available at: http://trac.syr.edu/phptools/immigration/arrest/

4.) Follow the Money: Understanding Jail Funding & Grants

Often times, local police and sheriffs may get money from ICE. This can affect their incentives to collaborate with ICE, and it should affect your campaign strategies and arguments. Below are the different ways that local law enforcement may profit off their partnerships with ICE and what impact that has on the community.

IGSAs - Your Sheriff May Contract with ICE to Detain People While They are In Deportation Proceedings through an IGSA

What is an IGSA?

- IGSA (Intergovernmental Services Agreement) is a contract between ICE and a local jail. ICE pays the local jail to "rent beds," and keeps immigration detainees in those beds.

- Although the detainees are held in a local jail just like someone charged with a crime, they are officially in ICE custody, awaiting their hearings in immigration court, not criminal court. ICE detainees may or may not have any criminal record.

- ICE pays between $30-$200 per bed per day (depending on the region) to the local jail to keep that bed available for ICE detainees. Some contracts are for only a few beds; others are for hundreds, and may amount to millions of dollars per year for the local jail.

- In many cases, the jail's primary contract is actually with the US Marshals, but then ICE joins as an additional party or 'rider' to that contract.

How does an IGSA affect local policies?

- Some sheriffs will openly admit to you that without renting beds to ICE at a profit, they do not have enough money to run their jail. This might not be strictly true; they could think of other ways to manage their budget. But it is likely true that the sheriff currently depends on ICE's money.

- Sheriffs that profit from contracts with ICE may be particularly reluctant to limit their cooperation with ICE.

What can we do about it?

- Follow the money. Find out if your jail has any contracts or agreements with ICE, what the contracts say, how much money is involved, when the contract ends, or any other details regarding the termination of the contract. Check this map to learn where ICE detains people: http://www.detentionwatchnetwork.org/dwnmap.

- Collaborate with local anti-prison groups. Various organizations are committed to ending our country's reliance on incarceration. Collaborate with these groups and other criminal justice partners to build power to advocate for divestment from law enforcement and instead invest in people and communities.

SCAAP - Your Sheriff Likely Receives Some Reimbursement for Holding Certain Immigrants for ICE through SCAAP

What is SCAAP?

- SCAAP (State Criminal Alien Assistance Program) is a federal grant program that sends federal money to states and counties to reimburse them for incarcerating undocumented immigrants.

- Only jail costs for undocumented immigrants, convicted of at least one felony or two misdemeanors and sentenced to jail or prison for at least four days, are eligible to be reimbursed under SCAAP.

How does SCAAP affect local policies?

- The SCAAP program provides an ugly incentive for jails to convict and detain undocumented immigrants. The costs of detaining an undocumented prisoner will be partially reimbursed, while the costs of other prisoners are not necessarily reimbursed. This heightens the concerns about racial profiling under the 287(g) program.

What can we do about it?

- SCAAP is not tied to the 287(g) program. **Whether or not a jurisdiction has a 287(g) agreement will not impact whether the jail will receive SCAAP money.**

- Follow the money. The SCAAP program never gives as much money as the state and county jails claim they should get, so each jurisdiction gets only a portion of their costs reimbursed. In recent years, receipt of SCAAP money by counties has declined. Find out how much your local jail has received in SCAAP money at https://www.bja.gov/ProgramDetails.aspx?Program_ID=86#horizontalTab8. You should research what the overall jail budget is in your locality and then determine what portion of that overall budget comes from SCAAP funding.

Byrne JAG grants - DOJ has threatened to deny Byrne JAG grants – which are annual law enforcement grants that go, by statutory formula, to most cities and counties across the country – to jurisdictions that don't hold people for ICE or provide other assistance on immigration enforcement. This has resulted in widespread litigation and has been suspended in many cases by the federal courts. For more details, see: https://www.ilrc.org/fight-over-doj-grants-and-sanctuary-policies. Importantly, 287(g) has never been a criteria for consideration. Whether a jurisdiction has or doesn't have a 287(g) agreement does not affect their eligibility for JAG funds.

Other discretionary DOJ grants - DOJ has indicated on some other law enforcement grants that they may favorably review jurisdictions to have or seek 287(g). However 287(g) is not a criteria for the grant and there is no guarantee that having 287(g) would result in approval.

5.) Learn How 287(g) and Local Police Involvement with Immigration Have Personally Impacted Community Members

- Personal stories will be the most important part of your campaign. The impact on families and communities is the reason we have to fight 287(g) and deportations. Hearing about how community members have been impacted by local law enforcement will ground your organizing and help you understanding what further effects 287(g) would have or is already having.
- Have you been supporting campaigns to stop deportations? Reach out to family members you've been in touch with and ask to learn more about police involvement in their loved one's detention and/or deportation.
- Do you host Know Your Rights events in your local community? Give the audience a quick explainer on 287(g) and ask them to share any stories they hear about ICE and police with your campaign.
- Does someone you know participate in a visitation program to detention centers? Ask if they can incorporate 287(g) into their presentations or talks with detainees.
- Are you connected with any local criminal justice campaigns that may be working on other issues around jail conditions, jail construction or expansion, or detention accountability?

  TIP: Sharing a story of those who have been directly impacted is a powerful tool; however, we advise that you get consent from these individuals before publicly sharing their story. Let them know about the importance of their testimonies in your campaign and policy asks. Individuals should also be asked if they feel comfortable with media and or participating in your meetings with law enforcement.

PART III: Organize — Meetings with Law Enforcement & Other Campaign Tactics

1.) Meeting with Local Law Enforcement

If this is your first meeting with your sheriff or other agency, your meeting should serve as an information gathering session, and should be the first of many meetings to monitor and influence the way immigration enforcement is happening in your community. If you have met with your Police Chief/Sheriff before, continue information gathering and also considering shifting to advocating for a local policy which promotes total disentanglement with ICE. You may also want to ask for regular quarterly meetings to continue addressing issues that arise.

Goals:

- To assist in campaign efforts to obtain total disentanglement between local law enforcement and ICE.
- Establish or improve relationships with law enforcement to build community trust and continue addressing any future issues.

Before the meeting:

- **Ask for an updated copy of any local immigration policy.**[4] Review this policy with your team, or with the legal contact provided at the end of this handout. Bring up any questions/concerns at the meeting.
- **Research the sheriff or police chief and the agency that they run.** Even a Google search can yield tremendous results, including a review of their website. Who is the sheriff and what is his or her background? What issues does the sheriff and the agency care about? What projects has the agency prioritized in recent years? Are there any specific concerns or issues, e.g., lawsuits, that the agency is facing that you can use to leverage your ask?
- **Think carefully about what other organizations you can bring to your meeting to strengthen your advocacy.** Who else has influence in your community or expertise on issues in the jail or with the police department? Reach out to the public defenders or other criminal defense attorneys, criminal justice reform groups, domestic violence advocates, or other allies. Always try to have directly affected families who are able to provide their own story and perspective at the meeting.

4.) For some background information on your county's relations with ICE, see: www.ilrc.org/local-enforcement-map.

- **Ask for the jail commander to be present.**[5] The sheriff or police chief is in charge or running the Department as a whole, and may not know the daily activities of the local jail. Ask for the jail commander, ICE liaison if they have one, or someone in record-keeping who monitors requests from ICE, to be there as well to answer any questions that the sheriff or police chief may not know.

- **Materials:** 1) Develop a meeting agenda and assign roles to those attending the meeting; 2) confirm the most important meeting questions if time runs short; and 3) confirm any meeting handouts that you would like to provide the sheriff with, such as the ILRC U Visa handout.[6]

Meeting Prep: Meet for about an hour before the meeting with law enforcement in order to prepare. During your Prep Meeting, you will want to accomplish the following:

I. **Set the meeting agenda and question outline:** A sample meeting agenda is provided below.

II. **Assign roles:** Assign a facilitator, a note taker, and determine who will ask which questions.

III. **Tone:** Remind everyone to keep the tone respectful throughout the meeting.

The following agenda can be useful in preparing for meetings with local law enforcement. Since you will have a limited amount of time and may be attending meetings with other advocates, it is important that you are well prepared and organized.

Meeting: Sample Agenda

I. **Introductions** (5-10 minutes)

A. Individuals or groups should explain ties to community, including number of community members represented, and voter base if your sheriff is elected.

B. Frame the goal of the meeting as an effort to **build community trust.** Given tension across the country between local law enforcement and communities of color, including immigrants, it is clear that we are in a crisis. This meeting is an effort to rebuild trust.

C. Collect law enforcement business cards so that you correctly document who was there and their contact information. Share yours as well if you have one.

5.) Not all cities maintain jails. If you are meeting with a police chief, confirm if your city has a jail or what detention facilities they operate.

6.) *U Visa Basics for Law Enforcement*, available at https://www.ilrc.org/u-visa-basics-law-enforcement.

II. **Testimony from affected community member** (5 minutes)

A. This should illustrate the harm that cooperating with ICE has on the community. For example, describe the harm that deportation has had on a family as a result of contact with the criminal legal system.

B. If the affected individual can't be present, someone else can describe the account second hand.

III. **Questions (See Questions for Law Enforcement, below)** (40-45 minutes)

A. Use the *Questions for Meetings with Law Enforcement*, as a guide. Since this list is longer than what you may have time for, **prioritize** ahead of time those question that are most important in your community. And don't forget to focus on getting to know your target.

IV. **Closing** (5 minutes)

A. Thank the agency for their time.

B. Reiterate any next steps. For example, any promises to provide data, policies, or engage in follow up meetings.

After the Meeting:

I. **Debrief** immediately after the meeting. Discuss what went well and what didn't. Establish next steps and assign responsibility for each next step. Don't forget to type up your notes!

II. Send a **thank you letter or email** to law enforcement agency. **Restate any follow up** steps and establish a date for any follow up steps. For example, that you look forward to receipt of any policies within two weeks.

Meeting Next Steps:

1. Can your Office share any written policies, procedures, and training materials regarding the treatment of immigrants or anything else regarding interactions or communications with ICE?

2. Can your Office share data regarding receipt of ICE detainers and if they are complied with, and why?

3. How soon can we meet to discuss next steps (shared data, suggested revisions to policy, etc.)?

Questions for Local Law Enforcement

In addition to having a meeting agenda set in advance, you will also want to have a list of questions that you plan to ask during your meeting with local law enforcement. The questions outlined below may be a useful starting point, but you will want to edit the questions based on local policies and context.

Questions to get to know your law enforcement agency

- Can you tell us about any programs that you have that aim to build trust with our communities?
- What does "community policing" look like in your department?

287(g) Questions

- What do you know about the 287(g) program?
- Why did you apply for the 287(g) program?
- What other local officials were involved in the decision to apply?
- How many officers are deputized to participate in the 287(g) program?
    - What immigration enforcement activities do those officers do?
    - Do they explain to inmates that answering questions about their immigration history is voluntary?
- What supervision is provided by ICE?
- Does ICE provide guidance on who is a priority for immigration enforcement?
- How do you (intend to) fit 287(g) into your budget?
- How will you prevent officers from engaging in racial profiling when the department is actively involved in immigration enforcement?
- Do deputized officers get any refresher or ongoing training on immigration law?

Other communication/cooperation with ICE

ICE Detainers

- Do you receive ICE detainers?
    - How often? E.g. how many per week, per month?
    - How are detainers received and processed?
    - How do you confirm that an ICE hold complies with the Fourth Amendment?
    - Are they issued by ICE, or from deputized 287(g) officers in house?
- Do you proactively provide a courtesy notice to ICE regarding release dates?
- Is a specific person at the jail responsible for communicating with ICE about inmates?
    - How often does ICE show up to pick someone up at release?
    - If they show up, where do they show up (in jail, outside, etc.)?

Jail Data

- Do you make any effort to collect or ascertain immigration status? If so, why?
- Are individuals asked for place of birth during booking? Why? Is ICE given access to this?
- What information are ICE agents given access to? E.g. booking information, databases, anything else?
- Do you collect information for ICE in any way? For example, a questionnaire?
- How much of your resources (time or money) have been expended on communications with ICE (including holds and notifications)?

ICE in the Jail

- How often are ICE agents at the jail? Do they have a desk or office at the jail?
- Do they sign in anywhere? Do they present a warrant?
- Are ICE agents allowed to interview individuals? Do they identify themselves when speaking to inmates?
- Do you know how ICE agents decide whom to interview?
- Do you ever collaborate with ICE in any other projects or investigations? E.g., gang task force, etc.
- Does ICE ever reach out for requests for help in any activities or investigations? If so, what does this entail?

U Visa Questions

- Explanation of why U Visas are important. In particular, it 1) enhances law enforcement's ability to investigate and prosecute crimes, and 2) protects victims of serious crimes while building trust in law enforcement.

    - Sheriff's departments are responsible for signing the U Visa certifications for survivors of crime. Having a 287(g) in place may hinder the ability of a noncitizen to come forward or report a crime that could make him or her eligible for a U Visa certification.

- If available, share a local story to illustrate the benefits of U Visa.

- Share ILRC U Visa Basics for Law Enforcement: https://www.ilrc.org/u-visa-basics-law-enforcement

- Share that DHS states that signing a certification only requires two things, that:

    - The individual is a victim of a qualifying crime and;

    - The individual "has been helpful, is being helpful, or is likely to be helpful" in the investigation/prosecution of that crime.

- Do you have a policy for signing U Visa certifications?

- Do your policy require more than these two requirements? If so, would you consider modifying your policy?

2.) Potential Campaign Tactics

The following checklist provides a list of actions you may be able to use in your fight against 287(g) agreements.

√ Get stories of individuals affected into the media

- Personal stories of people impact are always essential. Gather these stories and work to get them into the news media. Make sure you work closely with community members to make sure they feel prepared to tell their story publicly and understand the risks.

- Example: Houston Chronicle story of Eddy Arias: http://www.houstonchronicle.com/opinion/outlook/article/Immigrant-s-nightmare-began-with-traffic-stop-6716258.php

TIP: Media can sometimes attempt to spin stories to change the focus of your campaign narrative. Make sure the personal testimonies against the 287(g) highlight the inhumane practices and suffering it causes to the local community.

√ Call out transparency issues

- Sheriffs often apply for 287(g) without telling key stakeholders, including overseeing county boards. If you have a pending 287(g) application, ask other public officials to get involved and get more oversight. Get local reporters to start asking questions about 287(g) of the sheriff and other elected officials.

- ICE often reviews and approves 287(g) applications in secret or with very sort notice to limited stakeholders. This shows that ICE knows the program is problematic and that they don't want scrutiny. Call them out on their secrecy.

√ Data and public records requests

- All states have a version of the Freedom of Information Act (FOIA) law that allows the public to request government records. You can use these requests to ask about the numbers of people affected in your community, the way your agencies have communicated with or worked with ICE or CBP, how they applied for 287(g), and so on. Government agencies may be slow to respond to your request, so be sure to follow-up and don't accept silence as an answer.

- Be careful in setting your expectations for these requests. The information you get can be very useful for bringing attention to the issue, but you will never win on a numbers argument alone. Don't frame your whole campaign around numbers as they are just one part of the picture, and your opponents will always dispute or discount them. And sometimes the data itself isn't the main goal: the demands for information help you get attention to the issue and build support.

- Example: Nueces County TX filed a records request with the sheriff which may have discouraged him from going through with 287(g).

- Example: Harris County TX made a data request through one of their County Commissioners instead of under the state records law. This may be a good way to bring more power to your request and/or get faster results.

