

THE ALL-IN-ONE GUIDE TO

# DEFEATING ICE HOLD REQUESTS

(a.k.a. Immigration Detainers)

# APPENDIX 10

Materials and Information for Talking About  
Immigration, Criminal Justice, and Public Safety



# ALL IN ONE GUIDE TO DEFEATING ICE HOLDS

## APPENDIX 10

### Materials about Immigrants, Criminal Justice, and Public Safety

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## Sketches of Three “Level 1 Offenders”

### Background:

In June 2010, Director John Morton of Immigration and Customs Enforcement issued a Memorandum entitled “Civil Immigration Enforcement Priorities for the Apprehension, Detention, and Removal of Aliens” (Amended and reissued with the same title May 2011). In the memo, ICE states that it must prioritize the use of its enforcement personnel, detention space, and removal resources to ensure that the agency’s removals are in line with its priorities of national security, public safety, and border security. ICE then outlined 3 priority categories:

- (1) Individuals who pose a danger to national security or a risk to public safety
  - a. Level 1 Offender
  - b. Level 2 Offender
  - c. Level 3 Offender
- (2) Recent illegal entrants
- (3) Individuals who are already subject to a removal order and have failed to appear or depart or who have intentionally obstructed immigration controls

Individuals with criminal convictions fall within the first priority category. The first priority category is then further broken down to designate Level 1, Level 2, and Level 3 offenders. However the classification of “Level 1 offender” as a serious offender deserving of ICE’s “principle attention” can be misleading. Many individuals get caught in this designation due to the dangerously overbroad definition of “aggravated felony” found in the Immigration and Nationality Act. *See* 8 U.S.C. § 1101(a)(43). Level 1 offenders include individuals convicted of *any* two or more felonies.

Under our current immigration laws, numerous non-violent offenses are classified as aggravated felonies, as well as countless California misdemeanors. An aggravated felony, by legal definition, need not be “aggravated” or a “felony” under state law. A conviction for a small sale of \$5 worth of drugs with a sentence of probation or a misdemeanor theft conviction with a sentence of 365 days county jail are both aggravated felonies and have nearly identical immigration consequences as aggravated felonies such as commercial trafficking of firearms, rape, or murder. That minor poverty-related offenses would categorically carry the same immigration consequences as some of the most serious crimes prosecuted under state law is just one example of the often extreme nature of immigration laws.

On December 21, 2012, ICE issued “Guidance on the Use of Detainers in the Federal, State, Local, and Tribal Criminal Justice System.” This guidance is meant to “ensure that the agency’s use of detainers in the criminal justice system uniformly applies principles set forth in the June 2010 memorandum and is consistent with the agency’s enforcement priorities.”

It is recommended that Alameda County engage in meaningful scrutiny of ICE’s classifications as to who is a “threat” to public safety as many of these classifications are overbroad and unrelated to legitimate and actual public safety concerns. The following are 3

sketches of individuals who would be considered Level 1 offenders. Names have been changed to protect identities of the individuals involved.

### **Jorge:**

Jorge has been a Lawful Permanent Resident of the United States since 1966. He has been married to the same woman for over two decades and has four U.S. Citizen children. In 1990, Jorge was convicted of his only criminal conviction. He exercised poor judgment in response to a friend asking for a favor and was convicted of selling a controlled substance. Jorge had never been in trouble with the law. He was not someone who regularly sold drugs. To this day, he has never harmed anyone. He was an agricultural worker but his most important job was taking care of his family.

Once convicted, Jorge complied with his sentence and the terms of his probation. He has not been in trouble with the law since then. Jorge raised his family and continued his work as a farmer. At one point the local newspaper even did a spread on his stand at the local farmers market. At the time ICE placed Jorge in removal proceedings he was 62 years old. He was (and still is) a grandfather, a father, an uncle, a husband, and an active community and church member and he had not broken the law in well over twenty years. Jorge was not a flight risk, nor a danger to the community; he was an asset. Still, he was detained.

*Under ICE's civil enforcement priorities memo, Jorge would be classified as a "Level 1 Offender" based on the fact that his only conviction in the United States qualifies as an aggravated felony. Nearly 20 years after his offense, Jorge was arrested in front of his home and flown from California to the middle of the Arizona desert where he was detained by the Department of Homeland Security. Fortunately his family was able to hire a lawyer to argue for and secure his release.*

### **Saan:**

Saan fled Cambodia's "killing fields" in 1979. He spent 2 years in refugee camps in Thailand and entered the U.S. legally as a Refugee in 1981. He received his green card and continued to reside in the U.S. as a Lawful Permanent Resident. Saan spent over 25 years in the United States without a single problem with the law. He married a U.S. citizen and had 5 children, all born in California. He also served in the U.S. armed forces. In approximately 2004, Saan and his wife got into a physical altercation and Saan admitted to and was convicted of domestic violence. Not knowing the immigration consequences of his conviction, and wanting the ordeal to be over with as soon as possible, he quickly accepted a plea to a felony with a sentence of 365 days. He successfully completed his probation and went back to taking care of his children and baking for a living. In approximately 2010, ICE showed up to his home early in the morning and arrested him in front of his children. Due to his 365 day sentence on the domestic violence offense, Saan was automatically classified as an "aggravated felon" for immigration purposes. This meant that not only was he subject to mandatory detention without the possibility of bail, but that he would almost certainly be ordered removed as the "aggravated felony" category would strip the Immigration Judge of the discretion to determine whether or not he deserved to be removed.

While he was fighting his immigration case, the family court awarded Saan sole physical and legal custody of his children. Yet none of this could be presented before the Immigration Judge based on Saan's classification of "aggravated felon." Saan even went back to criminal court and reduced his offense from felony to misdemeanor but that made no difference to the aggravated felony classification. Saan's children suffered directly as a result of his absence from the home but under current immigration laws, none of these facts could be raised before the Immigration Judge. Saan was eventually ordered removed from the U.S.

*Under ICE's civil enforcement priorities memo, Saan – a refugee who entered and remained in the U.S. legally for nearly 3 decades; a responsible father and caretaker of 5 US citizen children; a man whom the family court had deemed to be worthy of the grant of sole physical and legal custody of his children; a U.S. Veteran - would be classified as a "Level 1 Offender" based on the fact that his only misdemeanor offense qualifies as an aggravated felony.*

### **Lovoti:**

Lovoti left Fiji in 2005 at the age of 20. While in Fiji, Lovoti struggled with depression, anxiety, and suicidal ideation. He was targeted and harassed repeatedly for being an Indigenous Fijian who married an Indo-Fijian Muslim woman. Lovoti never saw a doctor in Fiji. He obtained a conditional green card through his U.S. Citizen wife and entered the U.S. legally. While in the U.S. he began hearing voices. He did not have steady work and his mental health condition led him to act out in ways that resulted in his arrest. He was convicted of the crime of evading a police officer, a felony, as well as falsely identifying himself to a police officer, also a felony, and violating a temporary restraining order. Lovoti's conditional residency never became permanent because he was not able to complete the necessary paperwork. As such he was not in valid immigration status at the time of his last arrest, and ended up with an ICE hold.

While in county jail, Lovoti was medically evaluated for the first time and diagnosed with psychotic disorder. He was admitted into the county's award winning mental health court and deemed eligible for the court's services. The Mental Health Court collaborates with various county departments including the probation department to create an individualized community treatment plan for each defendant, and to explore solutions that meet the long-term needs of mentally ill adults who are likely to become offenders. Lovoti was eventually released from criminal custody. However rather than be released to the community with a date to return to Mental Health Court, the jail honored the ICE hold request in place and Lovoti was transferred to the custody of the Department of Homeland Security. Instead benefiting from the mental health services that he had been deemed eligible for, Lovoti spent nearly 7 months in immigration detention while he applied for asylum, arguing that he would suffer serious harm given his condition if forcibly returned to his country of birth. Ultimately, the Immigration Judge agreed.

*Under ICE's civil enforcement priorities memo, Lovoti – a former lawful resident and now Fijian Asylee suffering from mental health disabilities, who had been identified by the criminal court as eligible for release into the community and in need of the county's mental health services administered through the Mental Health Court - would be classified as a "Level 1 Offender" based on the fact that he has been convicted of two offenses punishable by more than one year. Lovoti received actual sentences of under a year on both offenses.*

# **DEPORTED FOR LIFE**

## **A Closer Look at ICE’S “Serious” Criminals**

The examples below illustrate the urgent need for discretion and case by case analysis in immigration laws. These individuals, mostly lawful permanent residents, faced deportation for life as a result of minor transgressions, and even simple mistakes.

Under current immigration law, individuals who are convicted of “aggravated felonies” are subject to deportation, even if they have been a lawful permanent resident for fifty years, and the offense is decades old. While the term “aggravated felony” includes serious and/or violent crimes, it also includes many offenses that are not felonies at all, much less “aggravated” ones.

Individuals with an “aggravated felony” conviction are ineligible for almost all forms of relief from deportation, and are barred from returning to the United States again. Immigration and Customs Enforcement (ICE) considers individuals with aggravated felony convictions to be “serious criminals” and thus a top priority for deportation.

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- Translating “I can’t help him today, I’ll help him tomorrow” from Spanish to English for a cousin, not knowing the cousin was communicating to a potential drug buyer (Emma Mendez de Hay)
  - Breaking into an Alcoholics Anonymous – in 1968 – and drinking a bottle of wine with friends (Daniel Campbell)
  - Employing an undocumented immigrant and providing him a place to live, several years after the immigrant entered the country (Vinodbhai Bholidas Patel)
  - One woman pulling the hair of another during a fight over a boyfriend (Mary Anne Gehris)
  - Pointing out a suspected drug seller to a potential buyer during a party (Jose Velasquez)
  - Misdemeanor theft of a video game, valued at approximately \$10 (Carlos Pacheco)
  - Allowing friends to use a car to commit a burglary (Gabriel Delgadillo)
  - A second offense involving simple possession of marijuana (Federico Garcia-Olmedo)
  - Attempted theft at age 17 of tire rims from an automobile (Antonio Vieira Garcia)
  - Shoplifting \$15 worth of baby clothes (Olufolake Olaleye)
  - Misdemeanor shoplifting with a one-year suspended sentence (Kenneth Arakhandia Erewele)
  - Theft of a car radio with fellow teenage friends (Rick Siridavong)
  - Misdemeanor petty larceny (Winston C. Graham)
  - Writing a bad check for \$1500 worth of construction supplies (Ihsan Elias Dawlett)
  - The sale of \$10 worth of marijuana (Gerardo Anthony Mosquera, Sr.)
  - Misdemeanor sale of marijuana (Michael Anthony Graham)

## APPENDIX A—SELECTED CASE SUMMARIES

### Case A (Chart #4)

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In September 2009, Ms. A had just dropped her daughter off at school in California when she was pulled over for making a right turn on a red light. Right turns on red were prohibited during certain hours, and the restriction had been in effect for 30 minutes when she was stopped. When the police officer saw Ms. A, he told her, “I know you are illegal” and questioned her about her immigration status. Although she did not admit to being out of status, the police officer contacted ICE and detained her at the roadside until an ICE officer could pick her up. She was issued a Notice to Appear (NTA) and released so that she could pick up her daughter, who is a U.S. citizen with learning disabilities, from school.

Ms. A, who is from Mexico, was not charged or convicted of any crime and she has no criminal history. She is currently in removal proceedings. She is applying for asylum and cancellation of removal.

### Case B (Chart #22)

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In April 2011 in Florida, Mr. B was driving to the pharmacy to pick up asthma medication for his children when he was pulled over by the police. Two of his children, ages ten and 12, were in the car. The police officer gave no reason for the stop and ticketed Mr. B for driving without a license. The officer then called ICE from the roadside, and ICE agents came to pick up Mr. B. He asked to be allowed to stay at the car until his brother-in-law arrived to pick up the children, but ICE agents immediately took him into custody. The two children had to wait in the police car at the roadside for 35 minutes until the brother-in-law arrived.

