



Getting Started:

Breaking ICE's Hold on Your County or State

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WHY LOCAL CAMPAIGNS?

Over the last two years there's been a growing movement against the record-breaking number of deportations and programs like Secure Communities (S-Comm) that entangle local police and ICE. A groundswell of local campaigns across the country demanded to opt out of the disastrous Secure Communities program, causing the federal government to shift strategies and move to unilaterally impose S-Comm on states and localities. At the same time undocumented youth across the country have waged Education Not Deportation ('END') campaigns to stop the deportation of DREAM Act eligible individuals, again calling attention to the Obama Administration's deportation dragnet and draconian enforcement. Leveraging existing opposition to S-Comm as well as the victories of the END campaigns, our movement is perfectly positioned to pass a new generation of policies on the county and state level that undermine the entire poli-migra and deportation machinery.

This begins by stopping ICE holds.

SO WHAT ARE ICE HOLDS?

ICE holds, also known as immigration detainers, are the lynchpin of numerous ICE ACCESS programs including S-Comm, 287(g), and the Criminal Alien Program. Essentially, it's the Achilles heel of the entire local police and federal immigration enforcement programs.

An ICE hold is a request from ICE to a local law enforcement agency to hold an individual in the agency's custody for 48 hours longer than it would otherwise would, in order to facilitate transfer to ICE. ***Immigration detainer requests are not mandatory and localities are not legally required to comply with them.*** In fact, localities that comply with them incur significant liabilities and costs.

Asking a county or state not to comply with all immigration detainers and not to allow ICE access to detainees in a jail is essentially asking that the county not help turn people over to ICE. Counties and states **DO** have a choice on whether they needlessly assist ICE to deport and separate communities. See ICE Holds: A Fact Sheet for Policy Makers, at <http://altopolimigra.com/wp-content/uploads/2011/12/ICE-Holds-Costly-and-Dangerous.pdf>



GETTING STARTED

IDENTIFYING GOALS:

The central goal of these campaigns is to enact local policies that stop deportations and undermine S-Comm and other police-ICE enforcement programs. While that may be the ultimate policy goal, what are some other goals of an organizing campaign?

Building base? Building alliances with criminal justice groups that are against over-incarceration? Building local power and pressuring local officials to take public positions? Changing and humanizing the debate on immigration at the local level? In some places, offering an alternative to state hate bills?

Think about what are some short-term and long-term victories. Getting community members out of jail? Passing a resolution? Documenting abuses and filing a lawsuit? Establishing a new committee of workers, students, neighbors? Stopping hundreds of deportations in your county or state? Building a movement 😊

MODEL POLICY LANGUAGE

The newly enacted Santa Clara, CA detainer ordinance is the strongest in the nation. It's a good model to try to replicate. It includes the following elements:

- Santa Clara will not comply with detainer requests from ICE, unless ICE reimburses them for the cost.
- If the federal government does agree to pay the full cost of immigration detainees, Santa Clara will enforce a detainer only for adults who have been convicted of a serious or violent felony.
- Santa Clara will not comply with any detainer requests on juveniles.
- ICE shall not be given access to individuals or be allowed to use County facilities for interviews.
- Santa Clara county personnel shall not spend time or resources responding to ICE inquiries or communicating with ICE

To see the full text of Santa Clara's ordinance visit: <http://altopolimigra.com/detainers>

STRATEGIC RESEARCH:

Begin by investigating the current policies. Find out how your county or state is collaborating with ICE to facilitate the deportation of people. What does this



collaboration look like? One of the best ways to obtain information is by meeting with key agencies, like the Department of Corrections and the police department. Can't get a meeting? Then try submitting questions to an influential elected official that can request answers.

Some questions to consider:

- What are the current immigration detainer policies and protocols at the Department of Corrections/jail? Are all immigration detainees blindly followed?
- Does the police department inquire about immigration status? Does the police department comply with oral requests and/or written requests from ICE to hold people?
- Does the Department of Corrections allow ICE access to inmates? How frequently do ICE agents visit Department of Corrections facilities? What Department of Corrections protocols and practices do ICE agents follow to speak to inmates?
- What, if any, agreements does the Department of Correction have with Department of Homeland Security, Immigration and Customs Enforcement, Customs and Border Patrol or Marshall Services? Agreements with the police department?
- How many immigration detainees are issued by ICE and followed by the Department of Corrections/jail during a fiscal year?
- How much does it cost to hold people on immigration detainees for one fiscal year?

Tip: Find out if there is an upcoming oversight hearing in your local government where the Department of Corrections or local police department is testifying. This can be a good opportunity to ask questions, give testimony, mobilize, etc.

Information about the number of immigration detainees issued nationwide from 2007-2010 is available as a result of a Freedom of Information Act request made by the National Immigrant Justice Center. You can download the data, and see how many detainees were issued in your county, at <http://altopolimigra.com/detainers>.

IDENTIFYING TARGETS

A target is the person who can give you what you want. It's a person with decision-making power. In this context, it's someone who can change the current policies of cooperation with ICE. Targets will vary across states and counties.