√ **Dig up dirt on jails conditions and complaints from detainees**

- Even if not directly tied to 287(g) or immigration, questions about jail management or complaints about jail conditions help build the case that adding 287(g) is not appropriate. Jails need more public scrutiny; there are many cases of poor conditions, mistreatment of inmates, and capacity issues. By highlighting other issues at the jail, you can call into question the motivations and impact of a 287(g) agreement.

- Example: Resource B: Sample Media Hits, with an Op-Ed from Chia Chia Wang and Angie Junck

√ **Ask for a jail tour or audit**

- You can ask for this. Get into the jail and see how things operate, ask questions about where and when ICE might come or have access, and who is responsible for interfacing with them. As with the previous tactic, this is not tied directly to 287(g) agreements, but it is an opportunity to understand the situation better.

- Example: Resource G for a sample list of questions from a jail tour in Dallas. While the focus of the jail tour was not a 287(g) agreement (Dallas does not have one), the sample list of questions is still a useful starting point.

√ **Challenge the legitimacy of the 287(g) agreement**

- Who in the county has authority to sign on to a 287(g) agreement? Can the sheriff do it without approval from the board? Are there procedural requirements under state or local law?

- Example: Organizers brought a lawsuit challenging the validity of 287(g) in Nashville under the city charter. Harris County (Texas) organizers called out the county attorney for not ensuring that the county court had signed on to the renewal of the 287(g) agreement as had been prior practice and as seemingly required by state law.

√ **Complain at city or county council meetings**

- Most cities and counties have elected boards/commissions/supervisors who hold regular hearings about local issues. You may need to work with one of these representatives to get 287(g) on the agenda. But otherwise there is usually a space for public comment, and you can turn out people to comment on existing or proposed 287(g) agreements.

√ **Direct actions to draw attention to the issue in general**

- Demonstrations can help bring more public awareness to the issue, or put pressure on specific targets. Important considerations for planning direct actions are making a media plan, getting legal support, and agreeing on a clear message and goals. If your direct actions involved undocumented individuals, make sure you seek appropriate legal counsel in case this action leads to arrest.

- Think about your target and the organizations, the places and or the audiences in which they most maintain a good public image. These are potential locations for direct or educational actions.

√ **Contact your state or national Representatives or Senators**

- Don't forget other important politicians or political leaders who might have influence in your county, even if they are not direct targets.

√ **Send an open letter of opposition from local groups**

- Sign-on letters are never enough on their own, but they can be a useful tactic for expressing your position and laying out key arguments, as well as engaging allies.

- Example: See Appendix F for sample sign-on letters opposing 287(g).

√ **Educate the groups that support or have a strong influence on the sheriff's department and get them involved:**

- The sheriff's department must maintain a good public standing with its supporters. These supporters may include donors, voter base, and local organizations that have publicly endorsed the department and or work closely with the department.

- Find further potential allies and voices in local labor groups, legal service providers, DV advocates, faith groups, educators, criminal justice reform groups, immigration attorneys, LGBTQI organizations, etc.

- Get them to sign on to your campaign, letters of opposition, or other efforts, or weigh in independently.

PART IV: Resources — Sample Campaign Documents

Resource A: Sample Campaign Fact Sheets about 287(g) in Harris County

Immigration Enforcement in Harris County

Harris County is the deportation capital of the United States.

- Harris County deports an average of nine people every day / close to 300 people every month.
- Because of the 287(g) program and Harris County's relations with ICE, Harris County deports more people than the notorious Sheriff Joe Arpaio in Maricopa County
- Los Angeles County Sheriff's Department recently withdrew from 287(g), making Harris County the largest 287(g) program.

Working with ICE is bad for public safety.

- Local involvement in federal immigration enforcement perpetuates unjust deportations, leads to costly civil rights violations, and further damages the already fraught confidence in local police.
- Having ICE agents or deputized 287(g) agreements in the jail makes it clear that Harris County law enforcement is not safe for immigrants, making the community less likely to report crimes or act as witnesses.

Harris County Sheriff's Office chooses to involve itself in federal immigration enforcement.

- Helping the federal government find and deport people is not Harris County's job
- There is no legal obligation to participate in 287(g) or any immigration enforcement programs

Harris County wastes its own money on immigration enforcement when the federal government has $18 billion for it already

- Harris County spends $1 million per year doing ICE's job with 287(g) officers
- This comes at the cost of other vital services that the County could improve, such as education and social services, which will better promote the well-being of our community.
- The federal government already spends $18 billion on immigration enforcement – more than on the FBI, DEA, Secret Service, and all other federal criminal law enforcement agencies combined.

Houston city jails also facilitate deportations by helping ICE arrest people directly from city custody.

- Hundreds of people are apprehended and taken to immigration detention directly from the two Houston city jails every year.
- In 2013, 97% of those taken by ICE directly from the custody of the city of Houston were from Mexico, El Salvador, Guatemala, and Honduras, even though these countries represent less than 60% of the Houston area immigrant population.

Cities, counties, and states across the country have disentangled themselves from ICE.

- More than 700 jurisdictions across the country, including major cities like New York, Chicago, New Orleans, Miami, and the District of Columbia, have limited their involvement with federal immigration enforcement, due to immense financial and human costs as well as decreased community trust in local law enforcement.

Top 5 Things to Know About 287(g) in Harris County

Harris County is the deportation capital of the United States.

Harris County has the greatest involvement in deportations of any Sheriff's Office in the country. From 2012 to February 2015, Harris County deported 12,670 people, while the home of the infamous Sheriff Joe Arpaio in Maricopa County in Arizona deported 11,942 people. During this period, Harris County deported an average of nine people every day / close to 300 people every month.

1) Under 287(g), local law enforcement officers act as immigration agents. They can investigate the immigration status of people in the jail, access Immigration Customs Enforcement (ICE) databases, and issue immigration detainers. With sign-off from

an ICE supervisor, 287(g) officers can place people in removal proceedings and get people to sign their deportation orders and give up their right to see an immigration judge.

2) Harris County Sheriff's Office (HCSO) has the largest and oldest 287g program in the nation. The program started in 2008, and it was renewed in 2010, and it is up for extension in 2016. The program as trained at least 9 local sheriffs to act as ICE agents. And it has cost the jail millions in just seven years.

3) HCSO voluntarily chooses to involve itself in federal immigration enforcement. 287g is not mandatory; it is optional. Other counties have successfully opted-out, such as Los Angeles county.

4) HCSO is using its own county funds to do the work of the most well funded federal agency. HCSO uses its own county funds to carry out the federal government's deportation agenda. In 2013, the Houston Chronicle reported that the Sheriff[1]s Office spent nearly $50 million in a two-year period to house undocumented immigrants being held at the request of federal authorities - more inmates than any other county jail in Texas. It is also reported that there are 18 jail agents in the jail acting as immigration officers, costing at least $1.1 million per year to cover their salaries. This comes at the cost of providing other vital services within the jail including healthcare at a time when there is a high suicide rate within the jail.

5) HCSO is exposing itself to legal liability for constitutional violations. Local law enforcement involvement in federal immigration enforcement has resulted in the violations of the constitutional rights of citizens and noncitizens alike. Lawsuits have been filed across the country, many resulting in damages against numerous city, county, and state corrections agencies. Lawsuits continue to be filed, such as in Dallas in November 2015.

Existing Data on Harris County, TX 287(g) operations

Harris County Sheriff's Department runs the county jail, which houses approximately 9,000 inmates. Harris County Jail includes three detention buildings: the 1200 Baker St. Jail (more than 4000 beds), the 701 N. Jacinto St. Jail (more than 4000 beds), and the 1307 Baker St. Jail (over 1000 beds). Two thirds of inmates are pre-trial, and most are charged with felonies. Of convicted inmates, more than half are detained because of misdemeanor convictions or parole violations.(1)

ICE and 287(g) Immigration Arrests in Harris County Jail

Harris County operates the largest 287(g) program in the United States. In FY2013, 287(g) officers identified and brought to ICE custody at least 2303 individuals.(2) More than 95% of those transferred to ICE under the 287(g) program were from Mexico, Guatemala, El Salvador, or Honduras. ICE also apprehended an additional 433 individuals from Harris

County jail, outside of the 287(g) program. Of these, 90% were from Mexico, Guatemala, El Salvador, and Honduras. These arrests total an average of 273 people per month, or 8.5 people per day.

This data shows that 287(g) officers identified and arrested proportionally more Mexicans and Central Americans than federal ICE agents. The likelihood of this difference in apprehension targets occurring purely by chance is less than .2%.

Deportations from Harris County

Harris County has deported more people in recent years than the notorious Sheriff Joe Arpaio in Maricopa County, Arizona. In fact, there were more deportations from Harris County than any other county in the entire country in 2014 and 2015. This includes more deportations than Los Angeles, which has more than twice as many people and three times as many foreign born residents.(3) During FY2014 and early FY2015, Harris County deported an average of nine people every day and close to 300 people every month.

Also in Houston is the Houston Police Department, which has two jails of its own. The Central Jail at 61 Riesner Street has 163 beds for male municipal prisoners on the fifth floor and 94 beds for male hold prisoners on the sixth floor. The Southeast Jail at 8300 Mykawa Road contains 143 beds for prisoners. All female prisoners booked by the Houston Police Department are taken to this facility.

In FY2013, ICE apprehended at least 264 people directly from Houston PD custody. All but 8 of those apprehended by ICE in Houston city jails were from Mexico, Guatemala, El Salvador, or Honduras (97%).(4)

1.) http://www.tcjs.state.tx.us/docs/AbbreRptCurrent.pdf (Snapshot from October 1, 2015)

2.) Data obtained from FOIA of the Criminal Alien Program by the American Immigration Council. Data covers only the first 10 months of FY 2013.

3.) From FY2014 through February 2015, Harris County deported 4665 people, while Los Angeles deported 4109. Maricopa County, AZ deported 4366 people.

4.) Data obtained from FOIA of the Criminal Alien Program by the American Immigration Council. Data covers only the first 10 months of FY 2013.

Resource B: Sample Media and Messaging
Press releases and op-eds

For Immediate Release
Wednesday, November 15, 2017 - 9:15am
Organization Profile: Voces de la Frontera
Contact: Sam Singleton-Freeman, 414-469-9206, sfreeman@vdlf.org

Following Community Outcry, Federal Government Rejects Milwaukee County's 287g Application

The Trump Administration approved 287g applications from Waukesha County and 22 other jurisdictions nationwide.

MILWAUKEE, Wisconsin - On Tuesday the Department of Homeland Security rejected an application to give Milwaukee County Sheriff's deputies authority to separate immigrant families under the 287g program. DHS approved 287g applications from Waukesha County and 22 other jurisdictions nationwide. The Trump Administration is attempting to expand the 287g program nationwide to deputize local law enforcement as agents in their campaign of mass deportation and terror against immigrant families.

Dozens of immigrant community members and their families rallied in Milwaukee Thursday evening to call on Milwaukee County Sheriff Richard Schmidt to publicly declare he will no longer seek 287g authorization, and for Waukesha County Sheriff Eric Severson to withdraw his application for the program. Click here to see video of the rally. Click here for photos by Joe Brusky.

"This victory in Milwaukee is a result of our efforts to give voice to the families who have suffered terrible human rights violations at the hands of the Milwaukee County Sheriff's Office," said Christine Neumann-Ortiz, Executive Director of Voces de la Frontera. "We continue to call on Sheriff Severson to not sign the 287g agreement in Waukesha, and we urge Governor Walker to block the state bill AB190, which is very similar to 287g.

"We defeated a similar bill last year through the Day without Latinos, Immigrants, and Refugees statewide general strike," continued Neumann-Ortiz. "Our two strikes this year helped push David Clarke out, expose his abuses, and defeat this application. But with AB190 moving forward, we are preparing in our 8 chapters statewide for a more sustained strike. If there is movement at the state level on AB190, or if Sheriff Severson signs the 287g agreement, we will organize a statewide strike for at least two days. We will make sure there is no hate in the dairy state."

"DHS rejecting this application is the best news I've heard all week, but the fight doesn't stop here," said Milwaukee County Supervisor Peggy West. "We will move forward and try to pass legislation that makes it so 287g won't come back, that makes sure no other application is submitted, and if one is submitted, that there's no funding in order to do it. I don't think that Sheriff Schmidt will resubmit the application. I think the denial by DHS sends a very strong message. The county board doesn't support 287g and we won't support it. I'm very pleased to keep working with Voces and all of you to do what is just."

"As a father, I'm worried that this anti-immigrant, racist 287g program will destroy our Waukesha County families," said José Flores of Waukesha, the President of Voces de la Frontera. "We want to touch Sheriff Severson's heart and urge him to not sign the agreement to start this program, which will end up separating so many families. We will keep fighting against hate."

"As a center, we strongly oppose any efforts to enlist state or local authorities in the enforcement of civil immigration laws in Milwaukee County," said Mariana Rodriguez of the UMOS Latina Resource Center, which serves Latina victims of domestic violence and human trafficking and their children. "287g would make victims afraid of asking police for help. We want victim and community safety and we want to hold perpetrators accountable. Sheriff Schmidt, we urge you to reject 287g for the sake of domestic violence victims."

"Black, brown and immigrant communities are living in an apartheid state and 287g aims to further the level of oppression with police-sanctioned racial profiling," said Lisa Jones of Uplifting Black Liberation and Community, or UBLAC. For the beloved community we must invest in people, not profiling. Sheriff Schmidt we urge you to reject 287g and racial profiling, and stand with black, brown and immigrant communities."

Click here to see a letter from Voces de la Frontera and 8 other Milwaukee community organizations urging DHS to reject Milwaukee County's 287g application. Click here to see a similar letter against the Waukesha application.

###

Voces de la Frontera is Wisconsin's leading immigrant rights group - a grassroots organization that believes power comes from below and that people can overcome injustice to build a better world.

Feds shouldn't make N.J. police act as deportation agents | *Opinion*

Updated on July 25, 2016 at 11:34 AM Posted on July 25, 2016 at 11:33 AM
By Angie Junck and Chia-Chia Wang

Two months ago, Jose Molina was relaxing at his home in Harris County, Texas after work, playing music and drinking beer with a friend.

He stepped out to move his truck into his apartment complex so it wouldn't be towed overnight, and was pulled over by Pasadena Police, a department that has had a reputation of engaging in racial profiling.

Arrested for driving under the influence, the widowed father of three was immediately sucked into the dragnet of 287(g), a federal program designed to have local police act as deportation agents, after being booked at the Harris County jail.

Because of this collaboration, Molina, a resident of the U.S. for nearly three decades, was turned over to immigration authorities and now currently sits in a detention center in Conroe, Texas on the brink of deportation.

He is unable to care for his three U.S. citizen children, one of whom is disabled and suffers from severe autism and seizures. His son Alexis, who is just 21 years old, has been forced to quit his job and step in as caretaker for his siblings, including his old brother with autism.

If deported, it is likely that Jose Molina will never see his children again. Jose Molina is one of thousands of casualties of the deportation dragnet resulting from local law enforcement collaboration with immigration authorities.

Here in New Jersey, Hudson and Monmouth counties are both currently under 287(g) agreements, and ICE is courting seven new jurisdictions to join the program, including Salem County. On July 14, Hudson County, renewed its 287(g) agreement with the federal government for another three years.

Hudson uses three deputized officers to run the program. Including their salaries, any other additional personnel time involved and other relevant administrative costs, it's fair to say the county dedicates at least tens — if not hundreds — of thousands of dollars to the program.

Why does the federal government continue to seek contracts with localities like Hudson County and Harris County, which are mired in their own systemic human rights abuses and have continually rejected and resisted reform?

Hudson County boasts a population that is nearly 42 percent foreign-born and a county government that has been vocally supportive of pro-immigrant policies.