Mr. B has no criminal history apart from one prior conviction for driving without a license. Mr. B, a Mexican national, remains in immigration detention although he has three U.S. citizen children, ages three, ten, and 12, and his wife is unable to drive due to a major operation several years ago. He has lived in the U.S. for over ten years. He is in removal proceedings and is applying for cancellation of removal.

### Case C (Chart #52)

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In July 2009, Mr. C, a Mexican national, and a friend were on the side of the road fixing a flat tire in Minnesota. A police officer, who was traveling in the opposite direction,

turned around and approached the car. The officer ran the car’s license plate and asked for Mr. C’s documents. The police report confirms that there were no criminal charges against either man. The officer then called CBP from the roadside.

Mr. C was taken by state police to a local jail, where he was held on a detainer. He was taken into immigration custody and released on bond shortly thereafter. Mr. C has no criminal history. He has a brother who is a U.S. citizen. Currently, Mr. C is in removal proceedings.

### Case D (Chart #26)

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Mr. D is a Salvadoran national married to a U.S. citizen. In 2010, Mr. D’s wife received a ticket for driving without a license in Florida, but she challenged the ticket in court because she did have a driver’s license, although she did not have it with her at the time of the traffic stop. Mr. D’s wife required an interpreter at court because, although she was born in the U.S., she resided in El Salvador for most of her life. Mr. D accompanied his wife to court for moral support. When the court began to call cases requiring interpreters, plainclothes ICE agents entered the court and arrested everyone needing an interpreter.

Mr. D and his wife were both detained by ICE. Mr. D’s wife was released after two hours when ICE determined that she was a U.S. citizen. Mr. D remained in custody until he was released on bond. Since he had no available relief, Mr. D accepted voluntary departure and returned to El Salvador. Mr. D was the sole source of support for his wife and two U.S. citizen children. He also supported his wife’s U.S. citizen sister and her two U.S. citizen children.

### Case E (Chart #49)

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Mr. E is a 72-year-old man from Albania. He was a passenger in his son’s van in Michigan when the police stopped the van because the turn signal was not working. Even though he was only a passenger, Mr. E was asked for identification. When he could not produce any, he was taken to the police station. No charges were filed against Mr. E or his son, who is a lawful permanent resident. The police notified ICE, and Mr. E was transferred immediately into ICE custody.

Mr. E was detained for a month before being released on bond. He has filed an application for asylum and withholding of removal. Mr. E has no criminal history.

## APPENDIX A—SELECTED CASE SUMMARIES

### Case F (Chart #95)

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In the summer of 2010, Mr. F, a Mexican national, was at his home in Pennsylvania when police officers came to tell him that he had an unpaid parking ticket. Mr. F was unaware of the ticket but was willing to pay it; however, the officers arrested him and took him away in handcuffs in front of his six-year-old daughter. He was charged a fine for the parking ticket, which he paid. ICE issued a detainer and Mr. F was placed in immigration detention for about two weeks until he was released on bond.

Mr. F has no criminal history. He has two children who are U.S. citizens, including a daughter with a congenital heart problem. Mr. F is currently in removal proceedings.

### Case G (Chart #8)

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In January 2010, Ms. G, who is from Guatemala, was pulled over by a police officer after making an unlawful turn. A police officer then ticketed her for driving without a license. In the California city where this stop occurred, the police department has a policy that individuals found to be unlicensed drivers should be ticketed, but not arrested. However, in this case the officer arrested Ms. G and told her that she needed to provide identification. Ms. G called her family from jail and asked them to bring in her passport, but her family was not allowed to see her nor present the passport to secure her release from jail. Instead, ICE was contacted and issued a detainer that afternoon. She was then transferred to ICE and released on bond the same day. All charges related to the traffic stop were dropped.

Ms. G has no criminal history. She has two U.S. citizen children, a two-year-old daughter and a ten-year-old son. Ms. G has been approved for a U visa based on domestic violence for an unrelated incident. She is currently in removal proceedings.

### Case H (Chart #88)

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In late 2010, Ms. H was a passenger in a car whose driver, a U.S. citizen, was pulled over in upstate New York for speeding. The officer asked Ms. H for identification, and then called ICE from the roadside, who determined that Ms. H had overstayed her visa. The officer took Ms. H to the police station, where she was held on an immigration detainer until ICE came to pick her up. She was in immigration detention until she could pay bond.

Ms. H, who is from the Philippines, believes that she was asked for identification and proof of status as a result of racial profiling. She was not charged with or convicted of any crime, and she has no criminal history. Her husband, who is a U.S. citizen, has recently submitted an application for her to adjust status, but she remains in removal proceedings.

### Case I (Chart #50)

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Ms. I, a 60-year-old woman from the Bahamas, was a passenger in the car when her daughter, a lawful permanent resident, was pulled over in Michigan during the summer of 2010. The police officer requested identification from Ms. I even though she was a passenger. When Ms. I showed an expired identification, the officer asked why she had not had it renewed. Ms. I explained that it was because she did not have a green card yet. The officer then arrested Ms. I and brought her to the local police station. ICE issued a detainer and took her into custody. She was in immigration detention for several days, until she posted bond. Ms. I was never charged with or convicted of any crime.

Ms. I has no criminal history. She has several children who are lawful permanent residents of the U.S., and one of them is in the process of becoming a citizen. She is currently in removal proceedings.

### Case J (Chart #78)

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In November 2010, Mr. J, a 19-year-old longtime resident of New Jersey, was pulled over by local police. He was driving his uncle's car, which had been stolen two months previously. The car had been recovered by the police in a neighboring city and returned to Mr. J's uncle; however, the police department had not updated their records regarding the car, so Mr. J was taken to the police station based on the suspicion that he had stolen it.

At the station, the police officers quickly learned that he had not stolen his uncle's car. He was not charged with any crime. However the police questioned Mr. J about his immigration status and called ICE, which placed a detainer on him. Later that day, he was moved to a detention center for criminal aliens, despite never having been charged with or convicted of any crime. He was held in solitary confinement there for two weeks.

## APPENDIX A—SELECTED CASE SUMMARIES

Mr. J, who is originally from Uruguay, is currently in removal proceedings. He is also in the process of applying for a U visa because he was the victim of an assault in an unrelated incident.

### Case K (Chart #72)

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Mr. K, a longtime resident of the United States, is 18 years old and originally from Venezuela. In the summer of 2010, Mr. K was walking on the campus of the University of North Carolina at Chapel Hill at 2 a.m. when a campus police officer approached him. The officer asked Mr. K for his name and why he was there. Mr. K did not believe that he was doing anything wrong, so he refused to tell the officer his name. Mr. K was arrested for resisting and obstructing and taken to the Orange County Sheriff's office, where he was questioned about where he was born. Mr. K's criminal charges were immediately dismissed; however, ICE had already issued a detainer. After Mr. K's immigration attorney intervened, the sheriff decided not to honor the detainer. Mr. K was released from custody before ICE came to pick him up. Mr. K has no criminal history.

### Case L (Chart #39)

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Mr. L, who is originally from El Salvador, has lived in the U.S. for over 30 years. In April 2011, he was driving in Maryland when a police officer began to follow his car and pulled him over several minutes later. Mr. L had not committed any moving violation, but the officer said that he ran the car through the police database and found that the car's owner had a suspended license. Mr. L was not the owner of the car, but he also had a suspended license, and so the officer arrested him and took him to the station. There, the police contacted ICE, and ICE issued a detainer. Mr. L was transferred to ICE custody and was held in immigration detention for about ten days until he was released on bond by an immigration judge.

Mr. L has no criminal history other than previous citations for traffic offenses and unpaid parking tickets, and had no prior contact with immigration officials. His wife and adult children are all U.S. citizens. Mr. L is currently in removal proceedings.

### Case M (Chart #108)

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Mr. M is a 24-year-old Mexican national. In March 2011, Mr. M was driving in Texas when a car that was trying to make a right-hand turn ran into the side of Mr. M's car. Police arrived at the scene of the accident 15 minutes later and, without any investigation, one of the officers accused Mr. M of being at fault. The officer asked Mr. M for his driver's license and questioned him about his immigration status. Mr. M admitted to not having a driver's license and being out of status. The other driver was at fault in the accident, but was let go; the officer arrested Mr. M for driving without a license. ICE issued a detainer and several days later took Mr. M into custody until he was released on bond.

Mr. M has lived in the U.S. since he was a teenager; he graduated from high school in the U.S. and he is an active leader in the youth group of his church. He has no criminal history and his father is a U.S. citizen. Mr. M is currently in removal proceedings.

### Case N (Chart #110)

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In June 2010, Ms. N, a Mexican national, and her family were visiting Eldorado, Texas, to go to a quinceañera (15<sup>th</sup> birthday celebration). Her husband, who is a lawful permanent resident, was driving the family's car when a sheriff's deputy pulled them over because the light on their license plate was out. The deputy asked for a driver's license and proof of immigration status, both of which Ms. N's husband provided. The deputy then asked for identification from everyone in the car and ordered everyone out of the car, including Ms. N and their three children. When Ms. N showed her valid Texas ID card, the deputy then asked for proof of her immigration status. When she could not provide it, the deputy arrested Ms. N without charging her with any crime. Ms. N was held by the local sheriff for three days over the weekend until CBP could pick her up. CBP then released Ms. N on her own recognizance.

Ms. N has a ten-year-old U.S. citizen daughter who is receiving mental health counseling as a result of seeing her mother's arrest. Ms. N has no criminal history and is a stay-at-home mom who has never driven in the United States. She is currently in removal proceedings.

## APPENDIX A—SELECTED CASE SUMMARIES

### Case O (Chart #105)

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In February 2008, Mr. O was driving a truck with several other Latino men when he was pulled over near a worksite in northern Texas. The officer gave no reason for the stop, but asked if Mr. O had immigration papers. When Mr. O said no, the officer called ICE and took him to jail. ICE issued a detainer and came to pick up Mr. O from the jail. He was held in immigration detention until released on bond set by an immigration judge.

Mr. O has no criminal history. He is a Mexican national, has lived in the U.S. for over ten years, and has three U.S. citizen daughters. His daughters are honor students and he is a leader in his church. During his hearing, the immigration judge noted that Mr. O has excellent character and that if given discretion, Mr. O would be exactly the sort of person whom the judge would allow to stay in the U.S., but that the law does not allow him to make that decision. The case is currently on appeal to the BIA.

### Case P (Chart #40)

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On Mother's Day in 2009, Mr. P, who is from Brazil, was driving with his wife and their young son in Maryland. A police officer pulled him over for not wearing a seatbelt, although Mr. P states that he was wearing a seatbelt at the time. He was never charged with or convicted of any violation. Nonetheless, an ICE detainer was issued. He was held in ICE detention for two days and then was immediately deported to Brazil.

Mr. P's wife and son are both U.S. citizens. They are having trouble making ends meet since Mr. P was deported and is therefore no longer able to provide them with support.

### Case Q (Chart #107)

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In August 2010, Mr. Q was working as a janitor in Texas. He was driving home after work at about 2 a.m., when he was pulled over for no apparent reason. After he was stopped, the officer requested Mr. Q's driver's license, which he did not have. He was then arrested, and the local police contacted ICE from the jail. ICE issued a detainer and took custody of Mr. Q. He was held in immigration detention for several weeks until an immigration judge set bond. He was eventually charged and convicted of driving without a license, and served three days in jail. He had no previous convictions.

Mr. Q, a Guatemalan national, has lived in the United States for 10 years and has a U.S. citizen daughter. He is currently in removal proceedings and is applying for cancellation of removal.