For example, in some places an elected Sheriff who runs the county jail may be the target. In other places, all jails are run by the State and consequently the target may be the Governor. Other local jurisdictions will find that the local legislative body (city



council, commission, board of supervisors) has authority to write laws that change the practices and policies at the jail. In this case, it may make sense to try to propose and pass a bill. You should figure out who can champion and introduce the bill. Ultimately, each place will have its own target.

Map out all the stakeholders with influence and control over your target.

BUILDING A COALITION

Who else may be impacted and concerned by this issue? Try building a broad and diverse front.

Some key partners can be: domestic violence advocates, students, criminal justice advocates, prisoner's rights groups, civil rights organizations, labor, faith, street vendor alliances, language access advocates, public defenders, teachers and health professionals, etc.

If it makes sense, create working groups within your coalition. Naturally, some groups will be interested in some areas of work and not others. Some possible working groups are: Organizing and Political Action, Community Education and Know Your Rights, Legal team, Communications.

MESSAGING:

Creating a unifying message will strengthen our collective work and create an echo-chamber across the country. Here's some suggested messaging:

Policy messaging:

These new ICE detainer policies are a common-sense measure to save precious County dollars, protect immigrant families, uphold constitutional due process protections, and restore public trust between local police and the immigrant community.

Confidence in our police requires a bright line distinction between local law enforcement and federal immigration authority. ICE's hold on our county blurs that line and destroys that confidence.

Movement messaging:

"Local governments have a decision to make. Will they protect our city's residents or will they be complicit in tearing apart our families? Stand on the right side of history. Break ICE's hold on our town. "

"Our communities refuse to allow the government and corporations to build an industry out of our suffering and separation. [Name of city] break ICE's hold now."



Responding to oppositional messaging:

Opponents will be quick to say that ICE detainer discretion policies will let loose “dangerous criminal into our streets.” ICE claims that ICE detainers help keep Americans safe and that not honoring them places citizens and non-citizens in danger. Public messaging must combat the image of recklessness or danger by reframing the conversation as a discussion about equal treatment, protection, sensible budgeting, etc.

Here’s some examples of statements from elected officials that sponsored ICE detainer discretion policies:

- *What this policy does **is ensure that everyone in our system is treated equally.** United States citizens charged with crimes are released on bail every day. There is no justifiable reason to treat people's criminal cases differently just because they are suspected of having civil immigration issues. The county has no authority to enforce civil immigration laws. Immigration enforcement is ICE's job.* Supervisor Sharikawa, Op-ed San Jose Mercury News, available at http://www.mercurynews.com/opinion/ci_19268387.
- *The policy has no impact on how the county deals with crime. For every individual booked into county custody on criminal charges, the courts impose and oversee appropriate punishment. The criminal justice system has adequate safeguards to protect public safety, and those safeguards will remain in place.* Supervisor Sharikawa, Op-ed San Jose Mercury News, available at http://www.mercurynews.com/opinion/ci_19268387.
- *“In America, we don’t detain people without probable cause... But these detainers are not based on probable cause and they have been imposed on US citizens including veterans by mistake.”* Cook County, Illinois Commissioner Jesus Garcia, available at <http://www.chicagonewscoop.org/cook-county-ends-automatic-compliance-with-federal-immigration-detention-requests/>
- *There is a widespread misconception that ICE detainer requests serve a public safety function, and that this ordinance would result in the indiscriminate release of dangerous criminals into our communities, but that is not the case. Detainers are not criminal warrants. Our criminal justice system already guards against the release of dangerous criminals. This ordinance would not result in the release of anyone who isn’t already entitled to their freedom.”* Cook County, Illinois Commissioner Jesus Garcia, available at <http://www.suntimes.com/news/otherviews/7675151-452/ice-detainers-costly-unfair.html>



These examples educate the public that a judge makes the determination whether someone should be eligible to be released. The ICE detainer discretion policies do not change that. They do not permit the release of anyone who a judge didn't already decide was entitled to their freedom. ICE detainers run against values of equal treatment and due process.

TIMING AND TACTICS

What are some tactics that will help you advance your goals? Tactics can create momentum and help move your target. Using the right tactic at the right moment can catapult your campaign. Here are some examples of tactics (be creative this is not an exhaustive list):

- Collect petition signatures and deliver them to your target
- Hold a town hall meeting and have the community speak out; invite your target and people who have influence over him/ her
- Organize direct actions and mobilizations at key moments (the launching of the campaign, the introduction of a bill; to protest an abuse, etc). Some examples: Marches, vigils, street theater, civil disobedience.
- Hold press conferences
- File a lawsuit or a Freedom of Information Act (FOIA) request (hold a press conference to announce the filing)
- Plan a large mobilization and advocacy day to educate city councilmembers
- Hold a breakfast between community leaders and councilmembers

For More Resources Check out:

- For official ICE documents confirming detainers are not mandatory, the full text of local detainer ordinances, and more visit: www.altopolimigra.com/detainers
- For letters, legal memos, and other materials from the successful Santa Clara, County campaign, go to: www.sjbeez.org/scomm
- Find the Interfaith Immigration Coalition tool kit on detainer campaigns here: www.interfaithimmigration.org

WANT TO TURN THE TIDE?

Join us for upcoming calls to share information, strategies, and coordinated action. Email: sarahi@ndlon.org to get updates.



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