Yet, the Hudson County jail — a participant in the 287(g) program — has been named one of the three worst immigration detention sites amongst 53 monitored across the nation. In May, advocates filed a civil rights complaint surrounding substandard medical care in 61 cases at the hands of a for-profit healthcare provider contracted by the jail.

The jail's woes don't end there. In clear violation of due process rights, the jail has detained one elderly woman for over two years.

At a meeting with advocates, the County's Director of Corrections openly admitted to the County Executive that the jail did indeed send immigrants who had yet to be convicted to ICE for detention. Though county officials recently expressed their desire to end the 287(g) agreement, citing community opposition and concerns about the jail's operations, they've decided in favor of continuing to tear families apart, renewing the agreement anyway.

Across the country in Harris County, Texas, one in four Houstonians are foreign-born, and the city is known as one of the most ethnically diverse in the nation. The largest participant in the 287(g) program, the Harris County jail was investigated by the Department of Justice in 2009 for inadequate medical care, excessive use of force and overcrowding.

Five inmates have died under the tenure of the current sheriff after suffering from assaults or unexplained head trauma while in jail custody. Just last week, due to the use of faulty field testing kits in Harris County, a ProPublica investigation revealed "Blacks made up 59 percent of those wrongfully convicted in a city where they are 24 percent of the population."

In the meantime, Harris and Hudson counties continue to fill their jails and voluntarily carry out work of the federal government rather than fix these many abuses.

It's time for the Obama administration to scrap the 287(g) program for good. The costs of deportation are immeasurable and its effects reverberate across generations — once someone has been ripped from their family, young children are left in foster care, elderly parents without caretakers, and spouses are forced into single parenthood.

In line with our values of richly diverse communities, just and fair policies, and human rights and dignity, we must end the mass deportation and criminalization of immigrants.

As we've witnessed the full and heartbreaking display of the biased policing across the country recently, we must also work to end the mass incarceration and predatory targeting of communities of color, many of which are heavily formed of immigrants. This intersection of racial profiling and immigration enforcement is particularly evident within the black, Middle Eastern, Latino and Afro-Latino immigrant communities, who remain to this day targeted for deportation at disproportionately higher rates.

All immigrants are worthy of equal protection under the law. It is imperative that state and local police stay out of the deportation business altogether.

Chia-Chia Wang is the organizing and advocacy director for the Immigrant Rights Program at the Newark-based American Friends Service Committee.

Angie Junck, J.D. is the supervising attorney at the Immigrant Legal Resource Center, where she focuses on the intersection between the immigration, criminal and juvenile justice systems.

HOUSTON★CHRONICLE

Immigrant's nightmare began with traffic stop

County's deal with ICE costs taxpayers, isolates large part of community

By Eddy Arias
December 22, 2015

I spent 45 days in the Harris County jail for a crime I did not commit because I am undocumented. And because the jail works with federal immigration officials, I spent one week in solitary confinement because I am gay. But I am just one of thousands unjustly detained as a result of Harris County Sheriff Office's partnership with Immigration and Customs Enforcement (ICE) through the 287g program, a federal program that gives local jail officials authority to enforce federal immigration laws, and does so at local taxpayers' expense.

My nightmare in local and federal jail began in October 2011, when I was driving home from work and was stopped by a Houston Police Department officer for passing a yellow light. The officer asked me if I was from the United States and I honestly replied, "No." The officer then laughed and said, "I knew it." I can only infer that I was profiled because of my accent.

I was taken into custody and charged, without cause, with driving under the influence. Upon arriving at the city jail, my blood was drawn and I was transported to the Harris County Jail. At the jail, I ended up in the hands of Harris County deputies acting as immigration officers under the 287g program.

Harris County has a long history of working with ICE. The 287g program started in 2008 with Sheriff Tommy Thomas and was renewed by former Sheriff Adrian Garcia. Today, as a result of the 287g program, Harris County deports more people than any other county in the country.

During an administration that has deported more people than any before it, the county's continued voluntary hand in deportations further isolates the immigrant community - a community that amounts to nearly one-quarter of Houston residents. This agreement also costs Harris County taxpayers approximately $1.1 million per year.

I lost 45 days of my life in Harris County jail even though lab results proved that I was not intoxicated and therefore, innocent of the accusations. I was stripped of my right to liberty and the county had to pay for my incarceration, despite the national attention the county has received for massive jail overcrowding.

It did not end there. As an immigrant, I was subject to additional detention at the Polk County ICE Detention Center in north Houston.

Because I honestly answered that I was gay when asked by an officer, I was then locked up in a solitary confinement cell. I was unable to see other human beings, and I was completely alone in a tiny cell every day for over a week.

It was almost Christmastime and never had I experienced so much rejection and anguish. Christmas gifts and celebrations did not cross my mind. Instead, freedom is what I hoped for. It wasn't until three weeks in detention that I finally saw an immigration judge and was granted a bond that my family and friends helped pay.

I was finally free, but it cost me more than two months of my life.

It caused me emotional and psychological trauma and stress on my family and friends.

It cost me my job.

No immigrant in Houston is free from the possibility of arrest, incarceration and threat of or actual deportation. While today I am a high school teacher finishing my pre-med requirements to apply to medical school, I have become politically active and work alongside United We Dream and other immigration advocates to ensure that all immigrants in Houston receive due process and equal protection under the law.

We demand an end to the flawed 287g program and Harris County sheriff's entanglement with federal immigration authorities.

Federal immigration duties should lie with the federal government; not local law enforcement officials.

Harris County participation in the 287g program not only entangles federal immigration duties with local law enforcement, it leads to racial profiling and the violation of rights, deportation and the separation of American families, and undermines trust in local law enforcement in large communities of Houston. The cost is on local taxpayers, money that could go to other vital community services. Harris County must end this unjust policy and work with the community to find alternatives that truly protect all residents of the county.

Arias is a high school teacher in the Houston Independent School District.
Frances Valdez, Immigration Attorney
May 2016

The Harris County Sheriff's Office has invested in the business of deportations, turning every traffic stop and witness statement from their own officers and local police departments into a potential deportation.

The pillar of Harris County's deportation business is its participation in 287(g), a voluntary federal deportation contract that involves deputizing local law enforcement to do the federal government's job. This program only now exists in 32 jurisdictions in the country; over 350 other localities have chosen to end their contracts with Immigration and Customs Enforcement (ICE), citing budget and public safety concerns. Harris County's 287(g) contract is set to expire on June 30, 2016 ... unless Sheriff Ron Hickman chooses to renew it.

This relationship between Harris County and ICE comes at a cost of more than $1 million a year in taxpayer's money, including my own as a Houstonian. Its impact: further erosion of already fraught trust between law enforcement and communities of color, the continued suffering of community members who face or lose family members to deportation, and a daily burden of stress and anxiety carried by Houston's many immigrants surrounding the threat of deportation each day.

As a member of Houston Beyond ICE, a campaign to end the 287(g) contract and County involvement in deportations, I recently participated in a tour of the county jail and met with Sheriff Hickman about the continuation of 287(g), it's current implementation and how it impacts the day-to-day safety and well-being of the community.

Here are five key things I've learned:

1. Some Harris County Sheriff Deputies are paid to essentially work as ICE agents in the jail, even though they are county employees.

In 2012, the U.S. Government spent $18 billion in immigration enforcement, more than the U.S. spends on the FBI, DEA, Secret Service, and all other federal criminal law enforcement agencies combined. Despite belonging to the Department of Homeland Security, the most well-funded law enforcement agency in the country, ICE operations are being subsidized by Harris County. The County voluntarily provides personnel time, workspace, and holding cells to ICE. Eight Sheriff Deputies have been trained and deputized as ICE agents. They work hand in hand in the same space as ICE and dress as ICE agents. In essence, their sole job responsibilities under the County are to act as federal ICE agents, using local resources towards a federal responsibility.

It is estimated that Harris County pays approximately $1million to maintain the

287(g) contract. Sheriff Hickman stated that he receives roughly $800,000 in federal reimbursement for providing these services, but he does not even know that he would continue receive these federal funds even without the 287(g) contract. Therefore, Harris County residents still pay to provide personnel and space for ICE at the cost of county taxpayers.

Our money is better spent on community improvement initiatives, including addressing the many other concerns and problems with the Harris County jail system. Why can't the federal government do its own job?

2. Immigrants can be forced to leave the U.S. for something as common as having an expired registration sticker.

Sheriff Hickman has asserted that a simple traffic violation will not get you deported. However, a focused review of Sheriff and county jail procedures shows that a traffic violation could lead to questions about immigration status and fingerprints taken, which are subsequently shared with federal agencies. This could happen whether or not that person is ultimately taken to court for the original traffic violation; being pulled over as an immigrant can set in play a series of events that have severe consequences for immigrants and their families, including permanent separation of a family unit.

In one example of how this is being enacted every day, Sheriff Hickman has confirmed that his deputies arrest immigrants for driving without a license, as opposed to the more common practice of just issuing them a ticket. In Texas, driving without a license is usually punishable with a small fine.

Imagine this common scenario: You're driving home from work at the end of a busy month. Things have been so hectic that you haven't had time to get your oil changed or renew your registration sticker, which expired the past month. You're running through your long to-do list in your head, lost in your thoughts of what the kids will eat for dinner, and accidentally roll a stop sign. Before you know it, you see those dreaded flashing lights behind you. For most people, this scenario would end in frustration and a financial inconvenience of a few hundred dollars to pay your ticket, plus a much-needed pit stop at your closest Kroger to take care of your sticker. Now imagine you were undocumented, meaning in Texas, you're not easily able to get a driver's license. The deputy who pulled you over has one of two choices: the deputy can choose to simply give you a ticket for an expired registration sticker or the deputy can arrest you for driving without a license and/or failure to ID. Never mind that there are kids waiting for you at home, dinner to be prepared, and family to visit over the weekend. Once you're arrested and booked into the jail, a formal process begins which includes official questions on your immigration status while your fingerprints provided to federal

authorities.

It is common knowledge that there is an extra risk to "driving while brown." When asked about a system of accountability and how his office ensures that racial profiling does not occur, Sheriff Hickman responded that it simply does not happen, but was unable to provide information on how he can be certain of that statement.

3. The 287(g) program fosters a ripe environment for racial profiling.

The Sheriff Office screens and targets immigrants who enter the jail, setting forth an entire process that results in the differential treatment of anyone believed to not be a citizen. It's even been documented in the past where ICE has mistakenly detained U.S. citizens. Once a person is arrested, a Sheriff's Deputy takes an individual to the processing center at 1201 Commerce Street. Upon entering the facility, the immigrant's fingerprints are taken. Those fingerprints are shared with federal agencies including the FBI. The FBI shares those fingerprints with Immigration and Customs Enforcement (ICE) to identify individuals for deportation. This is before charges are filed and way before a conviction (if actually found guilty) occurs.

The suspected immigrant is then put through the standard booking process where Sheriff employees asks about immigration status and country of birth.

4. ICE has been given full, Big Brother-style access to any immigrant in the jail, even those who are legal permanent residents.

ICE has unfettered access to immigrants once they enter the Harris County jail. From the time an immigrant is fingerprinted to the time that an immigrant is released, ICE has access to interview and eventually detain immigrants.

The Sheriff's office was unable to give information about the ICE interview process happening in their jails, making it seem like the Sheriff actually has no idea what ICE agents do in his jails or whether they are respecting the constitutional rights of all detained people during these interviews. The Sheriff did not know what questions were asked or if an attorney is present at the interviews. We know from other jails across the country that these interviews are often conducted in coercive ways, with threats to individuals to sign their own deportation orders before the full merits of their case have been evaluated by a judge, a right we would all want for ourselves were we in the same situation. These coercive and unjust practices are often directly responsible for sealing an immigrant's deportation.

5. After being released from jail, rather than going home to their families, immigrants are instead turned over straight into the hands of ICE.

The Harris County jail will release inmates upon receiving a notice that they have posted bond, that they fulfilled their sentence, or their case is dismissed. Before an inmate is released, the Central Records department reviews their case to make sure that another law enforcement agency is not requesting they transfer the inmate to their custody. If an immigration hold is placed by ICE, a voluntary and often unconstitutional request, then ICE will be called and asked if they will pick up the inmate. ICE can then literally walk down the hall to the released area of the jail and detain the immigrant.

The Sheriff's Office states that inmates are not held beyond the date that they are scheduled for release. For example, if an immigrant is scheduled for release on April 29th and ICE does not pick them up before midnight on April 29th, then the Sheriff's Office is obligated to release them. However, ICE has a van that picks up immigrants every evening at 11pm. This process still poses grave concerns because any detention beyond the time they are otherwise released could be a violation of their constitutional rights. Moreover, there are concerns that the release process for immigrants varies from other individuals solely to facilitate a transfer to ICE, again pointing to differential treatment.

An end to 287(g)

The Harris County Sheriff's Department uses approximately $1million dollars of county funds to house and provide 8 personnel to ICE, an agency with an annual federal budget of $6 billion. The county is doing the job of the federal government, a voluntary task resulting in the increased mistrust of law enforcement by Houston's communities of color.

The end of 287(g) would be an easy first step in saving the county money and helping to strengthen trust between the immigrant community and the Sheriff. Ultimately, we need to work towards real solutions to public safety – Harris County should get out of the deportation business and use local resources to invest in the communities and prevent crime before it starts. Harris County is far too deeply entangled with ICE – it's time to cut those ties and focus county resources and support back where it belongs – in our community.

Resource C: Sample Questions and Notes from Dallas Jail Tour

Date: 10/28
Time: meet at 12:30 PM // tour will start at 12:45 PM
room A5, in the Frank Crowley Court Bldg. It is located on the first floor, across from the Cafeteria (when you enter the Bldg., you will be on the 2nd floor, so you will have to go down to the 1st floor.)

remember to leave all items in your car that are not permitted (phones, knives, briefcases, etc) but bring your government issued ID

Signed up participants for tour: highlighted are folks who have turned in their form
Duration: 1.5-2 hours
Debrief option: next NTIC meeting?

Booking

1. What is the booking process?

a. Do non-English speakers have translation available when explaining their procedure?

The officer explained that immediately after the police car pulls into the unloading area their procedure starts. At this point this is still not considered "official booking" however the police officers search the arrested individual and engage in conversation. If the arrested individual doesn't speak English they will request a speaker of the idiom of the arrested. DPD have a "language line" where they call for assistance for the non-english speakers however for Spanish speakers might be assisted in a faster fashion because DPD have multiple spanish speakers on staff. The DPD is also stating that they are being more intentional when it comes to hiring staff to cater to the many idioms in the area.

b. Do you ask inmates about their citizenship or immigration status during booking?

The officer explained that at the booking process where they do prints, possible DNA gathering and ask booking questions they ask regarding "place of birth" not necessarily country. They also shared that they have to ask multiple questions for their health questionnaire. I have requested to get a copy of their booking sheet and will continue to inquire for said form until they share their copy so we can see the

direct language.

c. Do you ask them about country of birth?

Place of birth is how it is framed.

d. Do you contact their consulate if they request it?

The officer giving the tour stated that this question would get answer at a later part of the tour. After going through the booking process and sitting in general population and fingerprinted etc when they reach the magistrate office are they then allowed to officially request their consulate. Also if they do not speak English they are provided a translator for the magistrate process.

e. Do consular officers come to the jail?

From the response the officer gave, after the arrested individual requests his/her/their consulate to be contacted it is noted in the record and the request is placed at the magistrate's office.

f. Is that entered into a database?

Yes.

g. Who has access to booking information?

Chief Deputy Herrera stated that agencies in the jail has access to their data base and that at times other agencies must request access.

h. Which officers books the arrest? Which computer systems are used?