### Case R (Chart #29)

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Mr. R, a Mexican national, has lived in the U.S. since he was 14 years old. In April 2010, Mr. R was driving home at night in Florida. When he pulled into a parking lot, a sheriff's deputy followed him. The deputy questioned Mr. R, searched him, and then asked if he had a driver's license. When Mr. R said no, the deputy searched his car, without asking for permission. The deputy arrested Mr. R, who was eventually convicted of driving without a license. After the arrest, Mr. R was transferred to ICE custody and detained for more than six months.

Mr. R has one conviction for petty theft in 2001 and several for driving without a license. He is a candidate for a U visa because, prior to his arrest in Florida, Mr. R and his girlfriend were the victims of a serious knife attack in Maricopa County, Arizona; the attacker also raped Mr. R's girlfriend. However, even though Mr. R and his girlfriend assisted in the investigation of that case, the sheriff's office in Maricopa has refused to certify them for U visas. ICE has also refused Mr. R's request for deferred action. Mr. R is the sole caregiver for his two U.S. citizen daughters, and he also has a son who is a U.S. citizen. Mr. R has been ordered removed, but his removal has been stayed while he applies for U.S. passports for his daughters. He was released from detention on an Order of Supervision.

### Case S (Chart #87)

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In early 2011, Mr. S, who is from Brazil, was having a drink in a bar in upstate New York when a fight broke out. The police were called and they arrested everyone who was in the area where the fight took place. Like the other patrons, Mr. S was given a ticket for disorderly conduct, though he had not engaged in the fight nor had he been part of any illegal activity. ICE was called from the police station and issued a detainer. Mr. S was transferred to ICE custody and placed in immigration detention until he could make bond. He is now in removal proceedings.

## APPENDIX A—SELECTED CASE SUMMARIES

Mr. S has a pending application to adjust status that was recently submitted by his wife, a U.S. citizen. At the time of his arrest, Mr. S was attending college in New York and had entered the country legally on a student visa, which he had overstayed. His mother is a lawful permanent resident of the United States.

### Case T (Chart #71)

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Ms. T, a 20-year-old Mexican national, has lived in the U.S. since she was two years old. In April 2011, Ms. T was sitting in a parked car outside of a convenience store in Gaston County, North Carolina, when police officers approached to question her. When an officer asked her name, Ms. T was afraid, so she gave them a nickname. She then gave them her bag and her valid passport. An officer removed her from the car and handcuffed her for lying because she had given the officers a nickname. The officer said, “You fucking Mexicans are all alike.” Ms. T replied, “You are a racist bitch.” The officer then smashed Ms. T’s face into the ground. Ms. T was charged with resisting arrest, identity theft, and making a false report to police.

Ms. T was taken to the sheriff’s office and fingerprinted. The sheriff’s office then contacted the local ICE office. Ms. T paid the state bond on her criminal charge, but ICE issued a detainer and Ms. T was transferred to immigration custody about 48 hours later. She was held in detention for a few days until she could pay an immigration bond.

Ms. T has no criminal history. She has graduated from high school and volunteers regularly in her community. She is eligible to adjust her status under 245(i), but ICE has denied a request to exercise prosecutorial discretion. Ms. T is currently in removal proceedings. Her criminal case is pending.

### Case U (Chart #112)

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In January 2010, Mr. U, who was under 18 at the time, was pulled over while driving with several friends in Bell County, Texas. The police officer did not give a reason for pulling over the car, but Mr. U was arrested for driving without a license. The police called ICE from the station, and ICE issued a detainer. Mr. U was transferred to ICE custody and held in detention until he was released on bond.

Mr. U is a Mexican national who graduated from high school in the U.S. He has no criminal history. He is currently in removal proceedings.

### Case V (Chart #74)

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In April 2011, Mr. V, a Kenyan national who had failed to depart or change status after completing his educational program, was pulled over while driving in New Hampshire after he made an illegal U-turn. The police officer cited him for the illegal turn and for driving without a license. Mr. V had a valid driver’s license that he had obtained while he was in status, but he was not carrying it with him at the time. At his court hearing for driving without a license, his case was continued. When he left the hearing, ICE arrested and detained him. He was in detention for a month until he was released on bond.

Mr. V does not have any criminal history aside from minor moving and car registration violations. He has lived in the U.S. for nine years and recently married a U.S. citizen. Several of his siblings are also citizens. Currently, he is in removal proceedings.

### Case W (Chart #23)

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Mr. W, a Guatemalan national, has lived in the U.S. for 13 years. In April 2011, he was a passenger in his friend’s car in Florida when the car was pulled over. The officer gave no reason for the stop and asked for identification papers from Mr. W and from the driver. The driver was let go because he had papers, but Mr. W did not. The officer called ICE and held Mr. W until ICE arrived to pick him up from the roadside. Mr. W was taken into immigration detention and bond was denied.

Mr. W has no criminal history. While in immigration detention, Mr. W was assaulted and had to be taken to the emergency room. Mr. W intended to apply for a U visa based on the assault. However, the immigration judge gave Mr. W insufficient time to gather the necessary proof – the judge stated that he did not support a victim of a detention center assault seeking a U Visa because it would create incentives for detainees to beat themselves up. Because he was not able to gather proof of his assault in time, Mr. W accepted voluntary departure.

## APPENDIX A—SELECTED CASE SUMMARIES

### Case X (Chart #113)

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Mr. X, a longtime resident of the U.S., was pulled over in June 2011 while driving a car with Mexican license plates in Texas. The sheriff's deputy immediately asked Mr. X, "Where is your passport?" Mr. X asked why he had been stopped, and the deputy stated that it was because the car's headlights were not on. However, at the time, it was already light outside. Upon the officer's request, Mr. X demonstrated that the headlights and other signals on his car worked. The deputy still wrote Mr. X a ticket, but inaccurately recorded the time on the ticket as 6:45 a.m. instead of 7:15 a.m. In June 2011, sunrise in Texas occurred between 6:35 and 6:40 a.m., and Texas law requires headlights to be used until a half hour after sunrise. The deputy then called CBP and held Mr. X on the side of the road until CBP arrived. Mr. X was held for several days, until he was released on bond.

Mr. X, a Mexican national, has lived in the United States for 15 years and is married to a U.S. citizen. He is currently in removal proceedings and is seeking to adjust his status.

### Case Y (Chart #6)

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In March 2011, Mr. Y, a 19-year-old longtime resident of the United States, was sitting in a park in California with his friends when they were approached by a police officer. Some of his friends were drinking alcohol, but Mr. Y was not. The police officer, however, only approached and questioned Mr. Y, who is from Mexico. The police officer asked to see identification, and when Mr. Y could not produce any, the officer told Mr. Y that he would have to go to the police station. Once there, ICE put a detainer on Mr. Y and transferred him to immigration detention. Mr. Y was held in detention for more than two months in Arizona, where it was very difficult for his family to see him. He was never charged with or convicted of any criminal offense.

Mr. Y came to the United States when he was four years old and graduated from high school in California. He has no criminal history. He is currently in removal proceedings, and is applying for a U visa because he previously was the victim of an armed robbery.

### Case Z (Chart #103)

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Mr. Z is a 19-year-old college student who is originally from Mexico but has lived in the U.S. since he was 10 years old. In November 2009, Mr. Z was stopped by the University of Texas police for a broken tail light. During the stop, the police officer found that there was a warrant for Mr. Z due to unpaid parking tickets. The officer arrested Mr. Z and took him to the police station. ICE issued a detainer and then held Mr. Z in immigration detention for four days until he was released on bond.

Mr. Z has no history with law enforcement other than the outstanding parking tickets, which he paid off immediately after his arrest. Mr. Z is currently in removal proceedings.

### Case AA (Chart #27)

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In December 2009, Mr. AA was driving a van in Broward County, Florida, when he noticed a police officer following him. Mr. AA pulled into a parking lot, and the police officer followed him and pulled up to the van. The officer gave no reason for following him but asked for a driver's license. Mr. AA presented an expired license. The officer then called ICE and held Mr. AA until ICE arrived to pick him up. The ICE agent asked Mr. AA if he had immigration status. When Mr. AA said no, he was taken to Broward Transitional Center and placed in immigration detention for ten months before he was released on his own recognizance.

Mr. AA has no criminal history. He is an Argentinian national and entered the U.S. through the Visa Waiver Program. At the time his NTA was issued, he had been in the U.S. for almost ten years. He has two U.S. citizen daughters, an 11-year-old and a two-year-old. He is currently in removal proceedings.

### Case BB (Chart #82)

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In March 2011, Mr. and Mrs. BB, who are from India, and their six-month old U.S. citizen son were passengers in a car pulled over for speeding in New Mexico. The driver, who had a green card, received a citation from the police and was allowed to go. Mr. and Mrs. BB were asked to produce identification, and when they could not produce proof of immigration status, the police notified ICE from the roadside. They have not been charged with any crime and they do not have any criminal record.

## APPENDIX A—SELECTED CASE SUMMARIES

ICE immediately placed Mr. BB in immigration detention, where he remains. Mrs. BB was released with their son. Neither Mr. BB nor Mrs. BB has any criminal history. Both are in removal proceedings.

### Case CC (Chart #85)

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In May 2011, Mr. CC, a Mexican national, was burning leaves on his property in Doña Ana County, New Mexico, when a sheriff's deputy stopped to inquire what he was doing. Mr. CC explained that he had been told by city officials that he did not need a permit to burn leaves. The deputy asked him twice for his social security number, and Mr. CC replied that he did not have one. The deputy then wrote him a citation for burning leaves without a permit, despite the fact that Doña Ana County neither issues nor requires permits for burning leaves.

Two hours later, plainclothes ICE agents came to Mr. CC's house in unmarked trucks. The agents told Mr. CC they were investigating a claim that he was trafficking people in his home. Mr. CC denied the claim, but ICE agents took him into custody and he was removed later the same day.

Mr. CC has no criminal history. He had lived in the U.S. for over 15 years and had never failed to pay his taxes.

### Case DD (Chart #118)

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In November 2009, police officers came to a residence in Virginia, allegedly looking for a suspect. Without the consent of the owner of the residence, the officers entered and started asking the men inside for their documents. When two of the men did not have documents, the officers called ICE, and then arrested the two men and took them to the police station.

When the attorney for the two men inquired as to the reason for their arrest, an officer said that the two men were suspected of being gang members. When the attorney asked if there was any evidence of gang affiliation, the officer stated that the two men had Spanish nicknames. The attorney explained to the officer that the nicknames meant "skinny" and "whitey," and that the names had no gang affiliation; they were used by friends to describe the men because one is thin and the other pale.

The two men were taken into ICE custody and spent two months in immigration detention before being released on

bond. One took voluntary departure, and the other, whose wife is a U.S. citizen, is still in removal proceedings. Neither man had any criminal history.

### Case EE (Chart #51)

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In January 2011 in Minnesota, Ms. EE, who is from Honduras, was pulled over for failure to signal for a right turn. The police officer asked her for identification, and Ms. EE was ticketed for driving without a license and for having frost on her windshield. The officers called ICE from the station, and a detainer was issued. Ms. EE was then transferred to ICE custody and released on bond.

Ms. EE has no criminal history. She has a 15-month-old daughter who is a U.S. citizen. Currently, Ms. EE is in removal proceedings and is seeking asylum.

### Case FF (Chart #54)

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In May 2011, Mr. FF, who is from Mexico, was pulled over in Minnesota for not signaling when changing lanes. He gave the police officer valid proof of insurance, but said that he did not have a license. He was then arrested for driving without a license and taken to jail, where ICE was contacted. ICE issued a detainer and, after Mr. FF's arraignment, took him into custody and transferred him to a detention center in a different county from his home and his attorney.

The criminal case regarding Mr. FF's traffic stop is still ongoing, but he remains in immigration detention and so is unable to attend hearings. He has no other criminal history and is currently in removal proceedings.