The officers in the booking process. Since there about 3 terminals various officers perform different aspects of the booking process. They mentioned IAS and the arrested individual booking number.

i. How is security classification decided?

From the description of booking and holding, it isn't.

j. Does immigration status or an ICE hold affect custody classification?

When arrested individual goes to magistrate and that is when officially informed of hold.

2. What is the process for informing ICE about inmates?

ICE has access to the database, the intake sheet from booking and can walk freely in the general population that is divided by male/ female without uniform, casual clothes and a very small ID.

a. Is there a jail officer who is an ICE liaison or who communicates regularly with ICE?

All officers can communicate with ICE, they stated how all collaborate with ICE. No specific individual.

3. How and when are arrestees assigned to a public defender?

When the arrested individual goes to magistrate and that is when officially they can request one.

4. Do non-citizens get any documentation by jail in their language of origin?

When the arrested individual goes to magistrate the officer stated the translator and documents are multilingual.

5. Will you share copies of the jail guides that they receive?

No

While in Detention / ICE ACCESS

1. How does ICE operate in this jail?

a. Do ICE agents have a particular workspace or office?

Yes. They have an office that is adjacent to the general population.

b. How many officers, offices?

They have 5-6 plus a supervisor.

c. What access do they have to talk to inmates about immigration issues?

Free range, they can roam the booking and general population.

d. Do ICE agents sign-in/ check-in with someone before interacting with detainees?

Not according to the officer, they are their own agency.

e. Do they wear uniforms/badges?

No, they wear regular clothes.

f. What information or databases do ICE agents have access to in the jail?

The ICE agent said "Federal System Database"

g. Are visiting family members alerted that ICE is present?

Officers state that at times yes family needs to speak to ICE officers.

h. Does ICE talk to jail visitors?

When applicable according to the officer regarding the person detained

i. Do Dallas County jail guards or sheriff deputies ask people about immigration status?

According to Deputy Herrera, not that he has seen.

j. Do they ask visitors about immigration status?

Not the DPD, according to the Deputy "unsure about ICE"

k. What kind of ID is needed to visit someone in custody?

Any government ID is validated.

2. If a person is placed on an "ICE Hold", how is the person notified about being on an "ICE hold" do they get a copy of the notification?

According to the officers, they get informed at the magistrate office and it is within the documents they are given.

3. If they believe the ICE hold is in error, what is the process for contesting it?

Verbally at the magistrate. However, Deputy Hines is unsure about the process if any since under ICE's jurisdiction.

4. How do people post bail/ pay bond? Is it different if they have an ICE hold?

They can post bail/bond after they speak to the magistrate. They can pay however won't be released.

5. Are people with ICE holds permitted to pay bail?

Yes but it won't affect their release.

Release

1. How long does outprocessing usually take?

2-4 hours

2. What are the steps for out processing and release?

Fingerprints

3. What happens to someone who is due for release but for whom there is a warrant or hold?

They are separated for their specific hold.

4. If a person is ordered released from the courthouse, do they return to the jail or do they walk free from court?

They walk from the court.

5. Who decides whether an inmate is eligible for work release, diversion, treatment, or other alternatives to detention?

During the initial intake there is a medical section

a. If the jail management decides, do they take perceived immigration status into account?

No.

6. Are inmates given travel money or how do they get home?

They are returned their belongings and that is it.

7. Does the jail transport people to other agencies?

The agencies come and get them

8. Does the jail contract with someone else to do transport?

No

Resource D: Sample State Records Request

American Friends Service Committee

Newark Office
89 Market Street, 6th Floor · Newark, NJ 07102 · (973) 643-1924 · nymro@afsc.org

May 16, 2016

Mr. Neil Carroll
COUNTY OF HUDSON
OPEN PUBLIC RECORDS ACT REQUEST FORM
567 Pavonia Avenue Jersey City, NJ 07306
Tel. (201) 795-6250
Fax. (201) 795-6428
Email Address: ncarroll@hcnj.us

Re: Request to obtain information about Immigration Detainer (I-247 or I247D) or Request for Voluntary Notification of Release of Suspected Priority Alien (I247-N), or Request for Voluntary Transfer (I-247X) and civil immigration warrants (I-200 or I—205) issued in the Hudson County Correctional Facility by the Department of Homeland Security's Immigration and Customs Enforcement (ICE) in FY2014, FY 2015 and 2016 to date.

Dear Mr. Carroll:

This is a Government Records request under the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., on behalf of the American Friends Service Committee ("AFSC") for information regarding the policy and practice of Immigration Detainer or Notification requests issued in Hudson County. American Friends Service Committee is a not-for-profit organization that works to promote peace and social justice.

We ask that you direct this request to all appropriate county offices and departments, including, but not limited to:

(1) Hudson County Correctional Facility Warden/Director of Corrections Tish Castillo.
(2) Hudson County Correctional Facility ICE Facility Administrator Lt. Thomas Burke.
(3) Hudson County official and staff who may act on behalf of ICE pursuant to INA § 287(g).

A. Purpose of Request:

The purpose of this request is to obtain information for the public about immigration detainers (including Immigration Detainer (I-247 or I247D) or Request for Voluntary Notification of

Release of Suspected Priority Alien (I247-N), or Request for Voluntary Transfer (I-247X) and civil immigration warrants (including DHS forms I-200 or I-205) issued to the Hudson County Jail. Pursuant to 8 C.F.R. § 287.7(a), any authorized immigration official (or local police officer designated to act as an immigration official through the 287(g) program) can issue a detainer to any other federal, state or local law enforcement agency.

Definitions:

An "immigration detainer" is a request from Immigration and Customs Enforcement (ICE) to another law enforcement agency (LEA), such as a state or local jail, that the LEA notify ICE prior to releasing an individual from local custody so that ICE can arrange to take over custody, and in some cases, hold that person for an additional 48 hours to ensure direct transfer to ICE. A local police officer designated to act as an immigration official through the 287(g) program can also make such request.

An "immigration warrant" is a civil document signed by an ICE agent, directing other federal agents to take the person named on the form into ICE custody. An immigration warrant is usually on Form I-200 or I-205.

B. Requested information:

- All records pertaining to immigration detainers issued to Hudson County Jail, including forms I-247, I-247D, I-247N, and I-247X in FY 2014, 2015 and 2016 to date.
- All records of communication with ICE regarding inmates in Hudson County jail, their immigration status, the existence of or request for an immigration detainer or immigration warrant, or the transfer of an inmate to federal immigration custody.
- Any policies, protocols, or bulletins instructing Hudson County law enforcement on handling issues related to immigration status, immigration detainers, or immigration warrants.

C. Format of Production

Please search for responsive records regardless of format, medium or physical characteristics, and including electronic records. Please provide the requested documents in the following format:

- Saved on a CD-ROM or DVD;
- In PDF or TIF format wherever possible;
- Electronically searchable wherever possible;
- Each paper record in a separately saved file.

Please send all applicable records to:

Serges Demefack
Immigrant Rights Program
American Friends Service Committee
89 Market Street, 6th Floor
Newark, NJ 07102
sdemefack@afsc.org

If you have any questions regarding the processing of this request, please contact Serges Demefack 973-854-0401. Thank you for your consideration.

Sincerely,

Serges Demefack

Immigrant Rights Program
American Friends Service Committee

Resource E: Sample Letter to County Attorney to Stop 287(g)

June 28, 2016

Vince Ryan, County Attorney
Office of the Harris County Attorney
1019 Congress, 15th Floor
Houston, TX 77002

Mr. Ryan:

We urge you to recommend that renewal of Harris County's 287(g) agreement be immediately added to the County Commissioners Court's agenda. This program implicates controversial political and social considerations that demand transparency and public input. It is crucial that a decision to renew the program be reviewed by the full body of the County Court. As lawyer for the people of Harris County, you must get this issue on the Court's agenda.

The 287(g) program costs Harris County hundreds of thousands of dollars each year in salaries, on top of the social costs of alienation of the immigrant community and the social services costs of caring for the citizen children of immigrants whom Harris County has deported. 287(g) is a dangerous program that increases racial profiling and undermines the community's access to safety and justice.

The 287(g) contract can be terminated at any time, and whether or not Sheriff Hickman has already added his signature to ICE's agreement, it is imperative that the County Commissioners Court make the final decision.

You recently wrote that you believe the Sheriff has authority to renew 287(g) and that the Court's input on the matter would be merely an advisory opinion. However, you did not cite any particular authority for this conclusion, and it runs counter to precedent from the Texas Supreme Court and analysis from the Texas Attorney General which say that the Commissioners Court is the governing body and has sole authority to enter contracts for the county, absent a specific statute to the contrary. You pointed to no such statute permitting the Sheriff to contract with ICE for immigration enforcement without County Court authorization.

Governor and former Texas Attorney General Greg Abbott wrote in an advisory opinion in 2004 that "In the absence of a statute authorizing another county official to enter into a contract, the commissioners court has the sole authority to enter into contracts binding the county." See Opinion No. GA-0229, August 9, 2004. Citing the Texas Supreme Court in Anderson v. Wood, 152 S.W.2d 1084, 1085 (Tex. 1941), the opinion stated: "It is well established in Texas law that the commissioners court, as the governing body of the county, is the general business and contracting agency of the county, and it alone has authority to make contracts binding on the county, unless otherwise specifically provided by statute." (internal quotations omitted). An example of this is the specific exception in Tex Loc. Gov't. Code Ann. Sec. 351.0415 which provides that the sheriff can contract with someone to run the jail commissary. "Absent an express statute, the authority to enter into contracts regarding the county jail's operation rests with the commissioners court." Opinion No. GA-0229 p. 3.

Indeed, the County Court voted to reauthorize 287g in 2009. They must review this issue today. As in 2009, bringing this issue before the court is an essential part of oversight and a needed opportunity for public comment. For these legal reasons and because the 287(g) program is a controversial contract with federal agents that spends Harris County funds on federal immigration enforcement prerogatives, we urge you to revise your opinion and recommend that the County Court put the 287(g) contract on its agenda.

Sincerely,

Angie Junck
Supervising Attorney

Cc: County Judge Ed Emmett
Commissioner Gene Locke
Commissioner Jack Morman

Resource F: Sample Sign-On Letters to Sheriffs to Reject 287(g)

Harris County Sign-On Letter

May 17, 2016

Sheriff Ron Hickman
Harris County Sheriff's Office
1200 Baker Street
Houston, TX 77002

Dear Sheriff Hickman,

We, the undersigned organizations and immigration advocates, urge you to reject any further formal agreements with Immigration and Customs Enforcement (ICE) to have Harris County Sheriff's Department enforce immigration law inside Harris County jail. The 287(g) program undermines public safety, waste county resources, and dangerously implicates your department and in the business of detaining and deporting our immigrant family members, neighbors and loved ones.

We respectfully ask that you be part of an open community meeting to hear the concerns of your constituents before proceeding in any further entanglement with ICE.

As you know from your decades of service in Harris County, thousands of immigrants and their families reside in Harris County and are an integral part of our community. In the midst of rising anti-immigrant rhetoric, participating in this controversial jail deportation program sends the wrong message to our community.

Since the 287(g) program began, it has resulted in hundreds of thousands of deportations by deputizing state and local police to enforce federal immigration laws and allowing them to decide whom to detain for immigration purposes and put into deportation proceedings.[1]The 287(g) program has led to widespread instances of racial profiling, police abuse, and is shrouded with poor transparency that undermines public safety. Harris County is one of two counties in the entire state of Texas and is one of only 32 jurisdictions nationally that voluntary enters into

this agreement. Federal data shows that Harris County deports more people than any other county in the country.[2] The toll of deportations is devastating to our community and our children.

Numerous civil rights organizations, and the national Congressional Hispanic Caucus, have sharply criticized the 287(g) agreements for leading to pre-textual traffic stops, racially motivated questioning, and unconstitutional searches and seizures primarily in communities of color.[3] In several cases, including in Harris County, Latino residents were pulled over by police officers with little justification while driving and as a consequence immigration enforcement actions were taken against them.[4] This echoes national patterns where investigations have found systemic discriminatory policing in counties with 287(g) agreements.[5] These examples add to the concerns that law enforcement officers equate Latino names and appearances with criminality and use national origin and ethnicity without probable cause or reasonable suspicion to stop and detain residents.

Moreover, the last two years have seen a national crisis in policing that has also touched Harris County, with increased awareness of the excessive force and brutality. In addition, studies have revealed that immigration status has a dramatic disparate impact on treatment within the criminal justice system, with harsher punishments and higher conviction rates for non-citizens, irrespective of all other factors.[6] The 287(g) program simply makes all those dynamics worse and undermines community policing.

The 287(g) program confuses local communities about the role of local police and federal immigration agents. Various studies have shown the negative impact on crime reporting stemming from programs that delegate immigration enforcement to local law enforcement.[7]The Migration Policy Institute examined the effects of the 287(g) program in several communities, and found that law enforcement officials and community residents both say that immigrants are less likely to report crimes in jurisdictions operating 287(g) agreements.[8]

The 287(g) program harms community trust in police and undermines all residents' right to unbiased law enforcement. It also creates the atmosphere that leads to civil rights violations and racial profiling that primarily affect communities of color and immigrants. We urge you to terminate the 287(g) agreement with ICE and decline to renew it.

We look forward to speaking with you about this matter. Please contact Citlalli Alvarez with the United We Dream Network at citlalli@unitedwedream.org for more information or to discuss.

Yours sincerely,

United We Dream

...

Cc: Judge Emmett
Commissioner Radack
Commissioner Locke
Commissioner XX

1.) Randy Capps et al., "Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement"
(Washington: Migration Policy Institute, 2011), available at http://www.migrationpolicy.org/pubs/287g-divergence.pdf

2.) https://www.ice.gov/sites/default/files/documents/FOIA/2015/sc_stats_YTD2015.pdf

3.) Stephen Lemons, "Congressional Hispanic Caucus Asks Barack Obama to Terminate 287(G) Program," Phoenix New Times, September 30, 2009, available at http://www.phoenixnewtimes.com/blogs/congressional-hispanic-caucus-asks-barack-obama-to-terminate-287-g-program-6502298.
Marielena Hincapie, et al., "Letter to President Obama Regarding 287(g) Program," (2010), available at http://acluaz.org/sites/default/files/documents/LETTER_TO_PRESIDENT_20090825133229.pdf.

4.) Eddy Arias, "Immigrant's nightmare began with traffic stop," Houston Chronicle, December 22, 2015, available at http://www.houstonchronicle.com/opinion/outlook/article/Immigrant-s-nightmare-began-with-traffic-stop-6716258.php.

5.) American Civil Liberties Union of Georgia Legal Foundation, "Terror and Isolation in Cobb: How Unchecked Police Power under 287(g) Has Torn Families Apart and Threatened Public Safety."

6.) Michael T. Light, Michael Massoglia, and Ryan D. King, "Citizenship and Punishment: The Salience of National Membership in U.S. Criminal Courts" (American Sociological Review, Vol. 79(5) 827–849, 2014), available at http://www.asanet.org/journals/ASR/Oct14ASRFeature.pdf ,

7.) America's Voice, "Public Safety on ICE: How Do You Police a Community That Won't Talk to You?" (2011), available at http://amvoice.3cdn.net/669182cf0231bbf4d6_kdm6bnsbj.pdf.

8.) Randy Capps et al., "Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement."

Essex County Sign-On Letter

March 18, 2016

Via Fax, Email, and First Class U.S. Mail

Sheriff Frank G. Cousins, Jr.
Essex County Sheriff's Headquarters
20 Manning Ave.
P.O. Box 807
Middleton, MA 01949

Re: 287(g) agreement with Immigration and Customs Enforcement

Dear Sheriff Cousins,

We, the undersigned organizations and immigration advocates, urge you to reject any further formal agreements with Immigration and Customs Enforcement (ICE), including through jail deportation programs such as 287(g) or the Priority Enforcement Program (PEP). These programs would undermine public safety, waste county resources, and dangerously implicate your department and Essex County in the business of detaining and deporting our immigrant family members, neighbors and loved ones. We understand that DHS intends to review the suitability of Essex County for participating in the 287(g) program. We respectfully ask that you be part of an open community meeting to hear the concerns of your constituents before proceeding in any further entanglement with ICE.

As you know from your decades of service in Essex County, thousands of immigrants and their families reside in Essex County and are an integral part of our community. In the midst of rising anti-immigrant rhetoric, participating in controversial jail deportation programs sends the wrong message to our community. Further entanglement with an unjust deportation regime would be a giant step backwards for Massachusetts and a dark spot on your decades of service.

Since its inception, the 287(g) program has resulted in countless complaints around the country about the deterioration of relationships between local law enforcement and the communities they serve.1 In 2009, citing obstacles to community policing, the Framingham Police Department ended its participation in the program, as did Barnstable County.2 In March 2010, the Department Of Homeland Security's (DHS) own Inspector General produced a highly critical report, finding that the program lacked sufficient oversight and training, and could not show that it met its stated goals.3

Participating in immigration enforcement divides police from the communities they serve. These jail deportation programs tell the immigrant community that contact with police can result in detention or deportation, and the result is that immigrants and their families are less willing to report crimes or act as witnesses. When community members are afraid to talk to the police, it makes everyone less safe. In particular, 287(g) further isolates immigrant victims of sexual assault and domestic violence, who may have nowhere to turn. At a time when relations between police and communities of color are already fraught, participating in immigration enforcement just entrenches the message that police are dangerous or untrustworthy.

The Police Executive Research Forum, the Police Foundation, and the Major Cities Chiefs Association all support a firewall separating immigration enforcement and state or local criminal justice functions.4 The 287(g) program flies in the face of these recommendations from law enforcement leaders. Instead, it puts local police at the center of a complicated and hot-button political issue, to the detriment of all Essex County residents.

Moreover, the 287(g) jail deportation program operates entirely at local taxpayers' expense. 287(g) costs participating localities time and money to do the federal government's job, without any reimbursement from ICE. Essex County could be held liable for unlawful arrests and detention of immigrants and many county jails have already been sued for erroneous immigration detainers.5 The federal government already spends $18 billion every year on immigration enforcement; Essex County does not need to pick up an additional tab.

Immigrants are an essential part of our Commonwealth, our economy

and culture. Many are mothers and fathers, leaders and business owners, teachers and students, workers and employers. Many live, work, and pay taxes in Massachusetts, and our children together are part of America's next generation. Yet all over the country immigrants are besieged with hateful and threatening political rhetoric, while ICE continues to snatch away loved ones and separate families. Your department and Essex County should take steps to advance trust and inclusion, not become accomplices in the vast and unaccountable deportation system, where people have few rights and are deported without due process. Instead of seeking further entanglement with ICE, we ask that you work with the immigrant community to ensure that all residents of Essex can feel safe and equal in the eyes of our local law enforcement.

For these reasons, we ask that you refrain from any new jail deportation programs with Immigration and Customs Enforcement. We would welcome the opportunity to meet with you to speak about how a new 287(g) agreement and other immigration enforcement programs affect our communities, and how we can work together to advance public safety.

1.) See, e.g., Afton Branche, Drum Major Institute, The Cost of Failure: The Burden of Immigration Enforcement in American's Cities, available at http://uncoverthetruth.org/wp-content/uploads/2011/04/DMI-Cost-of-Failure.pdf; American Immigration Council Immigration Policy Center, The 287g Program: A Flawed and Obsolete Method of Immigration Enforcement, available at: http://www.immigrationpolicy.org/sites/default/files/docs/287g_fact_sheet_11-2012_0.pdf; The Police Foundation, The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties, available at http://www.policefoundation.org/projects/local-police-immigration-enforcement; see also Inter-American Commission on Human Rights, Report on Immigration in the United States: Detention and Due Process 66-67, 144 (Dec. 30, 2010), available at http://cidh.org/pdf%20files/ReportOnImmigrationInTheUnited%20States-DetentionAndDueProcess.pdf.

2.) Maria Sacchetti, "Framingham, Barnstable no longer enforcing immigration laws," Boston Globe, Oct. 1, 2009.

3.) DHS, Office of Inspector General, The Performance of 287(g) Agreements: Report Update (Sept. 2010), herein "OIG Report," 10-11, available at http://www.oig.dhs.gov/assets/mgmt/oig_10-63_mar10.pdf.

4.) Debra A. Hoffmaster et al., "Police and Immigration: How Chiefs Are Leading their Communities through the Challenges." (Police Executive Research Forum, 2010); Mary Malina (ed.), "The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties." (Apr. 2009); Chief J. Thomas Manger, "Examining 287(g): The Role of State and Local Law Enforcement in Immigration Law." (Mar. 2009), 4, available at http://hsc.house.gov/SiteDocuments/20090304140934-99719.pdf

5.) See Morales v. Chadbourne, 996 F.Supp.2d 19, 40-41 (D.R.I. 2014), aff'd 793 F.3d 208 (1st Cir. 2015); Galarza v. Szalczyk, 745 F.3d 634, 645 (3d Cir. 2014); Miranda-Olivares v. Clackamas County, No. 3:12-cv-02317-ST *17 (D.Or. April 11, 2014); Villars v. Kubiatowski, No. 12-cv-4586 *10-12 (N.D. Ill. filed May 5, 2014); Uroza v. Salt Lake City, No. 2: 11 CV713DAK, (D. Utah Feb. 21, 2013). See also Mariano Castillo, CNN, Immigrant Seeks Legal Status After Court Victory (August 20, 2011) http://www.cnn.com/2011/US/08/20/tennessee.immigrant.woman

Resource G: Sample Application for 287(g)

U.S. Immigration and Customs Enforcement

Enforcement and Removal Operations

287(g) Program

Needs Assessment

Revised December 16, 2016

LAW ENFORCEMENT SENSITIVE

U.S. Immigration and Customs Enforcement

Introduction

Purpose & Background

State and local law enforcement agencies (LEAs) who wish to partner or are inquiring about partnership opportunities with U.S. Immigration and Customs Enforcement (ICE) under section 287(g) of the Immigration and Nationality Act (INA), as amended, are required to complete this Needs Assessment. The purpose of this assessment is to collect information about immigration enforcement challenges that affect your community. Answers are not binding, and this assessment does not construe any type of agreement or partnership with ICE. Once complete, ICE will evaluate your responses to determine if a partnership may be formed.

Instructions

There are some questions that utilize drop-down boxes with choices. Therefore, this assessment should be completed electronically. The completing official will need comprehensive knowledge of the LEA's operations and statistics. Upon completion, please print and return this assessment to the local ICE Enforcement and Removal Operations (ERO) 287(g) Field Program Manager.

Confidentiality

Responses will be used to evaluate a prospective partnership between the LEA and ICE under section 287(g) of the INA. All information will be deemed Law Enforcement Sensitive and will not be disclosed or transmitted to any unauthorized party. Furthermore, all information provided in this document is protected from public disclosure under Exemption 7 of the Freedom of Information Act, 5 U.S.C § 552(b)(7).

Terms & Definitions

Please reference this section to ensure consistent understanding of the specific terms used throughout this document.

Term	Definition
287(g) Program	An ICE program that delegates to designated state and local law enforcement officers the authority to perform specified immigration enforcement functions under ICE supervision.
Alien	Any person not a citizen or national of the United States (INA § 101(a)(3)).
Blind Booking	A process by which a booking system automatically, or "blindly," generates an IAQ (Immigration Alien Query) for transmission to the ICE Law Enforcement Support Center (LESC) through the LEA's booking program/NLETS interface if the subject being booked in states a foreign place of birth or citizenship.
Criminal Alien	An alien convicted of a crime.
Foreign-Born	Any person who was not born in the United States.
NLETS	National Law Enforcement Telecommunications System
ORI	An LEA's Originating Agency Identification Number, assigned by the FBI. This number identifies the agency conducting records checks and entries through the National Crime Information Center (NCIC).

U.S. Immigration and Customs Enforcement

Contact Information

To be completed by all agencies

Agency Information

1. Please enter your agency's contact information.

Name	Floyd County Sheriff's Office						
Address	2526 New Calhoun Hwy						
Address							
City	Rome	State	Georgia	Zip Code	30161	Agency ORI	GA0570000

Agency Type

2. Please select the option below that best describes your agency.

☐ Law Enforcement Agency ☒ Law Enforcement Agency operating a detention center ☐ Law Enforcement Agency managing a state correctional facility

Point Of Contact Information

3. Please enter the POC's contact information. The POC is the agency's main representative for communications and negotiations with ICE.

First Name	Tim	Last Name	Burkhalter
Title/Position	Sheriff of Floyd County		
Desk Phone	706-291-4111 Ext: 8810	Mobile Phone	706-252-1572
Email	sheriffjmb@gmail.com		

4. Please enter a secondary POC's information (if needed).

First Name	Robert	Last Name	Sapp
Title/Position	Major/Jail Administrator/CJM		
Desk Phone	706-291-4111 Ext: 8814	Mobile Phone	706-252-1254
Email	bobsapp1@bellsouth.net		

General Information

To be completed by all agencies

Request Information

Answer the following questions to explain the agency's request for support.

5. Why is your agency requesting 287(g) authority?

To expand upon our existing relationships with U.S Immigration and Customs Enforcement Agencies. We agree with the National Sheriff's Association position that "It is critical that local law enforcement maintain and build upon the partnerships with federal law enforcement to ensure that collectively we can promote, protect and preserve the public safety and homeland security." Establishing a 287(g) Jail Enforcement Model (JEM), will provide us an opportunity to participate directly in these efforts.

U.S. Immigration and Customs Enforcement

6. Both Basic and Refresher Training occur at the ICE Academy in Charleston, SC. Although agencies are generally responsible for their own employees' travel expenses, ICE may, at its discretion, pay some training and travel-related expenses for officers attending these trainings. Please indicate your acceptance of these requirements. **Yes**

7. What is the name of the political entity that has oversight of your agency, if applicable?
The political entity is the body who manages, administers, or directs the LEA and its operations (e.g., a Governor's Office, City Mayor, or a County Board of Supervisors).

Floyd County Board of Commissioners

7a. Does your agency's request for participation in the 287(g) program require concurrence from the political entity? **No**

7b. If yes, does the political entity concur with the request?

8. Preliminary Terms & Conditions for participation in the 287(g) program?
- Every 287(g) partnership is governed by a Memorandum of Agreement (MOA) between ICE and the participating LEA that sets forth the delegated authorities, the training requirements, the required ICE supervision, and the length of the agreement.
- Your agency's designated immigration officers (DIOs) will be supervised by ICE when performing delegated immigration enforcement functions.
- ICE retains sole discretion in determining how it will manage its detention resources and advance its mission.
- Upon completion of training, DIOs will interview aliens, determine alienage, and prepare and serve immigration paperwork.
- The agency must provide an office for the ICE supervisory officer.

Does your agency agree to these terms and conditions? **Yes**

9. Please provide any additional information.

Approximately 2,220 IAQ's were generated/initiated as a result of our fingerprint submissions from FY14 through FY16 and our Agency was also very active in the Secure Communities Program before it was discontinued November 20th, 2014. We desire to participate in the 287 (g) program as well and to continue being a valuable asset to our federal partners.

Relationship Information

Please describe the agency's operational relationship with ICE.

10. Does your agency have an operational relationship with the ICE ERO office responsible for your jurisdiction? **Yes**

11. Does your agency allow or assist ICE ERO in serving required paperwork to initiate immigration proceedings (e.g., charging documents)? **Yes**

12. How many days per month does ICE ERO visit your facility to perform immigration duties? **5 or 6 avg**

13. Does ICE ERO have full access to subjects in your custody in order to perform immigration duties? **Yes**

13a. If limited, please define the access allowed.

14. Does your agency accept immigration detainers? **Yes**

14a. If yes, does your agency limit the conditions or type of immigration detainer accepted? **No**

14b. Please define the limitations or types.

15. Is your agency a member of a task force of which ICE also participates? **No**

15a. If yes, does ICE lead the task force?

15b. What is the task force type?

U.S. Immigration and Customs Enforcement

16. Does your agency have a detention Intergovernmental Service Agreement (IGSA) with ICE? No

17. Does your agency have a transportation IGSA with ICE? No

18. Please provide any additional information.

Sheriff Burkhalter and some of our officers are members of SWAT, Bomb Squad and Metro Drug Task Force.

Intake Information

Please describe intake processes for new arrests or inmates.

19. How does your agency submit fingerprints?

19a. If both, provide the percentage breakdown. Ink Cards: % Electronically: 100 %

20. Does your agency submit fingerprints to your state identification bureau or an FBI-approved Channeler? Yes

21. How long after a subject enters a booking facility are their fingerprints submitted to the FBI? At intake

22. Does your agency identify all foreign-born nationals in custody? Yes

23. On average, how many foreign-born arrests or inmates does your agency intake per month? 25 - 30

24. Does your agency use blind booking to identify information about criminal alien inmates? Yes

25. Does your agency use NLETS to perform IAQ's? Yes

25a. If yes, approximately how many IAQ's does your agency generate per month through NLETS? 25 - 30

26. On average, how many immigration detainers does ICE place on aliens within your custody per month? 4or 5 avg

27. Please provide any additional information.

In response to 25.a : Some months may be much higher in numbers reference IAQ's

Criminal Offense Information

Please describe the top trending charges for which your agency encounters arrestees or inmates.

28. Please provide the top 5 arrest charges for foreign-born individuals:

1: Probation Violation
2: DUI
3: Marijuana - Less Than One Ounce
4: Family Violence
5: Driving Offenses

U.S. Immigration and Customs Enforcement

Foreign-Born Gang Members

29. Has your agency experienced public safety issues relating to foreign-born gang members? Yes

30. If yes, what is the estimated number of foreign-born gang members within your jurisdiction? 150 - 200

31. Please provide any additional information.

Foreign born gang members living in our jurisdiction are growing in numbers.

Information Sharing & Technology

32. Does your agency exchange information (e.g., arrest, incarceration, probation & parole information) with an ICE ERO field office for the purposes of identifying removable and/or fugitive aliens? Yes

32a. If no, would your agency exchange information?

33. Does your agency allow ICE to access its proprietary information systems? Yes

33a. If no, would your agency allow access?

34. Should ICE and the LEA sign a 287(g) MOA, ICE will evaluate the agency's information technology (IT) systems and infrastructure. The results of this evaluation will determine if new IT systems and/or infrastructure will be required at the LEA facility.
- Equipment (computers, monitors) used to access ICE systems and databases must be located in a secure area.
- The equipment requires dedicated electrical power that is exclusively used to access the ICE systems and databases.
- If required, the requesting LEA will be responsible for installing any additional cabling.

34a. Does your agency understand these terms and conditions? Yes

Disclaimer

This assessment does not bind ICE or the requesting LEA. It does not guarantee a partnership between the two parties or ensure that services will be provided. Answers are provided in good faith by the LEA in order for ICE to collect information to assess the possibility of forming a partnership under section 287(g) of the INA.