### Case GG (Chart #12)

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In the summer of 2009 in Colorado, Mr. GG, a Mexican national, drove into a parking lot and got out of his car to meet with his employer when a police officer followed him into the lot. After the officer heard him speaking Spanish, the officer approached Mr. GG and stated that he had made an illegal turn and therefore needed to show identification. Mr. GG does not believe that he made an illegal turn and was never charged with any crime. Mr. GG presented the officer with his Mexican passport and was then arrested for not having verifiable identification, despite the fact that passports are a valid form of identification in

## APPENDIX A—SELECTED CASE SUMMARIES

Colorado. After receiving notice from the local jail, ICE issued a detainer and placed Mr. GG in immigration detention until he was released on bond.

Mr. GG was in the U.S. on a B-2 tourist visa that he had overstayed by a few weeks. His brother, a U.S. citizen, had filed a relative petition on his behalf, and the priority date is likely to come up within a few years. Mr. GG chose voluntary departure and returned to Mexico.

### Case HH (Chart #122)

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In May 2011 in Vermont, a U.S. citizen was pulled over for speeding while driving a van in which six construction workers, all from Guatemala, were passengers. The police officer asked each of the men for identification and then called ICE from the roadside. ICE determined that all of the men had either overstayed visas or entered without inspection. The six men were taken to the police station. ICE issued detainers for each of them, and they were placed in immigration detention. They were detained for several weeks until they were released on bond. One man eventually took voluntary departure and returned to Guatemala; the rest are still in removal proceedings.

None of the men were ever charged with or convicted of any crime; none has a criminal history. Several men have spouses and children who are U.S. citizens.

### Case II (Chart #48)

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In April 2011, Mr. II was driving his parents, both lawful permanent residents who are disabled and unable to drive, when he was pulled over in Kent County, Michigan. He was arrested for driving without a license, an offense for which he was eventually convicted. The police contacted ICE, and ICE issued a detainer. Mr. II was transferred to immigration detention and held until he was able to post bond.

Mr. II, who is in his early 20s and originally from Mexico, has lived in the United States since he was six years old; he is currently in removal proceedings.

### Case JJ (Chart #114)

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In May 2011, Ms. JJ was involved in a shouting match outside of a restaurant in Virginia. She was arrested for

public intoxication and was held in jail overnight. While in jail, ICE was notified and issued a detainer. ICE placed her in removal proceedings and held her in a facility several hours away from her home for six weeks. Ultimately she paid a \$50 fine for the public intoxication charge.

Ms. JJ is originally from South Korea. She has no prior criminal history and, at the time of her arrest, both she and her husband had pending adjustment of status applications based upon her husband's employment. She is currently in removal proceedings.

### Case KK (Chart #98)

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In June 2011, Mr. KK was one of four passengers in a car in Pennsylvania when the car was pulled over by state police for violating the state tinted windows regulation. The officer asked for identification from the driver and all of the passengers. The officer then called ICE from the roadside and transported Mr. KK to a local jail, where he was held until ICE came to pick him up. Mr. KK was then placed in immigration detention.

Mr. KK has no criminal history. He was placed in removal proceedings after his arrest.

### Case LL (Chart #13)

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During the summer of 2009, Mr. LL was pulled over while driving in Arapahoe County, Colorado. The officer told him it was because he had an obstructed windshield – although Mr. LL only had a crack in his windshield and his view was not obstructed. When the officer requested that he show identification, Mr. LL showed a foreign identification card. The police officer asked twice if Mr. LL had other identification, and both times he said no. The officer then reached into the car and took Mr. LL's wallet without his permission. In the wallet, the officer found a social security card, and so he arrested Mr. LL for forgery. The sheriff contacted ICE from the local jail, and ICE issued a detainer. Mr. LL was transferred to immigration custody and held in detention until he could post bond. His criminal case for the traffic stop is ongoing.

Mr. LL, a Mexican national, has no previous criminal history. His wife, a U.S. citizen, is currently pregnant. Mr. LL is in removal proceedings.

## Dangerous merger:

Corrupting the criminal justice system for immigration enforcement

*Why pouring billions of dollars into CAP, 287(g), and Secure Communities subverts the criminal justice system, erodes due process, and makes us less safe*

### Questions and Answers:

#### **What is the connection between immigration enforcement and the criminal justice system?**

Immigration and Customs Enforcement (ICE), the agency within the Department of Homeland Security charged with detaining and deporting immigrants, uses local law enforcement and jails in its enforcement operations. The ICE ACCESS initiative combines 13 programs with the goal of using local criminal justice systems—the courts, jails, and police—to hunt down people deemed to be “criminal aliens.”<sup>1</sup> The Criminal Alien Program (CAP), 287(g) Agreements, and Secure Communities initiative are the three most well-known ACCESS programs used to accomplish this goal.<sup>2</sup> ICE spent over \$1 billion on these programs in FY 2009.<sup>3</sup> FY 2010 funding is projected to be nearly \$1.5 billion.

#### **The alleged target: “criminal aliens” who commit serious offenses**

- The term “criminal alien” is used to describe any noncitizen who has been arrested or convicted for any criminal offense, regardless of the severity of the person’s crime or whether s/he is undocumented or has lawful immigration status. Under current laws and practices, ICE is classifying increasingly alarming numbers of noncitizens as “criminal aliens.” This “criminal alien” dragnet is being used to indiscriminately target, apprehend, and deport ever larger numbers of noncitizens, including long-time green card holders with U.S. citizen spouses and children. Since Fall 2006, ICE has identified and charged over 450,000 noncitizens through CAP, with increasingly more immigrants charged each year.<sup>4</sup>
- While ICE claims to target serious criminals, the Government Accountability Office in the March 2009 review of the 287(g) program found that ICE failed to meet this goal, and was aggressively focusing on “easier” targets—those who are charged with minor offenses, like shoplifting and even traffic violations.<sup>5</sup>

#### **How do these programs refer immigrants in the criminal justice system to ICE?**

Local police and jails collect immigration information on all people arrested (e.g. booking or at arrest), share this information with ICE, and allow ICE to interrogate defendants in jail. ICE also encourages local law enforcement officials to use integrated criminal-immigration databases and ICE fingerprint checks. A “detainer,” or an immigration “hold,” is placed on those in custody, preventing their release from jail

ICE

#### **287 (g):**

Contracts with state and local police and jail officials to enforce immigration laws



#### **Secure Communities:**

Uses technology and databases to identify, detain, and deport “criminal aliens” in federal, state, and local facilities



#### **Criminal Alien Program:**

Relies on jail officials, police, and the courts to identify “criminal aliens” incarcerated within federal, state, and local facilities



#### **Detainer damage: a misused and mishandled tool**

- The immigration “detainer” is the key tool used by ICE to apprehend noncitizens in the criminal justice system. When booked into jail, noncitizens often unknowingly respond to questions about where they were born. The jail provides this information to ICE, who then files a detainer on the person. The detainer permits the jail to detain immigrants beyond their criminal case so that ICE can pick them up for deportation. In Irving, TX, 60% of people who had detainers placed on them were arrested for low-level offenses, such as speeding, public intoxication, misdemeanor assault, and theft.<sup>6</sup>
- Under the law, a detainer only permits a jail to hold the person for a 48-hour period. However, noncitizens frequently remain in jail beyond the 48 hour limit. ICE does not provide proper guidance to jail officials on detainer authority, including the 48-hour limitation or ways to lift the detainer when it is erroneously lodged against someone. ICE detainers mean that noncitizen defendants are being held in jail for much longer periods than citizens. For example, in Travis County, Texas, “the 2007 average length of stay for all non-ICE misdemeanants was 8.2 days. For those ICE detainers with misdemeanor violations, the average length of stay in 2007 was 28 days—this is nearly four times the length of stay for non-ICE inmates.”<sup>7</sup>

and ensuring that they will be released only to ICE. Any suspicion of noncitizen status means the person gets referred to ICE for deportation.

#### **How effective are these programs?**

There are no government regulations or any other procedural mechanisms in place to ensure effective oversight, accountability, or redress.

Continued on reverse...

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## **Dangerous merger:** Corrupting the criminal justice system for immigration enforcement

*While rounding up "criminal aliens" sounds good, these programs actually subvert the criminal justice system, erode due process, and make us less safe*

### **There is no immigrant crime wave**

Despite rhetoric that the "criminal alien" population is on the rise, studies show that immigrants commit fewer crimes than native-born citizens, and that a high proportion of immigrants in a neighborhood is associated with lower rates of crime.<sup>8</sup> A California study, a state with more immigrants than any other, concluded the foreign-born are incarcerated at a rate half as high as their presence in the population.<sup>9</sup> According to the latest Justice Department statistics available, noncitizen prisoners accounted for only 5.9% of the combined **federal and state** prisoner population.<sup>10</sup>

### **Jeopardizes Community Safety**

Increasingly, police departments are targeting immigrants for arrests—often on minor violations—that result in deportation. This diverts resources away from law enforcement's primary role of promoting community safety. Scholars and police chiefs alike worry that using local law enforcement to pursue immigrants sabotages "sound and well established policing practices."<sup>11</sup> For example, in Maricopa County, Arizona, where Sheriff Arpaio has shifted resources to controlling illegal immigration, FBI statistics show that violent crime is up by 69%, murder is up 166%, robbery is up 74%, property crime is up 26%, and burglary is up 25%.

### **Fosters bias against immigrants in our criminal justice system**

Misguided policies against suspected immigrants, legal or undocumented, by judges and our criminal court systems are on the rise. Treating immigrants differently than U.S. citizens in our criminal justice system subverts the core purpose of our legal system to enforce equal treatment of the law. In Harris County, TX, the district attorney who has vowed to fight illegal immigration proposed to bar plea deals for people who refuse to provide citizenship information. This is in violation of state law. State legislatures and judges are abandoning time-tested bail provisions to create blanket no-bail policies for noncitizens with detainees—regardless of the severity of the crime—even though there is "no conclusive research to show that illegal immigrants are more likely than their U.S.-born counterparts to abscond on state charges while out on bail."<sup>12</sup>

### **Violates the basic promises of fairness and due process at the core of our legal system**

Long ago the U.S. Supreme Court held that our Constitution requires that people accused of a crime be given the right to remain silent and the right to have a court-appointed attorney to defend these and other due process rights. Under immigration law, immigrants have far fewer due process rights, including no right to an attorney until after they have incriminated themselves, and no right to an appointed attorney ever. Arresting immigrants, locking them up in jail, interrogating them without lawyers, and then using this illegally obtained information to prosecute and deport them is un-American.

### **The North Carolina case: How 287(g) Increased Racial Profiling**

- With eight active 287(g) agreements, North Carolina has become a national testing ground for programs between ICE and local enforcement. Local police set up roadblocks for the purpose of checking licenses outside of Latino markets on the weekends and on Sundays. They also station themselves at roads that provide access to Latino churches.<sup>13</sup> Johnson County Sheriff Steve Bizzell has stated that "they [immigrants] are breeding like rabbits," and that they "rape, rob and murder American citizens."<sup>14</sup> Despite this attempt to link immigrants to violent crime, in one North Carolina county, 83% of immigrants arrested in one month by ICE-authorized police officers were charged with traffic violations.<sup>15</sup> Still, criminal alien programs do not require data collection on race or ethnicity to verify that racial profiling does not exist.



The Immigrant Justice Network is a collaborative formed in 2006 with the Immigrant Legal Resource Center, the National Immigration Project of the National Lawyers' Guild, the Washington Defender Association's Immigration Project, and the Immigrant Defense Project to advocate on behalf of noncitizens facing unjust immigration penalties as a result of being entangled with the criminal justice system.



Footnote citations can be found on:  
[http://www.ilrc.org/immigrantjusticenetwork/cites\\_dangerous\\_merger.html](http://www.ilrc.org/immigrantjusticenetwork/cites_dangerous_merger.html)

# WBEZ91.5

Published on WBEZ 91.5 Chicago (<http://www.wbez.org>)

Source URL: <http://www.wbez.org/news/ice-detainers-public-safety-issue-99190>

## ICE detainees a public-safety issue ?

Many officials say so, but a WBEZ investigation finds no evidence that inmates freed from jail against the wishes of immigration authorities reoffend or jump bail more than other former inmates do.