Signature of Authorized Representative Mayor Bob Sapp Date 4-26-2017

TIM BURKHALTER, SHERIFF

Tom Caldwell, IV
Chief Deputy

Tommy McGuire
Major, Field Operations

Robert G. Sapp, CJM
Major, Jail Operations

Courthouse & Enforcement
#3 Government Plaza
Rome, Georgia 30161
(706) 314—0710

Jail & Administration
2526 New Calhoun Highway
Rome, Georgia 30161
(706) 291-4111

Date: April 26, 2017

From: Sheriff Tim Burkhalter

To: Thomas D. Homan / Director
Immigration and Customs Enforcement

Subject: Official Request to Participate in 287(g) Cross-Designation Program

Dear Director Homan:

I am writing to request participation in the Delegation of Authority Program pursuant to 287 (g) of the Immigration and Naturalization Act. We currently enjoy long term relationships with U.S. Immigration and Customs Enforcement (ICE), Enforcement Removal Operations (ERO) and Homeland Security Investigations (HSI).

ICE personnel have worked with our detention and warrant staff frequently and much information sharing has taken place between our agencies, enabling our staff to better understand the nature of your mission. Also, our agency helps staff the Floyd County Metro Drug Task Force and of course, our agency has worked with various local, state and federal task force members over the years on cases involving gang violence, drug trafficking, financial scams, illegal gaming and prostitution. Many of these cases, particularly drug trafficking and prostitution, demonstrate direct and in-direct connections to Mexico and other foreign countries.

I have been in contact with your Atlanta, Georgia 287 (g) Field Program Manager Derrick Eleazer. He has provided information and guidance in the preparation of this proposal. Based on his recommendations, I am proposing the following:

- **Establishment of a 287(g) Jail Enforcement Model (JEM) program at the Floyd County Sheriff's Office located in Rome, GA. This is our detention facility for the entire county and services approximately ten state and local law enforcement agencies and houses federal inmates for the United States Marshal's Service. This facility has a rated bed capacity of 820 beds and intakes approximately 8,000 people per year. The facility is centrally located in Northwest Georgia and is on the New Calhoun Hwy (Hwy 53), which is less than thirty minutes from Interstate 75, the major travel corridor for this area. Furthermore, this facility is less than one and a half hours travel time from the Enforcement and Removal Operations Atlanta Field Office, Homeland Security Investigations Atlanta Office of the Special Agent in Charge, and Homeland Security Investigation Office of the Resident Agent in Charge in Dalton, GA.**

- **Provide four (4) Sheriff's Deputies trained and assigned to Intake/Release Jail Operations, with a minimum two years' experience, who have passed a background investigation which is acceptable to ICE.**

This program will allow us to enter into a Memorandum of Agreement (MOA) which will enable us to partner with ICE in identifying criminal illegal aliens who pose a danger to the citizens of Floyd County. I look forward to your endorsement of this request and the implementation of the program, which will benefit all parties involved.

If I or my staff can be of further assistance in processing this request, please do not hesitate to contact my office.

Sincerely,

Sheriff Tim Burkhalter

Eleazer, Derrick A <Derrick.A.Eleazer@ice.dhs.gov>

To

bobsapp1@bellsouth.net

May 10 at 11:39 AM

Good Morning Bob,

As requested, I have attached an example letter for you to use as a guide to send to the Atlanta Field Office Director, to express your interest in establishing an Inter-governmental Service Agreement (IGSA), to house ICE detainees for this field office. Please address your letter to the Atlanta Field Office Director.

Department of Homeland Security

Immigration and Customs Enforcement

Attn: Sean W. Gallagher

Atlanta Field Office

180 Ted Turner Drive

Atlanta, GA. 30303

If you have a IGSA with the U.S. Marshals Service Already please make sure you mention that in your letter because that will expedite your process. When you have an IGSA with a government entity in place already, another agency can come in and piggy back off that contract. And finally you will have to decide if the Sheriff wants to be an under 72 hour IGSA or long term (over 72 hours). We can discuss if you like the difference between the two. If he wants to be over 72 hours, then you will need to modify the wording in the example letter I sent you. If you have questions prior to sending your letter , feel free to contact me and I will assist you as much as I can.

Derrick Eleazer

Atlanta Field Office

287(g) Program Manager

[redacted] County Sheriff's Office

[redacted]
Sheriff

[redacted]
Chief Deputy

[redacted]
Major

[redacted]
Major

[redacted]
Major

January 12, 2012

Field Office Director, Atlanta
Immigration and Customs Enforcement
Enforcement and Removal Operations

Dear Director,

The [redacted] County, [redacted] Sheriff's Office would like to be considered for a contract with Immigration and Customs Enforcement (ICE) in transporting Immigration and Custom Enforcement (ICE) inmates within the State of [redacted] particularly from [redacted] County [redacted] back to the [redacted] County Sheriff's Office Detention Center. We have been designated by your agency to be a 72 hours (plus) holding facility for the Immigration and Customs Enforcement's 287(g) Program. We are very proud of our relationship with your agency and we would very much like to be considered for this contract. We ask you to consider the following stipulations requested by this agency:

1. Cost of transportation at the standard mileage rate of the Federal Government.
2. Hourly salary for the three teams of two officers for a 40 hour work week at an hourly rate of [redacted] a overtime rate of [redacted] if overtime occurs.
3. Overtime pay for holidays when those holidays are State Holidays and not recognized as a Federal Holiday.
4. Request a 60 day clause that would allow Immigration and Customs Enforcement (ICE) or this agency to withdraw from the contract if either party wished to cancel.

I would like to thank you in advance for your attention to this matter. I hope to hear from you soon.

Sincerely yours,

[redacted]
Sheriff

November 9, 2017

Scott Shuchart
Department of Homeland Security
Washington, DC
scott.shuchart@hq.dhs.gov

Re: Unsuitability of the Georgia Applicants to the 287(g) Immigration Enforcement Program

Dear Mr. Shuchart,

On behalf of Asian Americans Advancing Justice-Atlanta, the American Civil Liberties Union (ACLU) of Georgia, and the Southern Poverty Law Center (SPLC) and the communities that we support, we write to express our firm opposition to and deep concern with the potential expansion of the 287(g) program to Bartow County, Floyd County, and the Georgia Department of Corrections.

We urge you to deny 287(g) agreements to all 26 of jurisdictions with pending applications because the costs of enmeshing local law enforcement agencies in federal immigration enforcement far outweigh the benefits. When the public is uncertain whether their local police will protect or deport them, crimes go unreported and domestic violence survivors are deprived of a meaningful way to protect themselves.

Leading law enforcement voices agree with our opposition to the entanglement of immigration enforcement with local policing, and 287(g) program's failed history is well documented, including by the DHS Inspector General. [1]

Furthermore, four jurisdictions in Georgia currently have 287(g) programs in place, and analyses of these programs by the ACLU show a pattern and practice of racial profiling that is unchecked by oversight on the federal or state level.[2] At the state level, Georgia has no legislation to prohibit the practice of racial profiling. Legislation mandating the collection of data from traffic

[1] Statement of Chief J. Thomas manger, Chairman of the Legislative Committee for the Major Cities Chiefs Association. Examining 287(g): The Role of State and Local Law Enforcement in Immigration Law. House Committee on Homeland Security (Mar. 4, 2009), available at https://www.gpo.gov/fdsys/pkg/CHRG-111hhrg49374/html/CHRG-111hhrg49374.htm

[2] ACLU of Georgia, *Terror and Isolation in Cobb: How Unchecked Police Power under 287(g) Has Torn Families Apart and Threatened Public Safety* (October 2009), *available at* https://www.aclu.org/other/terror-and-isolation-cobb-how-unchecked-police-power-under-287g-has-torn-families-apart-and

stops and other measures designed to prevent police officers from routinely using a person's race or ethnicity as a basis for stopping a person's vehicle have failed to pass in the Georgia General Assembly. Even more troubling is the fact that state policymakers draft legislation every year that targets, stigmatizes, and otherwise singles out noncitizens. Against this backdrop, expansion of the 287(g) program into more Georgia jurisdictions [3]is especially problematic. Further, this letter also raises specific concerns about Bartow County and Floyd County that weigh strongly against the expansion of the 287(g) program into these jurisdictions.

We urge ICE—in this and future instances—to be more transparent about 287(g) applications. Despite their extraordinary impact on community law enforcement, the process for seeking and submitting a 287(g) application is conducted out of the view of the public. We encourage ICE to hold public meetings in the communities where an application for the 287(g) program has been submitted. Without this level of transparency, the public's views are not appropriately considered in the decision-making process. Nor will the types of specific concerns raised below be uncovered. Extending 287(g) agreements to any additional jurisdictions in Georgia runs the serious risk of further sullying the program's record through promoting racial profiling and other abuses. The bottom line is that 287(g) programs cost localities while damaging public safety and the trust between immigrant communities and local law enforcement.

1. Bartow County, Georgia

Bartow County is home to lawmakers who have a track record of pushing anti-immigrant measures every year. In 2017, Representative Paul Battles (Cartersville, Georgia), Representative Christian Coomer (Cartersville, Georgia), Senator Chuck Hufstetler, and Senator Barry Loudermilk all supported proposed state legislation that scapegoat and stigmatize noncitizens, particularly Georgia's undocumented population. Specifically, Representatives Battles and Coomer both voted to ban undocumented immigrants from serving on any local civic boards (House Bill 33). They, along with Senator Ronnie Chance and Senator Barry Loudermilk, also called for new driver's licenses that would specifically bear the word "noncitizen" on the licenses of anyone who is not a citizen (House Bill 324). Representative Battles, Representative Coomer, and Senator Hufstetler were also among the legislators who voted to restrict state and federal funding to any private colleges that offer "sanctuary" policies to undocumented students (House Bill 37) and to create a public registry of noncitizens who have committed certain crimes (House Bill 452). Notably, even though House Bill 452 passed, the Department of Homeland Security blocked the public registry contemplated by the bill because it would violate federal policy.

Senator Hufstetler has also supported variations of the "English only" bill, a measure that would eliminate the provision of in-language state governmental services to limited English proficient speakers. In 2011, both Senator Loudermilk and Representative Coomer also voted for House Bill 33, a sweeping crackdown on undocumented immigrants, while Representative Battles excused himself from voting.

---

[3] Max Moran, *Feds Block Public List Of Immigrants In Georgia With Prior Felonies*, NPR, http://gpbnews.org/post/feds-block-public-list-immigrants-georgia-prior-felonies

In addition, Bartow County legislators also helped pass House Bill 268 this year. House Bill 268, which was sponsored by Representative Coomer and supported by Representative Battles and Senator Hufstetler, codified voter registration policies and practices that hinder the right of immigrants and communities of color to vote. The voter registration practices that this bill codifies include a variant of Secretary of State Brian Kemp's "exact match" policy that disproportionately disenfranchised voters of color and that was successfully challenged through litigation by several voting rights organizations, including Advancing Justice-Atlanta. The lawsuit concluded in a settlement that restored the right to vote to 42,000 voters who had been purged from the voter rolls because of the "exact match" policy. In response, Georgia legislators, including those from Bartow County, revived this harmful policy through House Bill 268.

Lastly, we append letters from business, religious, and professional leaders in Bartow County who are opposed to the expansion of 287(g) into their community, as well as a letter from Sheriff Millsap of Bartow County to ICE. The letters from the community members demonstrate that in Bartow County, as elsewhere, the community was clearly not adequately informed about the potential expansion of 287(g) into their own backyards or asked for any input before an application was submitted. Sheriff Millsap's letter show that he is misguided about the impact that 287(g) programs has had in other communities. Specifically, in his letter, Sheriff Millsap indicates that a 287(g) program would enable his office to identify "criminal illegal aliens who pose a danger to the citizens of Bartow County." He also mentions the crimes of prostitution, drug trafficking, and human trafficking. However, a comprehensive study of 287(g) shows that the program is not targeted primarily or even mostly towards serious offenders. According to the a Migration Policy Institute report from 2011, half of detainers issued are on people who have committed misdemeanors (usually considered Level 3) and traffic offenses. In Cobb County, Georgia, where the sheriff's office targets as many unauthorized immigrants as possible, about 80% of detainers are on Level 3 or traffic offenders. Finally, Sheriff Millsap's reference to the many cases of human trafficking and drug trafficking having a "direct nexus" to Mexico is extremely concerning for racial profiling of the Latino community in Bartow County.

2. Floyd County, Georgia

Like their colleagues in Bartow County, Floyd County lawmakers consistently support anti-immigration bills proposed during the legislative session every year. In 2017, Representative Katie Dempsey (Rome, Georgia), Representative Eddie Lumsden (Armuchee, Georgia), and Senator Bruce Thompson voted in favor of several bills targeting or discriminating against noncitzens, many of which did not pass. Representative Dempsey in particular supported voted affirmatively for every single anti-immigrant bill considered by the Georgia House of Representatives in 2017. Specifically, Representative Dempsey supported House Bill 33, a bill that excludes undocumented immigrants from serving on local civic boards; House Bill 324, a bill that requires driver's licenses of noncitizens to bear the word "noncitizen"; House Bill 37, a bill that restricts state and federal funds to private institutions of higher education that offer sanctuary policies to protect undocumented students; and House Bill 452, a bill that creates a public registry of noncitizens who have committed crimes. Representative Lumsden likewise supported House Bills 32, 37, and 452 while Senator Thompson was a proponent of House Bill 37, House Bill 452, and House Bill 268 (the voter registration bill sponsored by Representative

Coomer of Bartow County). Senator Thompson is also a consistent supporter of iterations of the "English only" bill . Senator Ronnie Chance also voted to pass House Bill 324.

In 2011, Representative Dempsey also co-sponsored one of the toughest immigration laws in the country in 2011. The Illegal Immigration Reform and Enforcement Act, known as House Bill 87, was a sweeping and aggressive anti-immigrant law that, among other things, authorized local law enforcement to check the immigration status of criminal suspects and transport them to jail if they couldn't prove lawful immigration status. House Bill 87 also attempted to penalize people for transporting or harboring undocumented immigrants or encouraging them to come to Georgia, but this portion of the bill was permanently enjoined after a coalition of civil and immigrant rights groups challenged it in court.

Troublingly, Representative Dempsey was unwilling to engage in dialogue with immigrant advocates about their positions on her anti-immigrant bill. In November 2011, Jerry Gonzalez, the executive director of GALEO, was disinvited to be on a panel about immigration in Rome, Georgia with Representative Dempsey. Floyd County Sheriff Chief Deputy Tom Caldwell, and judicial interpreter Marcella Langlois. Mr. Gonzalez explained that he was excluded from participation the day before the panel purportedly because of an amicus brief that GALEO filed in support of the lawsuit challenging House Bill 87. Mr. Gonzalez still attended the panel discussion as a member of the audience; and after the discussion ended, he approached Representative Dempsey to question her about statements she made on the panel and engage her in discussion about harmful consequences that House Bill 87 would have on local governments and the agricultural business. Representative Dempsey's ally physically blocked Mr. Gonzalez while Representative Dempsey walked away and refused to answer Mr. Gonzalez' questions.

Floyd County was also the site of a Klu Klux Klan so-called "free speech" rally in spring 2016. The rally, which was also attended by members of the neo-Nazi National Socialist Movement dressed in black military-style garb and waving swastika flags, took place in front of the Floyd County Law Enforcement Center in commemoration of Confederate Memorial Day and involved some clashes between counter-protesters and police that led to two arrests for "disorderly conduct." According to witnesses, one man was arrested for failing to heed police orders to stop using profanity while the circumstances of the other arrest were unclear.

Appended to these comments, we've attached the 287(g) application from Floyd County and communications between ICE and Floyd County employees regarding the application. Those materials make clear the "existing relationships" between Floyd County and ICE. It is unclear what advantage would be gained through the 287(g) arrangement, when ICE is already visiting Floyd County five or six times a month—and they secure a mere 4-6 detainers out of those visits.