May 16, 2012



More than eight months since it passed, an ordinance that ended Cook County Jail compliance with immigration detainees keeps causing sparks. The ordinance — requests that the jail hold inmates up to two business days beyond what their criminal cases require — help federal officials put the inmates into deportation proceedings. Sheriff Tom Dart and some county commissioners are pressing for the ordinance to be scaled back. So is President Barack Obama's administration. They all say their motive is to keep dangerous criminals locked up. Yet officials offer no evidence whether inmates freed by the ordinance endanger the public more than other former inmates do. A WBEZ investigation sheds the first light.

The ordinance cut ties between the jail and U.S. Immigration and Customs Enforcement, the agency known as ICE. It passed last September. County Commissioner Tim Schneider offered a prediction.

**SCHNEIDER:** Under this ordinance, gang bangers, people involved in drug dealing, sex trafficking and criminal sexual assault will be released back into our communities that with these ICE detainees would be held and would be deported. This is clearly our Willie Horton moment here in Cook County.

Horton was a Massachusetts felon let out of prison on a weekend furlough in 1986. He did not come back and committed violent crimes that haunted Governor Michael Dukakis in his presidential campaign. Cook County may not have anyone like Horton on its hands. But within four months of the ordinance's approval, news outlets had seized on someone else.

**TV REPORTER:** . . . when it was revealed that this man, Saúl Chávez, an alleged hit-and-run driver, had bonded out . . .

Saúl Chávez — that's the pronunciation — was an undocumented immigrant from Mexico. ICE slapped a detainer on him but the ordinance required the jail to disregard it. When he posted

bond, the jail let him out. Then Chávez missed his court dates and disappeared.

DART: . . . Thank you very much, Commissioner. Thank you for having me here. . . .

At a February hearing, Sheriff Tom Dart told county commissioners about other inmates he'd freed.

DART: Since September 7, the jail has released 346 individuals — who had detainers on them — that prior to September 7 would have been detained on the hold.

Dart said 11 of those 346 had committed new offenses. ICE, meanwhile, pointed to the Chávez case and, like Dart, claimed the ordinance undermined public safety in the county. Last month U.S. Homeland Security Secretary Janet Napolitano testified at a Senate hearing.

NAPOLITANO: Cook County's ordinance is terribly misguided and is a public-safety issue. We're evaluating a lot of options . . .

All this talk about public safety had me scratching my head. Just how dangerous are these people? Are they more dangerous than former jail inmates that ICE has not named on detainers? I looked for studies comparing the two groups. I checked with policy experts and criminologists . . . the sheriff's office, the Illinois Criminal Justice Information Authority, ICE, the U.S. Department of Justice . . .

BECK: I'm not aware that any research has been conducted on this.

This is Allen Beck. He's a top DOJ statistician. I show him the figures Sheriff Dart brought to that hearing. Some simple math shows that about 3 percent of the inmates the jail freed in disregard of immigration detainers had committed new offenses.<sup>[1]</sup>

BECK: That's correct.

The sheriff's office told me it couldn't come up with the rearrest rate for all the other inmates the jail released during those five months.<sup>[2]</sup> The office did provide numbers for Cook County defendants on electronic monitoring.<sup>[3]</sup> And I checked into a Loyola University study about felons discharged from Illinois probation.<sup>[4]</sup> The rearrest rate for both groups is about the same as for the detainer group.

BECK: Right.

Beck tells me about something else.

BECK: You know, we have tracked felony defendants in large state courts for some time. We have statistics related to Cook County. We certainly have been able to determine a substantial failure rate.

Beck shows me what he means by failure. In the DOJ's most recent look at Cook County felony defendants, about 25 percent of those who got out of jail with charges pending committed new crimes before their case was over.<sup>[5]</sup>

MITCHELL: Mr. Beck, given the evidence available, what can we say about the former inmates wanted by ICE?

BECK: Well, there clearly isn't any data here to suggest that this group had a higher rate of failure — that is, of a re-arrest — than other groups that the Cook County sheriff may be dealing with. In fact, I think the evidence would suggest that these rates are lower.

But here's another question about Cook County's policy of disregarding immigration detainees: Are the inmates who bond out more likely to skip their court dates and go missing, like Saúl Chávez did? In the county's court records, you can see a defendant has failed to appear when the judge revokes bail and orders arrest. The arrest order's known as a bond-forfeiture warrant.

MITCHELL: So, Mr. Beck, of the inmates our jail released despite immigration detainees, we pulled court records on all but one of those who were charged with a felony and who got out by posting bond.<sup>[6]</sup>

BECK: . . . couldn't find one.

MITCHELL: Right.

BECK: Right.

MITCHELL: And of those, about 12 percent were named on bond-forfeiture warrants during the five months.

BECK: About 12 percent.

For perspective, I rounded up some WBEZ volunteers to help check this figure against other felony defendants freed on bond over the five months. We came up with a representative sample.<sup>[7]</sup> Judges ordered bond-forfeiture warrants for about 14 percent of our sample during the period. Then I got some figures from the sheriff and the court clerk.<sup>[8]</sup> They show roughly how many bond-forfeiture warrants named any felony defendant who got out on bail during those five months.

BECK: So basically what you're saying is that about 15 percent — what is that, one in six?

MITCHELL: Yeah, very close to the rate of the inmates released in disregard of ICE detainees. Mr. Beck, your study — the one by the U.S. Department of Justice — also includes figures for how many Cook County felony defendants failed to appear in court.<sup>[9]</sup>

BECK: We found 21 percent.

MITCHELL: Now, Mr. Beck, whether we're looking at the rearrests or the bail jumping, all our comparisons include some apples-to-oranges issues.

BECK: That's right but we're looking at numbers that certainly do not lead to a conclusion that this group released in disregard to the ICE detainees would pose a greater risk upon their release than others.

If that's the case, I wondered what all those officials meant when they said the Cook County ordinance undermines public safety. Sheriff Dart's office and the Department of Homeland Security haven't granted my requests to speak with them about this. An ICE spokeswoman says her agency won't talk about this on tape and says ICE never claimed that the former jail inmates it named on detainees were committing more crimes or jumping bail more than other former jail inmates. The lack of evidence did not stop the officials from pressing for the ordinance to be scaled back. Tim Schneider — he's the County Board commissioner who invoked Willie Horton — he proposed an amendment that would require compliance with the ICE detainees for inmates who appear on a federal terrorist list or face a serious felony charge. I ask Schneider whether his push has anything to do with age-old fears about immigrants threatening public safety.

MITCHELL: When you talk about Willie Horton in the context of the September ordinance and when you talk about Saúl Chávez — our research suggested he's not typical — are you stoking those fears?

SCHNEIDER: Absolutely not.

He goes on.

SCHNEIDER: If these people could be held pursuant to ICE detainees, then that's one less person that would flee justice. In the case of Saúl Chávez, he is out loose because we're not complying with ICE detainees.

YOUNG: No one wants to be seen as endangering public safety.

Attorney Malcolm Young directs an inmate-reentry program at Northwestern University.

YOUNG: The claim of public safety is a good one to make any time you want to advance one or another criminal-justice policy. Here I think it's incumbent on someone who's making that argument to show why it is that the release of someone who is the subject of an ICE detainer puts the community at risk or creates a risk that that person is not going to show up in court.

Otherwise, Young says, the Cook County Jail may as well keep all inmates beyond what their criminal cases require — not just those wanted by immigration authorities.

## Notes

1. Cook County Sheriff Tom Dart told county commissioners at a February 9 hearing that his office had freed 346 inmates in disregard of U.S. Immigration and Customs Enforcement detainees since September 7, when the County Board enacted "Policy for responding to ICE detainees" (Ordinance 11-O-73). Of the 346, according to Dart, 11 committed new offenses during the five months. That means 3.2 percent had reoffended. The flow of the releases over the five months was steady, so the individuals averaged about 75 days (half of the five months) in which they could have been arrested on new charges. That makes the per-day rearrest rate roughly 0.04 percent.

2. The sheriff's office says the jail released 30,549 inmates between September 7 and February 6. But the office says it could not quickly find out how many had committed new offenses during

that period because that tally would require investigating the cases one-by-one.

3. The sheriff's office says Cook County Circuit Court judges ordered 2,700 individuals into the sheriff's electronic-monitoring program between September 7 and February 6. Of those, according to the sheriff's office, 53 were arrested for a new crime while in the program during that period. That means about 2.0 percent had committed a new crime — close to the 3.2 percent for the inmates released in disregard of ICE detainees. Among shortcomings with this comparison is that the electronic-monitoring group did not include individuals released from jail after a not-guilty ruling, individuals who had served their sentences, individuals for whom all charges were dismissed and so on.

4. Loyola University Chicago researchers studied 1,578 felons discharged in November 2000 from Illinois probation. Within two months of their discharge, 3 percent had been rearrested for a new crime, according David Olson, an author of the study. That's about 0.05 percent per day — close to the 0.04 percent rate for the inmates released in disregard of ICE detainees. Shortcomings with this comparison include penal and policing changes since the probation discharges, the presence of 740 non-Cook County individuals in the probation group, and that group's lack of misdemeanants, pretrial defendants, individuals whose charges were dropped, individuals found not guilty, individuals who completed sentences other than probation and so on.

5. The most recent U.S. Department of Justice study that covers rearrests of former Cook County Jail inmates looks at 716 defendants who were charged in May 2006 with a felony and freed from the jail before trial. About 25 percent were rearrested again in Illinois on a new charge before their case's disposition. Assuming the median time between their first arrest and their adjudication was 92 days, the per-day rearrest rate was roughly 0.27 percent — much higher than the 0.04 percent rate for the inmates released in disregard of ICE detainees. A shortcoming with this comparison is the DOJ study's lack of misdemeanants and of individuals released because their sentence was served or their charges were dropped. Another shortcoming is that the median time, 92 days, refers to all counties in the DOJ study. The figure for Cook County alone was not available.