Moreover, it is clear in the communications with Floyd County that ICE supplies localities with the language to use their official 287(g) requests. (See Email from Derrick Eleazer dated "May 10 at 11:39AM") (attaching an "example letter . . .to use as a guide to send to the Atlanta Field Office Director"). This email, and the nearly identical language between the Bartow and Floyd County requests indicates that ICE directing the substance of these requests. This active direction

is especially problematic, given the secrecy under which these agreements are negotiated and decided.

3. Georgia Department of Corrections

Over the years, the Georgia Department of Corrections has been the subject of several lawsuits and federal investigations, alleging civil rights violations.[4] The housing of immigrants pending immigration proceedings is a civil matter. The vast majority of detained immigrants have either been convicted of minor offenses or no offenses at all. It defies the civil, non-punitive nature of civil detention to actively seek an arrangement with a state prison system with a reputation for unconstitutional conditions.

In light of these events and concerns, we urge DHS to deny all of the proposed 287(g) applications from the state of Georgia. Minimally, we strongly urge DHS to conduct public hearings and obtain input on these applications before making a decision. Immigration enforcement is a federal responsibility, and the existing 287(g) programs in Georgia have harmed community trust in police and led to racial profiling of immigrants and people of color. Given the anti-immigrant climate in the state of Georgia, including within Bartow County and Floyd County, we do not trust the proposed jurisdictions in Georgia to be able to assume this responsibility without constitutional and civil rights violations.

Sincerely,

Phi Nguyen
Litigation Director
Asian Americans Advancing Justice – Atlanta
6040 Unity Drive, Suite E
Norcross, Georgia 30071

Fallon Traylor (signed w/ express permission)
Fallon Traylor
Policy Advocate
ACLU of Georgia
1100 Spring Street NW
Atlanta, Georgia 30309

Natalie Lyons
Staff Attorney
Southern Poverty Law Center
150 E. Ponce de Leon Avenue, Ste. 340
Decatur, GA 30030

[4] *E.g.*, Southern Center for Human Rights, *Lawsuit Filed Against Georgia Department of Corrections Officials On Behalf of Mother of Man Murdered At Hays State Prison* (Sep. 4, 2013), https://www.schr.org/resources/lawsuit_filed_against_georgia_department_of_corrections_officials_on_behalf_of_moth; U.S. Dep't of Justice, *Four Former Georgia Correctional Officers Sentenced for Offenses Related to Assaults of Inmates and Ensuing Cover-Up* (Mar. 18, 2105), https://www.justice.gov/opa/pr/four-former-georgia-correctional-officers-sentenced-offenses-related-assaults-inmates-and; John Rudolf, *Georgia Prisons 'Out of Control,' Rights Group Says, As FBI Brutality Probe Deepens* (Aug. 21, 2012), https://www.huffingtonpost.com/2012/08/21/georgia-prisons-guard-brutality-killings_n_1820145.html.

November 13, 2017

Scott L. Shuchart
Senior Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Washington, DC

Re: The Milwaukee County Sheriff's Office is Not a Suitable Jurisdiction to Participate in the 287g Program

Dear Mr. Shuchart:

We write to inform you that the Milwaukee County Sheriff's Office (MCSO) is unsuitable to participate in the 287g program because of their long record of discrimination and anti-immigrant animus, their abuse and negligence leading to torture and deaths at the Milwaukee County Jail, misuse of public dollars, and overwhelming local opposition to their former Sheriff's 287g application.

MCSO has been subject to numerous lawsuits, state agency probes, and criminal investigations related to civil rights violations. The statements of MCSO leadership have demonstrated bias based on race, religion, and nationality. Elected leadership at all levels of Milwaukee County has declared overwhelming opposition to the application. The disgraced former Sheriff who applied for 287g, David Clarke, resigned in August after massive protests against his application. Granting 287g authorization to such a department riddled with such serious problems would tarnish the reputation of the Department of Homeland Security. For all of these reasons, the MCSO application for 287g authority should be rejected.

A Pattern of Abuse

In May 2017 a grand jury recommended criminal charges against 7 MCSO jail guards following the dehydration death of a mentally ill man denied water for 7 days. In 2014, an MCSO guard pled guilty to felony misconduct in public office following accusations that he repeatedly raped a 19-year-old pregnant woman imprisoned at the jail. As part of the deal sexual assault charges were dropped.[1] In June 2017, a federal jury awarded the woman $6.7 million both because of the repeated rape but

[1] "Sex assault charges dropped against former jail guard," *Milwaukee Journal Sentinel*, 11/26/14. http://archive.jsonline.com/news/crime/sex-assaults-charges-dropped-against-former-jail-guard-b99398359z1-283990881.html

also because guards shackled her when she gave birth at the jail.[2] Over 40 women were shackled during childbirth at the jail from 2011 onwards. The jury found there was no justification for the practice.[3] A separate lawsuit brought by shackled mothers is pending.[4]

Milwaukee County has been under a consent decree due to overcrowding and inhumane conditions in the jail since 2001. In 2008 a judge found the county had violated the decree 16,600 times.[5]

At least 6 people have died at the Milwaukee County Jail since April 2016, including a newborn baby.[6] After U.S. Congresswoman Gwen Moore of Milwaukee asked the Department of Justice to open an investigation into MCSO, DOJ responded that they were considering investigating.[7] In addition to lawsuits related to jai abuses, Milwaukee County is the defendant in at least 5 active civil rights lawsuits due to inmate deaths.[8] The Milwaukee County Audit Services Division is conducting a separate investigation into the jail deaths.[9]

After David Clarke's resignation, interim Sheriff Richard Schmidt announced he would request technical assistance from the National Institute of Corrections to recommend changes to the jail to stop the deaths.[10] It would be highly inappropriate

---

[2] "Woman Who Says She Was Raped By Guard At Sheriff David Clarke's Jail Gets $6.7 Million," *HuffPost*, 6/8/17. https://www.huffingtonpost.com/entry/milwaukee-county-jail-sexual-assault_us_59395f12e4b0b13f2c67e035

[3] "Lawsuit: Woman shackled while giving birth at Milwaukee," Associated Press, 3/16/17. https://apnews.com/9f18e00a98c1444c9c40b81897cc94e2/lawsuit-woman-shackled-while-giving-birth-milwaukee-jail

[4] "She Knew She'd Deliver Her Son While She Was in Jail. She Didn't Expect to Do It in Chains," *Cosmopolitan*, 10/25/17. http://www.cosmopolitan.com/politics/a13034685/pregnancy-prison-childbirth-chains/

[5] "Court: Milwaukee County has to pay inmates for violations," *Twin Cities Pioneer Press*, 1/29/2008, http://www.twincities.com/2008/01/29/court-milwaukee-county-has-to-pay-inmates-for-violations/

[6] Schmidt outlines Milwaukee County sheriff's office transition," *Milwaukee Journal Sentinel*, 9/5/17. http://www.lansingstatejournal.com/story/news/2017/09/05/schmidt-outlines-milwaukee-county-sheriffs-office-transition/635482001/

[7] See https://localtvwiti.files.wordpress.com/2016/12/dojs-response-to-rep-moores-letter.pdf

[8] See *Estate of Terrill J. Thomas v. Milwaukee County*, *Estate of Laliah Swayzer et al v. Clarke et al.*, *Terry v. County of Milwaukee*, *Estate of James Franklin Perry et al v. Cheryl Wenzel*, *Orlowski et al v. Milwaukee County*

[9] "Milwaukee County to audit medical care in jails after 4 deaths," *Milwaukee Journal Sentinel*, 12/2/16. http://www.jsonline.com/story/news/investigations/2016/12/02/county-audit-medical-care-provider-jails-after-4-deaths/94692626/

[10] "Acting Milwaukee County Sheriff introduces himself, talks about goals for his new role," CBS 58 Milwaukee, 9/5/17. https://www.cbs58.com/news/acting-sheriff-introduces-himself-talks-about-goals-for-his-new-role

to grant 287g authorization to MCSO while it is subject to so many lawsuits and investigations related to civil rights violations.

A Pattern of Bias

Following his application for 287g, David Clarke made statements to a reporter implying that he incorrectly believed jail enforcement authorization under 287g would allow his deputies to stop community members based on their perceived ethnicity and language for the purposes of investigation their immigration status:

> Under Obama, Clarke said, "there were instances where we'd do a traffic stop, and there's a sense that the guy was maybe in the country illegally, not just because he's Latino – he doesn't have a license, doesn't speak the language – pretty good chance, right? But we couldn't ask about it or do anything about it."
>
> Under 287(g), by contrast, "I can bring the guy in and start to do the questioning."[11]

These statements strongly indicate that if MCSO is granted 287g authorization, they will violate the civil rights of Milwaukee residents, citizen and immigrant alike.

Clarke also had a long, well-documented record of bigoted statements about the community members he was sworn to protect. He has called Black people "lazy, uneducated... and morally bankrupt,"[12] and compared the Black Lives Matter movement to ISIS.[13] He has said that law enforcement should single out Muslim community members for extra surveillance on the basis of their faith.[14] Although Clarke is now gone, Interim Sheriff Schmidt has a tremendous challenge in rebuilding community trust with the Sheriff's Office.

Overwhelming Local Opposition to 287g

---

[11] "Sheriff David Clarke Jr: the black Democrat who is Trump's favorite cop," *The Guardian*, 3/23/17. https://www.theguardian.com/us-news/2017/mar/23/david-clarke-jr-milwaukee-sheriff-trump

[12]"Milwaukee County Sheriff David Clarke's Jail Under Fire for Deaths, Civil Rights Abuses," Prison Legal News, 8/30/17. https://www.prisonlegalnews.org/news/2017/aug/30/milwaukee-county-sheriff-david-clarkes-jail-under-fire-deaths-civil-rights-abuses/

[13] "Sheriff who once compared Black Lives Matter to ISIS says he's joining the Trump administration," Vice News, 5/17/17. https://news.vice.com/story/sheriff-who-once-compared-black-lives-matter-to-isis-says-hes-joining-the-trump-administration

[14]Milwaukee County Sheriff David Clarke Calls for More Patrol in Muslim Neighborhoods, Fox Business, 3/30/16. http://www.foxbusiness.com/features/2016/03/30/milwaukee-county-sheriff-david-clarke-calls-for-more-patrol-in-muslim-neighborhoods.html

In August 2017, Clarke resigned following public outcry against his 287g application. The Milwaukee County Board of Supervisors pass by a 12-6 margin a resolution opposing 287g, and the County Executive signed it.[15] In addition, Milwaukee's Mayor and Chief of Police declared their opposition to Clarke's 287g application.[16] In February, over 50,000 people participated in a general strike against 287g in Milwaukee, and over 120 businesses closed.[17] An estimated 30,000 people did the same in May, when over 160 businesses closed.[18]

The Milwaukee County Sheriff's Office record is one of anti-immigrant animus, civil rights violations, and abuse and negligence leading to inmate deaths. Local officials and tens of thousands of community members in Milwaukee County have shown massive opposition to the application. MCSO is highly unsuitable for 287g authorization, and we the undersigned urge you to reject MCSO's 287g application.

Sincerely,

Voces de la Frontera

Uplifting Black Liberation (UBLAC)

African-America Roundtable

Milwaukee Muslim Women's Coalition

Ex-Prisoners Organizing (EXPO)

Progressive Moms of Milwaukee

Wisconsin Working Families Party

Organizing for Action

---

[15] See https://milwaukeecounty.legistar.com/LegislationDetail.aspx?ID=2900499&GUID=5B77112D-5801-4695-BE27-0F11289B6512#

[16] "Milwaukee Mayor Tom Barrett mocks Sheriff David Clarke for 'fighting crime' on cable shows," *Milwaukee Journal Sentinel*, 3/16/17. http://www.tennessean.com/story/news/local/milwaukee/2017/03/16/milwaukee-mayor-tom-barrett-mocks-sheriff-david-clarke-fighting-crime-cable-shows/99251682/

[17] "Thousands gather in Milwaukee for 'Day without Latinos' march," WTMJ4 NBC Milwaukee, 2/13/17. http://www.tmj4.com/news/local-news/day-without-latinos-milwaukee-march-voces-de-la-frontera-sheriff-david-clarke

[18] "Milwaukee May Day March Targets Sheriff Who Runs Jail Where Inmate Died After Week With No Water," NBC News, 5/1/17. https://www.nbcnews.com/news/us-news/milwaukee-may-day-march-targets-sheriff-who-let-inmate-die-n753501

Wisconsin Federation of Nurses and Health Professionals

CC: Milwaukee County Interim Sheriff Richard Schmidt

Milwaukee County Executive Chris Abele

Milwaukee County Supervisors Theodore Lipscomb Sr., Deanna Alexander, Eddie Cullen, Marina Dmitrijevic, Jason Haas, Willie Johnson Jr., Michael Mayo Sr., Supreme Moore Omokunde, Marcelia Nicholson, David Sartori, James "Luigi" Schmitt, Dan Sebring, Anthony Staskunas, Sequanna Taylor, Steve F. Taylor, Sheldon A. Wasserman, John F. Weishan, Peggy A. West

LORI L. PRUITT, ESQ.

November 8, 2017

Mr. Scott Shuchart
Immigration and Customs Enforcement Advisory Board Liaison
180 Spring Street SW, Suite 522
Atlanta, GA, 30303

VIA EMAIL SUBMISSION TO: scott.shuchart@hq.dhs.gov

Dear Mr. Shuchart:

Please find attached letters from community and business leaders in Bartow County who oppose a 287(g) agreement between Bartow County and ICE. We are also concerned that no public hearing was held to offer any member of the public an opportunity to be fully heard on this issue.

We strongly oppose a 287(g) agreement in Bartow County for a number of reasons, including the lack of need for such a program in Bartow County, the unnecessary expense of implementing the program and the inefficient use of our tax dollars, it will hurt public safety and lead to racial profiling, and our international business base will be hurt be such an agreement.

For these reasons, we do not believe that a 287(g) agreement is at all in the best interests of our community. In reality, its effects will divide Bartow County and will create more problems than the "quick fix, tough-on-crime" spin it attempts to create.. Ultimately, we are stronger as a community without a 287(g) agreement in place. Thank you for your consideration of our concerns

Sincerely,

Lori Pruitt
GA Bar Number 588915
EOIR Number **TT737478**

LORI L. PRUITT, ESQ.
2 CAIN DRIVE • CARTERSVILLE, GA • 30121
PHONE: 404.918.1318 • loripruitt@loripruitt.com

United Voices for Humanity

November 4, 2017

Sheriff Clark Millsap
Bartow County Sheriff's Office
P.O. Box 476
104 Zena Drive
Cartersville, GA 30121

Dear Sheriff Millsap:

As leaders and residents of this community, we write to express our deep concern with and opposition to your office's application for a 287(g) agreement with ICE. We are also troubled that you failed to seek any input from the public before applying for a 287(g) agreement, denying stakeholders a meaningful opportunity to participate in a decision that significantly impacts our community.

We strongly oppose a 287(g) agreement in Bartow County for a number of reasons, including the following:

1. Crime statistics in Bartow County do not support the need for such a broad, sweeping program which has been shown not to be effective at reducing instances of violent crime. Between 2014 and 2016, GBI statistics show decreases in assault, burglary, larceny and vehicle theft in Bartow County, with relatively stable crime rates for rape and robbery (murder numbers are so low that totals from 2 to 0 to 5 cannot be used to predict future levels accurately). See attached Exhibit 1. In addition, evidence of actual 287(g) program implementation, conducted through the Migration Policy Council, shows that most arrests that result through a 287(g) agreement are for low-level crimes, i.e., Level 3 crimes, such as routine traffic stops, not Level 1 or Level 2 violent crimes. With crime rates already in decline, there is no need for this program, nor will this program likely make a significant difference in serious crimes based on actual 287(g) program data.