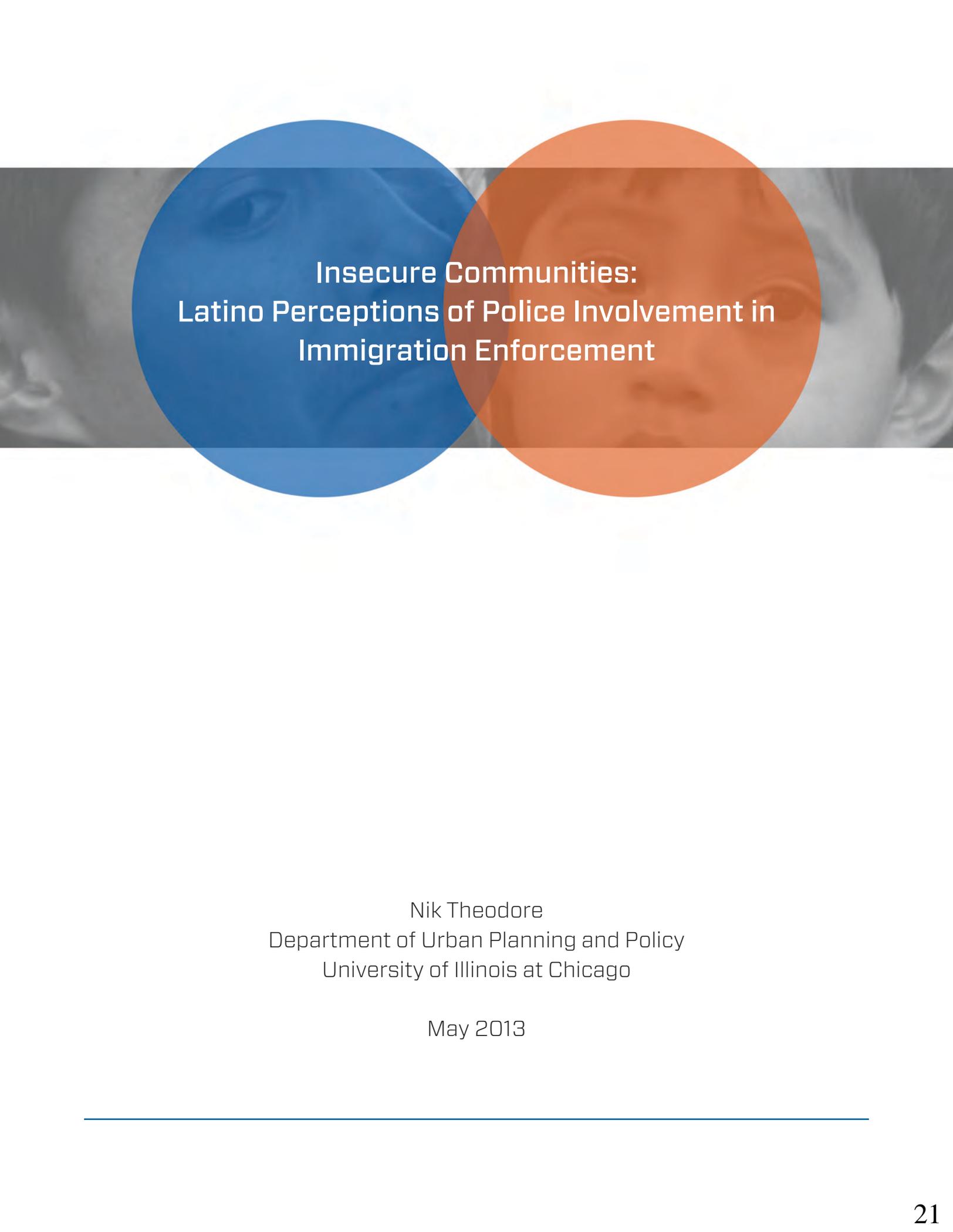
6. The sheriff's office provided a listing of individuals the jail released between September 7 and February 6 in disregard of ICE detainees. WBEZ focused on flight risk by examining a subset — the 133 felony defendants who got out of jail by posting bond. Court records on one of those defendants could not be found, reducing the number to 132. Judges named 16 of the 132, or 12.1 percent, on bond-forfeiture warrants (BFWs) during that five-month period, according to a WBEZ review of the records. The flow of the releases over the period was steady, so the individuals averaged about 75 days (half of the five months) in which they could have been named on a BFW. That makes the per-day rate roughly 0.16 percent. But there's a caveat: It's possible that some of the 16 defendants who failed to appear in court were missing because ICE had detained or deported them. A January 4 letter from ICE Director John Morton says his agency had arrested 15 individuals that the jail had released since September 7 in disregard of ICE detainees. We asked ICE to identify the 15 but the agency pointed to a privacy policy and declined. We also asked ICE whether it notifies the Cook County Circuit Court after taking into custody someone with a pending criminal case in that court, whose judges order the BFWs. ICE didn't answer that question but said it informs local law-enforcement agencies and the Cook County State's Attorney's Office.

7. WBEZ generated a 133-member sample of felony defendants freed on bond between September 7 and February 6. Of those, 18, or 13.5 percent, were named on a BFW during that period, according to a WBEZ review of their court records. That rate is close to the 12.1 percent for inmates released in disregard of ICE detainers. A shortcoming of this comparison concerns the degree to which the sample is representative. Randomness was impossible due to limits on public access to records kept by the sheriff and the Clerk of the Circuit Court and due to a lack of data integration between the two offices. An example of the shortcoming is that WBEZ had to identify the felony cases by finding clerk-assigned case numbers with digits showing the case's transfer to the court system's criminal division, which handles felonies only. But some felony cases never reach that division and, thus, are never assigned a case number with those digits.

8. Figures from the sheriff's office suggest that roughly 8,000 felony defendants got out of jail between September 7 and February 6 by posting bond. Figures from the clerk's office suggest that judges ordered 1,247 BFWs in felony cases during that period. The BFWs cover roughly 15.6 percent of the defendants, assuming just one BFW per defendant. The rate is higher than the 12.1 percent for inmates released in disregard of ICE detainers. A shortcoming with this comparison is that the "roughly 8,000" figure refers to a 7,785-9,089 range provided by the sheriff's office, which says it can't quickly determine the felony/misdemeanor status of 1,304 cases. Another shortcoming is that the clerk's office does not track when defendants were released from jail. The 1,247 figure, therefore, pertains to the five-month period but not the 8,000 defendants per se.

9. In the DOJ study, judges named 21 percent of the defendants on a warrant for failure to appear in court. Given the median 92 days from arrest to adjudication, 0.23 percent per day got such a warrant. That rate is higher than the 0.16 percent for inmates released in disregard of ICE detainers. A shortcoming with this comparison is that the detainer group includes just those who posted bond. The DOJ group includes additional pretrial-defendant types, such as those released on personal recognizance. Another shortcoming is that the median time, 92 days, refers to all counties in the DOJ study. The figure for Cook County alone was not available.

Research assistance from Brian Mitchell, Christopher Newman, Joan Rothenberg and Sauming Seto. Editing by Shawn Allee.



**Insecure Communities:  
Latino Perceptions of Police Involvement in  
Immigration Enforcement**

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May 2013

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This research was supported by a grant from the Ford Foundation

# Executive Summary

This report presents findings from a survey of Latinos regarding their perceptions of law enforcement authorities in light of the greater involvement of police in immigration enforcement. Lake Research Partners designed and administered a randomized telephone survey of 2,004 Latinos living in the counties of Cook (Chicago), Harris (Houston), Los Angeles, and Maricopa (Phoenix). The survey was designed to assess the impact of police involvement in immigration enforcement on Latinos' perceptions of public safety and their willingness to contact the police when crimes have been committed. The survey was conducted in English and Spanish by professional interviewers during the period November 17 to December 10, 2012.

Survey results indicate that the increased involvement of police in immigration enforcement has significantly heightened the fears many Latinos have of the police, contributing to their social isolation and exacerbating their mistrust of law enforcement authorities. Key findings include:

- 44 percent of Latinos surveyed reported they are less likely to contact police officers if they have been the victim of a crime because they fear that police officers will use this interaction as an opportunity to inquire into their immigration status or that of people they know.
- 45 percent of Latinos stated that they are less likely to voluntarily offer information about crimes, and 45 percent are less likely to report a crime because they are afraid the police will ask them or people they know about their immigration status.
- 70 percent of undocumented immigrants reported they are less likely to contact law enforcement authorities if they were victims of a crime.
- Fear of police contact is not confined to immigrants. For example, 28 percent of US-born Latinos said they are less likely to contact police officers if they have been the victim of a crime because they fear that police officers will use this interaction as an opportunity to inquire into their immigration status or that of people they know.
- 38 percent of Latinos reported they feel like they are under more suspicion now that local law enforcement authorities have become involved in immigration enforcement. This figure includes 26 percent of US-born respondents, 40 percent of foreign-born respondents, and 58 percent of undocumented immigrant respondents.
- When asked how often police officers stop Latinos without good reason or cause, 62 percent said very or somewhat often, including 58 percent of US-born respondents, 64 percent of foreign-born respondents, and 78 percent of undocumented immigrant respondents.

These findings reveal one of the unintended consequences of the involvement of state and local police in immigration enforcement – a reduction in public safety as Latinos’ mistrust of the police increases as a result of the involvement of police in immigration enforcement. The following conclusions can be drawn from the survey findings:

- 1. Isolation and disconnectedness from police:** Many Latinos feel isolated from the law enforcement officers who are sworn to protect them. More than four in ten say that because police are more involved in enforcing immigration laws they have become less likely to volunteer information about crimes because they fear getting caught in the web of immigration enforcement themselves or bringing unwanted attention to their family or friends.
- 2. Withdrawal:** Many Latinos feel isolated and admit to withdrawing from their community. A large share feels under suspicion and is afraid to leave their homes. This sense of withdrawal by a substantial portion of Latinos in the counties surveyed has short- and long-term negative consequences for public safety and community life. In the short term, crimes become more difficult to solve as the social distance between police and residents increases. Over the long term, a significant segment of the population may withdraw and develop a fear of law enforcement authorities.
- 3. Diminished sense of public safety:** Rather than feeling safer because of increased police involvement in immigration enforcement, many Latinos feel less safe. Many Latinos say criminals are moving into their neighborhoods, making them and their neighbors less safe, because criminals know residents are less likely to report them to police given the increased involvement of police in immigration enforcement. Few feel safer because of the increased focus on immigration by local law enforcement.

The findings presented here indicate that the greater involvement of police in immigration enforcement has significantly heightened the fears many Latinos have of the police, contributing to their social isolation and exacerbating their mistrust of law enforcement authorities. This fear, isolation and mistrust, in turn, has led to a reduction in public safety, a serious negative consequence of the involvement of police in immigration enforcement.

# Introduction: The Role of State and Local Police in Immigration Enforcement

This report presents findings from a survey of Latinos regarding their perceptions of the police in light of state and local law enforcement's increasing involvement in immigration enforcement.<sup>1</sup> A randomized telephone survey of 2,004 Latinos living in the counties of Cook (Chicago), Harris (Houston), Los Angeles, and Maricopa (Phoenix) was conducted to assess the impact of police involvement in immigration enforcement on Latinos' perceptions of public safety and their willingness to contact the police when crimes have been committed.

Survey results indicate that the greater involvement of police in immigration enforcement has significantly heightened the fears many Latinos have of the police, contributing to their social isolation and exacerbating their mistrust of law enforcement authorities. The results show that substantial numbers of Latinos are less likely to voluntarily contact the police if they are the victim of a crime, or to provide information about a crime, because they are afraid the police will ask them or persons they know about their immigration status. These findings highlight one of the unintended consequences of the involvement of state and local police in immigration enforcement – a reduction in public safety as residents' mistrust of the police increases as a result of the involvement of police in immigration enforcement.

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Historically, the control of migration to the United States has fallen under the purview and authority of the federal government. The U.S. Supreme Court has repeatedly affirmed that the federal government has broad and exclusive powers to regulate immigration and to set immigration policy. Nevertheless, over the past two decades, state and local law enforcement authorities have increasingly been drawn into the enforcement of immigration laws. There now exists a patchwork of federal, state and local laws, as well as numerous formal and informal agreements, that call on state and local law enforcement agencies to actively participate in immigration enforcement (see Meissner et al., 2013; Rodríguez et al., 2010; Varsanyi, 2010).

These new provisions have not been without controversy. Concerns have been raised that the increasing involvement of state and local police in immigration enforcement will increase the mistrust immigrant communities have towards the police, thereby reducing public safety. More specifically, concerns have been raised that by increasing the priority given to investigating immigration matters, law enforcement resources will be directed away from important public safety objectives; police may resort to racial profiling or be prone to violating the civil liberties of possible suspects; the financial costs of immigration enforcement will come at the expense of other public-safety priorities; undocumented immigrants may be victimized in greater numbers because they will be fearful of police contact; and the trust between police and communities that is essential for effective policing will be

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<sup>1</sup> Numerous studies have identified a gap in the research literature on Latino perceptions of policing and public safety, noting the paucity of studies that examine Latino perceptions and interactions with the police. See for example, Correia (2010); Menjívar and Bejarano (2004); Rosenbaum et al. (2005); Weitzer and Tuch (2005).

undermined (Capps et al., 2011; International Association of Chiefs of Police, 2007; Khashu, 2009; Meissner et al., 2013; Stepick et al., 2013).