2. It is an expensive program to implement and will divert valuable tax dollars away from legitimate community needs. Even though immigration enforcement is a function of the federal government, state and local governments are the ones who are saddled with the majority of costs associated with a 287(g) program. In fact, other jurisdictions, such as

Harris County, Texas and Waukesha County, Wisconsin have declined to participate in 287(g) programs because of the sheer cost of it. Given the low return on investment and the problems created with implementation, there are clearly better ways to use our tax dollars.

3. A 287(g) program will negatively impact public safety rather than helping it. If immigrant communities begin to view local sheriff's deputies as an extension of the immigration system, no one will contact law enforcement to report crimes or to ask for help of any kind. This fear is not limited to only undocumented individuals because many immigrant families are mixed-status, so even immigrants who are here lawfully may avoid contacting law enforcement because they do not want to expose an undocumented family member. A 287(g) agreement will create uncertainty and distrust in our local immigrant communities.

4. It will damage our community's economic success and our relationships with our immigrant residents. It sends the wrong message to our diverse community and puts us at risk of losing valuable contributing businesses and community members. Bartow County has a strong presence of internationally based businesses -- for example, Toyo Tire North America, Komatsu America Corporation, voestalpine Automotive Body Parts, Inc., Gerdau, and Anheuser-Busch/In Bev. These companies locate here for many reasons, not the least of which is the positive, diverse, and welcoming community that we so eagerly promote in our Economic Development materials. This welcoming business environment includes the welcoming of immigrants and foreign-based businesses. The reality is that communities that have active 287(g) agreements risk losing valuable noncitizen immigrants who move away to a more welcoming community. We also lose valuable members of our workforce. All of this leads to reduced economic success for Bartow County.

5. Realistically, these agreements erode trust of law enforcement and lead to racial profiling. Ultimately, a 287(g) agreement divides a community because the actual effects of its use target non-white populations. Our sheriff department deputies need cooperation from local communities in order to effectively protect public safety. If local sheriff deputies are viewed as an extension of the immigration system, we worry that it will lead to the racial profiling of our immigrant neighbors, including those who are citizens or otherwise here lawfully. Department of Justice investigations have revealed that other state and local law enforcement offices with 287(g) programs have engaged in a pattern of targeting and arresting the Latino community. At a time when our country is becoming increasing divisive, we believe that maintaining solidarity in our own community is critical.

For these reasons, we do not believe that a 287(g) agreement is at all in the best interests of our community. In reality, its effects will divide Bartow County and will create more problems than the "quick fix, tough-on-crime" spin it attempts to create.. Ultimately, we are stronger as a community without a 287(g) agreement in place. We urge you to please immediately withdraw your application. Thank you for your consideration of our concerns

Sincerely,

Jean Robinson
Jacquelyn A. Voyles, M.A.
Virginia Sue Mabry
Judy L. Hyde
Randolph Hall
Lori McElrath
Angela Sims
Carol Parrish
Cheryl Tyler
Laura Kidner
Ruth S McRae
C Sims
Diana K. Lakeman
Tirzah Bracher
Helene G Silverman
Jane Haigler
Natalie Goodwin
Velma Lilley (wep)

Come Together - Learn Together - Speak Together - Act Together

EXHIBIT 1
GBI Three-Year Crime Statistics

November 4, 2017

Sheriff Clark Millsap
Bartow County Sheriff's Office
P.O. Box 476
104 Zena Drive
Cartersville, GA 30121

Dear Sheriff Millsap:

The Bartow County Branch NAACP-5170 wants to express our deep concern with and opposition to your office's application for a 287(g) agreement with ICE. We are also troubled that you failed to seek any input from the public before applying for a 287(g) agreement, denying stakeholders a meaningful opportunity to participate in a decision that significantly impacts our community.

We strongly oppose a 287(g) agreement in Bartow County for a number of reasons, including the following:

1. Crime statistics in Bartow County do not support the need for such a broad, sweeping program which has been shown not to be effective at reducing instances of violent crime. Between 2014 and 2016, GBI statistics show decreases in assault, burglary, larceny and vehicle theft in Bartow County, with relatively stable crime rates for rape and robbery (murder numbers are so low that totals from 2 to 0 to 5 cannot be used to predict future levels accurately). See attached Exhibit 1. In addition, evidence of actual 287(g) program implementation, conducted through the Migration Policy Council, shows that most arrests that result through a 287(g) agreement are for low-level crimes, i.e., Level 3 crimes, such as routine traffic stops, not Level 1 or Level 2 violent crimes. With crime rates already in decline, there is no need for this program, nor will this program likely make a significant difference in serious crimes based on actual 287(g) program data.
2. It is an expensive program to implement and will divert valuable tax dollars away from legitimate community needs. Even though immigration enforcement is a function of the federal government, state and local governments are the ones who are saddled with the majority of costs associated with a 287(g) program. In fact, other jurisdictions, such as Harris County, Texas and Waukesha County, Wisconsin have declined to participate in 287(g) programs because of the sheer cost of it. Given the low return on investment and the problems created with implementation, there are clearly better ways to use our tax dollars.
3. A 287(g) program will negatively impact public safety rather than helping it. If immigrant communities begin to view local sheriff's deputies as an extension of the immigration system, no one will contact law enforcement to report crimes or to ask for help of any kind. This fear is not limited to only undocumented individuals because many immigrant families are mixed-status, so even immigrants who are here lawfully may avoid contacting law enforcement because they do not want to expose an undocumented family member. A 287(g) agreement will create uncertainty and distrust in our local immigrant communities.

EXHIBIT 1
GBI Three-Year Crime Statistics

4. It will damage our community's economic success and our relationships with our immigrant residents. It sends the wrong message to our diverse community and puts us at risk of losing valuable contributing businesses and community members. Bartow County has a strong presence of internationally based businesses – for example, Toyo Tire North America, Komatsu America Corporation, voestalpine Automotive Body Parts, Inc., Gerdau, and Anheuser-Busch/In Bev. These companies locate here for many reasons, not the least of which is the positive, diverse, and welcoming community that we so eagerly promote in our Economic Development materials. This welcoming business environment includes the welcoming of immigrants and foreign-based businesses. The reality is that communities that have active 287(g) agreements risk losing valuable noncitizen immigrants who move away to a more welcoming community. We also lose valuable members of our workforce. All of this leads to reduced economic success for Bartow County.
5. Realistically, these agreements erode trust of law enforcement and lead to racial profiling. Ultimately, a 287(g) agreement divides a community because the actual effects of its use target non-white populations. Our sheriff department deputies need cooperation from local communities in order to effectively protect public safety. If local sheriff deputies are viewed as an extension of the immigration system, we worry that it will lead to the racial profiling of our immigrant neighbors, including those who are citizens or otherwise here lawfully. Department of Justice investigations have revealed that other state and local law enforcement offices with 287(g) programs have engaged in a pattern of targeting and arresting the Latino community. At a time when our country is becoming increasing divisive, we believe that maintaining solidarity in our own community is critical.

For these reasons, we do not believe that a 287(g) agreement is at all in the best interests of our community. In reality, its effects will divide Bartow County and will create more problems than the "quick fix, tough-on-crime" spin it attempts to create.. Ultimately, we are stronger as a community without a 287(g) agreement in place. We urge you to please immediately withdraw your application. Thank you for your consideration of our concerns

Sincerely,

W. J. E. Coombs, M. Min., President
Bartow County NAACP-5170
PO Box 4145
Cartersville, GA 30120
BartowCountyNAACP5170@gmail.com

Iglesia Metodista Unida
Douglas Street
United Methodist Church

219 Douglas Street
Cartersville, GA 30120
Phone: 770-382-2778 Fax: 770-382-2636
E-Mail: agrivers@gmail.com
Web: www.thechurchondouglas.org

REV. ANGELA RIVERS, PASTOR
REV. CURTIS RIVERS, PASTOR EMERITUS

November 4, 2017

Sheriff Clark Millsap
Bartow County Sheriff's Office
P.O. Box 476
104 Zena Drive
Cartersville, GA 30121

Dear Sheriff Millsap:

As pastor of a multicultural church serving this community, I write to express my deep concern with and opposition to your office's application for a 287(g) agreement with ICE. I am also extremely disappointed to know that you did not attempt to seek any input from any member of our community before applying for this 287(g) agreement, effectively denying us a meaningful opportunity to participate in this decision – one that directly impacts this community and our livelihood.

As one of a number of concerned members of our community, we are concerned that a 287(g) program in Bartow County will hurt families, businesses and the local economy. Bartow County thrives because of the businesses that have chosen to locate here, many from outside the United States. We have Toyo Tire North America, Komatsu America Corporation, voestalpine Automotive Body Parts, Inc., Gerdau, and Anheuser-Busch/In Bev, just as examples. These companies locate here for many reasons, not the least of which is the positive, welcoming community that we so eagerly promote in our Economic Development materials. This welcoming business environment includes the welcoming of immigrants and foreign-based and run businesses. Immigrants are an integral part in Bartow County, as business owners and as employees. Nearly 1 in 5 self-employed business owners in Georgia is an immigrant, and those business owners collectively add billions of dollars to our state's economy every year. Immigrants are also a critical part of the workforce in this community.

The reality is that communities that have active 287(g) agreements lose valuable noncitizen immigrants who move away to a more welcoming community. As we lose immigrant communities, we lose our diversity and vibrancy that foreign-based companies appreciate when locating their citizens to our community. We also lose

valuable members of our workforce. All of this leads to reduced economic success for Bartow County and increased success for Gordon and Cherokee counties which compete with us for these businesses every day.

We are also concerned that a 287(g) program would negatively impact public safety, exactly the opposite goal you are trying to achieve. This impact would be felt particularly among our immigrant communities here in Bartow County, a community that makes up over 10,000 members, but it impacts us all. You know that distrust between police and communities of color already tends to be a problem. If immigrant communities begin to view local police officers as an extension of the immigration system, no one will contact the police to report crimes or to ask for help of any kind. This fear is not limited to only undocumented individuals because many immigrant families are mixed-status, so even immigrants who are here lawfully may avoid contacting law enforcement because they do not want to expose an undocumented family member. A 287(g) agreement will also not increase violent crime arrests. Most arrests under an ICE 287(g) program happen with routine traffic stops and are primarily Level 3 violations, seldom extending to serious Level 1 or Level 2 offenders, the claimed reason for needing these expanded rights. A 287(g) agreement does not reduce violent crimes but does create uncertainty and distrust in our local immigrant communities.

Finally, we are concerned the increased costs of implementing the program are not a wise use of our tax dollars, given the low return on investment and the problems created by its implementation. Local law enforcement is responsible for most program costs, which can easily spiral once routine incarceration for immigrants becomes standard operating procedure in Bartow County. There are clearly better ways to use our tax dollars. There is the potential for negative impact on local schools and social services, especially the foster care system, when children may come home to find their parents have been detained. This not only strains an already over worked social service system but also adversely affects the educational achievements of many students who would live in constant fear.

For these reasons, we do not believe that a 287(g) agreement is at all in the best interests of our community and urge you to please immediately withdraw your application. We encourage you to discuss with any member of this community ways to fight violent crime that also are supportive of our residents. Thank you for your consideration of our concerns.

Sincerely,

Rev. Angela Rivers

Resource I:
Sample Letter Requesting 287(g) Steering Committee

[Date]

[Sheriff's name]
[Sheriff's Office address]
[City, State, Zip code]

Re: Requesting a 287(g) Steering Committee Meeting

Dear Sheriff XX:

We, the undersigned, [residents of XX and/or organizations who advocate on behalf of immigrant families], respectfully request that you convene a 287(g) steering committee meeting to hear directly from your constituents on the impact that the 287(g) program is having in [insert name of jurisdiction].

The 287(g) program is a voluntary federal program through which state and local law enforcement officers are deputized to carry out immigration enforcement duties. Since [insert date when 287(g) agreement was signed], the [insert name of jurisdiction] authorities have taken an active role in working with ICE on immigration enforcement.

As you know, building trust between police and the community is key for public safety, and thus engaging the public through steering committee meetings is vital to the effective functioning of 287(g) agreements. In 2010, the Department of Homeland Security's Office of Inspector General (OIG) recommended that Immigration and Customs Enforcement (ICE) require that every law enforcement agency (LEA) participating in a 287(g) agreement establish a steering committee with external stakeholders to meet regularly with members of the community. The OIG observed that "steering committees should not be narrowly viewed as a means to enhance ICE and LEA communications, but as a way to (1) improve program oversight and direction, (2) identify issues and concerns regarding immigration enforcement activities, (3) increase transparency, and (4) offer stakeholders opportunities to communicate community-level perspectives." ICE agreed to this recommendation.

Pursuant to ICE's commitment to comply with the DHS OIG recommendations for improving 287(g) program oversight, and consistent with recent congressional direction requiring the establishment and regular use of steering community meetings to engage local stakeholders, we urge you to hold a 287(g) steering committee meeting to discuss how the 287(g) program is operating in [insert name of jurisdiction].

State and local law enforcement agencies should not be in the business of enforcing federal immigration laws. Research has consistently shown that 287(g) programs can negatively impact local communities, and we remain particularly concerned over the potential use of our limited local resources for federal immigration enforcement. We recognize that immigrant residents play a significant role in building strong local economies and vibrant communities – as business owners, workers, and valued community members. In [insert name of jurisdiction] alone, immigrants own [insert available data] of businesses, thereby creating jobs that enrich our local economy. Many of these contributions could be at risk as a result of the 287(g) program.

In the spirit of greater transparency and accountability, we look forward to learning more about how 287(g) is operating in [insert name of jurisdiction] and providing community-level feedback of how its impacting [insert name of jurisdiction] residents.

1.) E.g. business leaders, concerned voters, community groups.

2.) Current 287(g) agreement contracts can be found online at https://www.ice.gov/287g.

3.) Office of Inspector General, The Performance of 287(g) Agreements (U.S. Department of Homeland Security, 2010), available at https://www.oig.dhs.gov/assets/Mgmt/OIG_10-63_Mar10.pdf.

4.) Office of Inspector General, The Performance of 287(g) Agreements Report Update (U.S. Department of Homeland Security, 2010), available at https://www.oig.dhs.gov/assets/Mgmt/OIG_10-124_Sep10.pdf.

5.) Claudia Flores, "Rapidly Expanding 287(g) Program Suffers from Lack of Transparency," Center for American Progress, October 9, 2018, available at https://www.americanprogress.org/issues/immigration/reports/2018/10/09/459098/rapidly-expanding-287g-program-suffers-lack-transparency/.

6.) Anneliese Hermann, "287(g) Agreements Harm Individuals, Families, and Communities, but They Aren't Always Permanent," Center for American Progress, April 4, 2018, available at https://www.americanprogress.org/issues/immigration/news/2018/04/04/448845/287g-agreements-harm-individuals-families-communities-arent-always-permanent/.

7.) Nicole Prchal Svajlenka, "What's at Stake: Immigrant Impacts in 287(g) Jurisdictions," Center for American Progress, March 20, 2018, available at https://www.americanprogress.org/issues/immigration/reports/2018/03/20/448172/whats-at-stake/.

8.) County commissioners are usually tasked with approving annual county budgets, including funding for the sheriff's department. Therefore, they are key stakeholders that can play a key role in monitoring any funds that may be diverted towards 287(g) program operations.


IMMIGRANT LEGAL RESOURCE CENTER
ilrc