The clearest expression of the desire to see greater collaboration between federal immigration authorities and state and local law enforcement agencies can be seen in the 287(g) program and the Secure Communities program. In 1996, Congress enacted legislation that formally expanded the role of state and local law enforcement authorities in immigration enforcement. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) amended the Immigration and Nationality Act of 1952 to allow the Immigration and Naturalization Service to deputize state and local law enforcement officials in the event of a “mass influx” of immigrants, provided that the state or local law enforcement agency consents to this new role.<sup>2</sup>

IIRIRA also revised Section 287(g) of the Immigration and Nationality Act to authorize the U.S. Attorney General to enter into written memoranda of understanding (MOUs) with state and local law enforcement authorities to formally involve them in immigration enforcement.<sup>3</sup> The IIRIRA states that “the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension or detention of

aliens in the United States ..., may carry out such function at the expense of the State or political subdivision and to extent consistent with State and local law.”<sup>4</sup> Should a state or local law enforcement agency consent to entering into an MOU, officers must receive training in federal immigration law, the agency must provide written certification that officers are trained in immigration law, and any officer who engages in immigration enforcement is subject to the direction and supervision of the US Department of Homeland Security. According to US Immigration and Customs Enforcement (ICE), as of December 31, 2012, more than 1,300 state and local law enforcement officers in 19 states have been trained and certified to enforce immigration law, and the budget devoted to 287(g) agreements has increased from \$5 million in fiscal year 2006 to \$68 million in fiscal year 2012 (ICE, 2013a,b).

The Secure Communities program began in 2008 as a pilot initiative in 14 jurisdictions, but subsequently expanded to nearly all of the nation’s 3,181 jails and prisons under President Barack Obama. Through the program, law enforcement authorities submit the fingerprints of arrestees to immigration databases, allowing ICE access to information about persons who are being held by authorities. A number of concerns have been raised about Secure Communities, including that “many of the immigrants who have been identified and deported through the program are not serious or violent criminals, do not pose a threat to public safety, and may not have any criminal history at all;” it may lead to unnecessary detentions; and it might deter

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<sup>2</sup> Pub. L. No. 104-208, 110 Stat. 3009-646 (1996) 8 U.S.C. § 1103(a)(10). In 2003, the responsibilities of the Immigration and Naturalization Service were transferred to three entities within the US Department of Homeland Security: US Citizenship and Immigration Services, US Immigration and Customs Enforcement, and U.S. Customs and Border Protection. US Immigration and Customs Enforcement is the entity that currently is empowered to enter into MOUs with state and local law enforcement agencies.

<sup>3</sup> 8 U.S.C. § 1357(g).

<sup>4</sup> 8 U.S.C. § 1357(g)(1).

witnesses from coming forward while also contributing to a loss of trust of the police by local residents (Waslin, 2011: 8, 14, 12-13; see also Stepick et al., 2013).

However, according to ICE (2013b), "By working together, local and federal officers can better identify and remove criminal aliens - a tremendous benefit to public safety." But does the involvement of state and local law enforcement agencies in immigration enforcement actually contribute to an improvement of public safety? Analyzing arrest and detention records for the Secure Communities program in Miami-Dade County, Florida, Alex Stepick and colleagues (2013: 7-8) found that only 18 percent of those targeted by the program were high-priority risks to public safety, and that "the majority of removals [deportations] are individuals who pose little or no risk to public safety." The authors conclude, "ICE's detention and deportation of immigrants for minor crimes, ordinary misdemeanors, and non-offense incidents reduces trust of law enforcement" (Ibid., 3).

A report published by the Police Foundation (Khashu, 2009: 23) raised similar concerns about the impact of police involvement in immigration enforcement stating, "local police involvement in immigration enforcement could have a chilling effect on immigrant

cooperation [with the police]... Without this cooperation, law enforcement will have difficulty apprehending and successfully prosecuting criminals, thereby reducing overall public safety for the larger community." Such concerns stem from the recognition that it is exceedingly difficult for law enforcement authorities to investigate crimes, apprehend criminals, and deter criminal activity without the trust and active participation of local residents. Moreover, it is not only immigrants who are affected. Approximately 85 percent of immigrant families are mixed-status families that include a combination of citizens, authorized immigrants, and undocumented immigrants (Morawetz and Das, 2009). Therefore, the family and community dynamics that are set in motion by state and local law enforcement's involvement in immigration policing affects immigrants and non-immigrants alike.

The remainder of this report presents the results of a survey that was designed to measure how and to what extent police involvement in immigration enforcement has affected Latinos' perceptions of the police and public safety. The next section describes the methodology used for conducting the survey. This is followed by a presentation of survey findings, and an analysis of factors associated with Latinos' propensity to report crimes.

## Survey Methodology

A telephone survey of Latinos was designed and implemented by Lake Research Partners, a public opinion research firm with extensive experience in administering telephone surveys. Professional interviewers administered the survey during the period November 17 to December 10, 2012. The survey reached 501 Latinos in each of the following counties: Cook (Chicago), Harris (Houston), Los Angeles, and Maricopa (Phoenix). In total, 2,004 surveys were conducted. Seventy-nine percent of interviews were conducted in Spanish. All interviewers were bilingual and were capable of handling the interviews in Spanish or English. As will be explained in greater detail below, the survey explored Latinos' perceptions and experiences with law enforcement authorities in light of the increasing involvement of police in immigration enforcement.

The survey sample was identified using random digit dialing (RDD) methods that targeted high-density Latino census tracts, where Latinos represented 70 percent or more of the population in Cook, Harris, and Los Angeles Counties, and 50 percent or more of the population in Maricopa County (this lower threshold was used because of the relatively lower Latino population density in Maricopa County). By using RDD, interviewers were able to reach respondents with unlisted telephone numbers. The cell phone sample was pulled by county and then screened for city, ethnicity, and zip code. All respondents were screened for Latino or Hispanic ethnicity, but not for immigrant or citizenship status.

The averages represented in this report are composite averages, where each of the four cities represents 25 percent of the total. Population samples are subject to possible sampling error; that is, the results of a survey may differ from those that would be obtained if the entire population were interviewed. The size of the sampling error depends upon both the total number of respondents in the survey and the percentage distribution of responses to a particular question. The margin of error for the 2,004 respondent averages is  $\pm 2$  percent, while for each county individually it is  $\pm 4.4$  percent.

# Latinos' Perceptions of the Police: A Summary of Findings

The survey instrument was designed to assess the impact of police involvement in immigration enforcement on public safety and on police-community relations. Respondents were asked a randomized series of questions that explored (a) their willingness to contact law enforcement authorities to report crimes or provide information about criminal activities, and (b) their perceptions of personal and public safety in light of increasing police involvement in immigration enforcement. This was followed by a second set of questions pertaining to the nature of respondents' contact with law enforcement authorities and their knowledge of contact that their friends and family members have had with law enforcement authorities in their area.

Responses to the survey questions reveal a clear and consistent pattern: a substantial portion of the Latino populations in Cook, Harris, Los Angeles, and Maricopa Counties

are reluctant to voluntarily contact the police to report a crime or to provide information about crimes specifically *because they fear that police officers will inquire about the immigration status of themselves, their friends, or their family members.*

## Willingness to Contact the Police

Figure 1 reports the responses to four statements that explore the willingness of Latinos to contact law enforcement authorities and volunteer information about criminal activities. Respondents were asked whether they strongly agree, somewhat agree, somewhat disagree, or strongly disagree with the statements. This section of the report presents data on aggregated responses, combining the strongly agree and somewhat agree categories, as well as the somewhat disagree and strongly disagree categories.

**Figure 1: Latinos' willingness to contact law enforcement authorities**

<b>I am less likely to contact police officers if I have been a victim of a crime for fear they will ask me or other people I know about our immigration status</b>			
	Agree	Disagree	Don't Know
Total	44%	50%	6%
US Born	28%	68%	4%
Foreign Born	49%	46%	6%
Undocumented	70%	26%	4%
<b>I am less likely to voluntarily offer information about crimes I know have been committed because I am afraid the police officers will ask me or other people I know about our immigration status</b>			
	Agree	Disagree	Don't Know
Total	45%	49%	6%
US Born	29%	66%	5%
Foreign Born	50%	44%	6%
Undocumented	67%	28%	5%

**I am less likely to report a crime to law enforcement officers because I am afraid the police officers will ask me or other people I know about our immigration status**

	Agree	Disagree	Don't Know
Total	45%	50%	5%
US Born	26%	70%	4%
Foreign Born	50%	44%	5%
Undocumented	67%	28%	5%

**Since local law enforcement has become involved in immigration if I am a victim or a witness to a crime I am more likely to tell my church or community leader about it than I am to tell local law officers**

	Agree	Disagree	Don't Know
Total	49%	44%	7%
US Born	32%	63%	5%
Foreign Born	54%	39%	8%
Undocumented	68%	26%	7%

The responses to these statements indicate that because police increasingly are involved in enforcing immigration laws, a substantial share of the Latino population in the surveyed counties is less likely to initiate contact with local law enforcement authorities, even if they have been the victim of a crime. Forty-four percent of Latinos surveyed reported they are less likely to contact police officers if they have been the victim of a crime because they fear that police officers will use this interaction as an opportunity to inquire into their immigration status or that of people they know. Undocumented immigrants were especially fearful of such contacts (70% reported they are less likely to contact law enforcement authorities if they were victims of a crime), but this fear is not confined to immigrants; 28 percent of US-born Latinos expressed the same view.

Similarly, 45 percent of Latinos stated that they are less likely to voluntarily offer information about crimes, and 45 percent are less likely to report a crime because they are afraid the police will ask them or people they know about their immigration status. Again, undocumented immigrants were more likely to express such fears. Two-thirds (67%) of undocumented immigrants surveyed reported that they would be less likely to offer information or report a

crime because they are afraid that police will ask them or someone they know about their immigration status. Among US-born Latinos, 29 percent reported they are less likely to voluntarily offer information about crimes they know have been committed, and 26 percent indicated they are less likely to report a crime, because they fear that police will ask them or someone they know about their immigration status.

The findings here show that Latinos increasingly are afraid to contact the police to report crimes and criminal activity because they are worried that law enforcement officers will use this contact as an opportunity to investigate the immigration status of respondents or of people they know. In addition, a substantial proportion of Latinos said that they are more likely to tell their church or community leader about crimes than they are to report this information to the police. Nearly half of Latinos surveyed (49%) agreed with this statement, as did nearly one-third (32%) of US-born Latinos, more than half (54%) of all foreign-born Latinos, and more than two-thirds (68%) of undocumented immigrant Latinos. This suggests that Latinos' lack of trust centers on local law enforcement authorities and not on community institutions or public figures in general.

It is notable that when considering Latinos' willingness to contact law enforcement authorities, differences between the counties in the sample are relatively modest. Overall, Latinos in Maricopa County tend to report greater social distance between themselves and law enforcement authorities, while in Cook County a smaller proportion tends to express such views. This perhaps is unsurprising given that Arizona has enacted new laws that require police to become more involved

in immigration enforcement. But rather than marked differences between the cities, what stands out in the survey results is how closely respondents' views converge around issues of fear, isolation, and the growing social distance between police and Latino residents that is occurring as a result of police involvement in immigration enforcement.

Figure 2 reports the responses to the statements above for each of the four

**Figure 2: Latinos' willingness to contact law enforcement authorities, by county**

<b>I am less likely to contact police officers if I have been a victim of a crime for fear they will ask me or other people I know about our immigration status</b>			
	Agree	Disagree	Don't Know
Cook County	39%	53%	8%
Harris County	47%	48%	5%
Los Angeles County	40%	55%	5%
Maricopa County	50%	45%	5%
<b>I am less likely to voluntarily offer information about crimes I know have been committed because I am afraid the police officers will ask me or other people I know about our immigration status</b>			
	Agree	Disagree	Don't Know
Cook County	42%	50%	8%
Harris County	45%	50%	5%
Los Angeles County	44%	51%	6%
Maricopa County	49%	47%	5%
<b>I am less likely to report a crime to law enforcement officers because I am afraid the police officers will ask me or other people I know about our immigration status</b>			
	Agree	Disagree	Don't Know
Cook County	39%	55%	5%
Harris County	44%	52%	5%
Los Angeles County	44%	50%	6%
Maricopa County	52%	44%	4%
<b>Since local law enforcement has become involved in immigration if I am a victim or a witness to a crime I am more likely to tell my church or community leader about it than I am to tell local law officers</b>			
	Agree	Disagree	Don't Know
Cook County	48%	43%	8%
Harris County	51%	44%	5%
Los Angeles County	44%	47%	8%
Maricopa County	52%	42%	6%

counties. In Maricopa County, fully half of Latinos surveyed (50%) reported that they are less likely to contact police officers if they have been the victim of a crime because they fear that law enforcement authorities will ask them or people they know about their immigration status. This compares to 39 percent of Latinos in Cook County, 47 percent in Harris County, and 40 percent in Los Angeles County.

Responses were similar when Latinos were asked about their willingness to voluntarily offer information about crimes they know

have been committed: 49 percent of Latinos surveyed in Maricopa County; 42 percent surveyed in Cook County, 45 percent surveyed in Harris County, and 44 percent surveyed in Los Angeles County indicate they are less likely to offer information to the police because they fear law enforcement authorities will ask about the immigration status of themselves or someone they know. Finally, when asked whether they agreed with the statement about whether they are less likely to report a crime to law enforcement officers because they are afraid the police officers will ask them or people

**Figure 3: Latinos’ perceptions of personal and public safety in light of police involvement in immigration enforcement**

<b>I feel safer knowing local law enforcement is involved in immigration enforcement</b>			
	Agree	Disagree	Don't Know
Total	37%	56%	7%
US Born	45%	47%	8%
Foreign Born	35%	59%	7%
Undocumented	40%	55%	5%
<b>There are fewer crimes committed in this area because of an increased police focus on immigration enforcement</b>			
	Agree	Disagree	Don't Know
Total	41%	48%	10%
US Born	34%	54%	12%
Foreign Born	44%	47%	10%
Undocumented	50%	42%	8%
<b>Criminals and drug dealers have actually begun moving into my neighborhood because they know we are afraid to report them now that law officers are more involved in immigration enforcement</b>			
	Agree	Disagree	Don't Know
Total	45%	43%	12%
US Born	31%	60%	10%
Foreign Born	49%	38%	12%
Undocumented	63%	28%	10%
<b>I feel less safe because local law enforcement is more involved in immigration enforcement</b>			
	Agree	Disagree	Don't Know
Total	43%	51%	6%
US Born	29%	67%	5%
Foreign Born	47%	47%	6%
Undocumented	65%	31%	5%

they know about their immigration status, 52 percent of respondents in Maricopa County, 39 percent in Cook County, 44 percent in Harris County, and 44 percent in Los Angeles County agreed with that statement.

In each of the four counties, a large share of Latinos indicated they were more likely to tell a church or community leader about a crime than they were to contact the police. Approximately half of the survey respondents agreed with this statement in Cook (48%), Harris (51%) and Maricopa (52%) Counties, as did 44 percent of respondents in Los Angeles County.

These responses show that the increased involvement by the police in immigration enforcement has contributed to a fear of the police by a substantial share of Latino residents in the four counties where the survey was administered. This fear has led residents to become less likely to volunteer information about criminal activities, even when they themselves have been the victims of a crime. This suggests that police involvement in immigration enforcement has contributed to a growing mistrust of the police by Latinos, increasing the social distance between the police and the communities they serve.

### **Personal and public safety**

Survey responses exploring the impact of local law enforcement authorities' involvement in immigration enforcement show that Latinos are divided about whether they are safer as a result of this involvement in immigration enforcement. Figure 3 reports the responses to four statements concerning personal and public safety. Again, respondents were asked whether they strongly agree, somewhat agree, somewhat disagree, or strongly disagree with the statements, and the results here report aggregated agree/disagree responses.

Thirty-seven percent of respondents in the four

counties agreed with the statement that they feel safer knowing local law enforcement is involved in immigration enforcement, while 56 percent disagreed with this statement. Forty-one percent of respondents agreed with the statement that fewer crimes are committed because of increased police focus on immigration enforcement, though 48 percent disagreed with this statement. At the same time, 45 percent of respondents agreed that criminals and drug dealers have been moving into their neighborhoods because they know that residents are afraid to report them to law enforcement officers because police are more involved in immigration enforcement; and 43 percent indicated they feel less safe because law enforcement is more involved in immigration enforcement.

Figure 4 reports the responses to the statements above for each of the counties included in this study. Responses show remarkable consistency across the four counties.

Responses to the set of statements in this section of the report reveal a mixed reaction to local law enforcement's involvement in immigration enforcement. On the one hand, more than one-third of respondents feel safer knowing local law enforcement is involved in immigration enforcement, and 41 percent agree with the statement that fewer crimes are committed because of this focus on immigration enforcement. On the other hand, 43 percent indicate they feel less safe, and 45 percent report that criminals and drug dealers are moving into their neighborhood, because local law enforcement's involvement in immigration enforcement has caused residents to be more afraid of police contact. Immigration status partly explains these disparities. Undocumented immigrants are more likely to indicate they feel less safe and to say that criminals are moving into their neighborhood because police are involved in immigration enforcement. But these views are shared by nearly one-third of US-born Latinos

**Figure 4: Latinos' perceptions of personal and public safety in light of police involvement in immigration enforcement, by county**

<b>I feel safer knowing local law enforcement is involved in immigration enforcement</b>			
	Agree	Disagree	Don't Know
Cook County	37%	54%	9%
Harris County	42%	52%	6%
Los Angeles County	33%	59%	8%
Maricopa County	37%	57%	6%
<b>There are few crimes committed in this area because of an increased police focus on immigration enforcement</b>			
	Agree	Disagree	Don't Know
Cook County	41%	49%	10%
Harris County	44%	47%	9%
Los Angeles County	43%	48%	10%
Maricopa County	39%	49%	12%
<b>Criminals and drug dealers have actually begun moving into my neighborhood because they know we are afraid to report them now that law officers are more involved in immigration enforcement</b>			
	Agree	Disagree	Don't Know
Cook County	44%	43%	12%
Harris County	45%	44%	11%
Los Angeles County	45%	44%	12%
Maricopa County	45%	41%	14%
<b>I feel less safe because local law enforcement is more involved in immigration enforcement</b>			
	Agree	Disagree	Don't Know
Cook County	39%	54%	7%
Harris County	44%	50%	6%
Los Angeles County	41%	53%	6%
Maricopa County	47%	47%	5%

and nearly half of all immigrant Latinos as well, suggesting that concerns about the negative influence of police involvement in immigration enforcement are widespread and not simply based on citizenship.

**Social Isolation**

Figure 5 reports the responses to two statements that explore issues of social isolation. Respondents were asked whether they strongly agree, somewhat agree,

somewhat disagree, or strongly disagree with the statements. Again, responses were aggregated, combining the strongly agree and somewhat agree categories, as well as the somewhat disagree and strongly disagree categories.

Survey responses reveal that police involvement in immigration enforcement has resulted in a substantial share of Latinos feeling socially isolated. Thirty-eight percent of respondents agreed with the statement that they are afraid

**Figure 5: Latinos’ feelings of social isolation as a result of police involvement in immigration enforcement**

<b>I feel afraid to leave my home because local law enforcement officials are more involved in immigration enforcement</b>			
	Agree	Disagree	Don't Know
Total	38%	56%	6%
US Born	22%	73%	5%
Foreign Born	43%	51%	6%
Undocumented	61%	34%	5%
<b>I feel more isolated because local law enforcement is more involved in immigration enforcement</b>			
	Agree	Disagree	Don't Know
Total	42%	51%	7%
US Born	27%	67%	6%
Foreign Born	47%	46%	7%
Undocumented	62%	31%	7%

to leave their home because police are involved in immigration enforcement, and 42 percent agreed that they feel more isolated because of police involvement in immigration matters. Again, undocumented immigrants were more likely to agree with these statements (61% and 62%, respectively), but they were not alone. More than one in five US-born Latinos agreed that they were afraid to leave their home, and more than one-quarter (27%) agreed they felt more isolated, because of this change in policing priorities.

Figure 6 shows that feelings of isolation affect many Latinos in Cook, Harris, Los Angeles and Maricopa Counties. Approximately one-third of respondents agreed that they are afraid to leave their homes in Cook (32%) and Los Angeles (38%) Counties. This figure rises to 40 percent in Harris County and to 43 percent in Maricopa County. When asked whether they felt more isolated because law enforcement authorities are more involved in immigration enforcement, 38 percent of Latinos in Cook County, 43 percent in Harris

**Figure 6: Latinos’ feelings of social isolation as a result of police involvement in immigration enforcement, by county**

<b>I feel afraid to leave my home because local law enforcement officials are more involved in immigration enforcement</b>			
	Agree	Disagree	Don't Know
Cook County	32%	60%	8%
Harris County	40%	54%	6%
Los Angeles County	36%	58%	6%
Maricopa County	43%	52%	4%
<b>I feel more isolated because local law enforcement is more involved in immigration enforcement</b>			
	Agree	Disagree	Don't Know
Cook County	38%	54%	8%
Harris County	43%	50%	7%
Los Angeles County	37%	55%	8%
Maricopa County	50%	44%	5%

County, 37 percent in Los Angeles County, and 50 percent in Maricopa County agreed with this statement.

**Mistrust of the Police**

Figure 7 reports the responses to one statement and one question concerning their trust in the police.

Thirty-eight percent of respondents agreed that they feel like they are under more suspicion now that local law enforcement authorities have become involved in immigration enforcement. This figure includes 26 percent of US-born respondents, 40 percent of foreign-born respondents, and 58 percent of undocumented immigrant respondents.

When asked how often police officers stop Latinos without good reason or cause, 62 percent said very or somewhat often, including 58 percent of US-born respondents, 64 percent of foreign-born respondents, and 78 percent of undocumented immigrant respondents.

Figure 8 reveals few differences in response rates in Cook, Harris and Los Angeles Counties, where about one-third of respondents in each county agreed that they feel they are under more suspicion now that police are involved in immigration enforcement, and approximately 60 percent thought that police stop Latinos without good reason or cause. Response rates to these questions were even higher in Maricopa County, where 45 percent perceived that they are under more suspicion, and fully 70 percent stated that police officers stop Latinos without good reason or cause.

**Figure 7: Latinos’ mistrust of the police**

<b>Since local law enforcement has become involved in immigration enforcement I have begun to feel like I am under more suspicion</b>			
	Agree	Disagree	Don't Know
Total	38%	56%	6%
US Born	26%	68%	6%
Foreign Born	40%	53%	7%
Undocumented	58%	36%	6%
<b>How often do you think police officers stop Latinos and Hispanics on the streets of your city without good reason or cause?</b>			
	Very/somewhat often	Not very/not often	Don't Know
Total	62%	29%	8%
US Born	58%	32%	10%
Foreign Born	64%	28%	8%
Undocumented	78%	19%	4%

**Figure 8: Latinos' mistrust of the police, by county**

<b>Since local law enforcement has become involved in immigration enforcement I have begun to feel like I am under more suspicion</b>			
	Agree	Disagree	Don't Know
Cook County	33%	59%	8%
Harris County	34%	58%	8%
Los Angeles County	34%	59%	7%
Maricopa County	45%	51%	4%

<b>How often do you think police officers stop Latinos and Hispanics on the streets of your city without good reason or cause?</b>			
	Very/somewhat often	Not very/not often	Don't Know
Cook County	61%	31%	8%
Harris County	58%	33%	9%
Los Angeles County	62%	30%	8%
Maricopa County	70%	22%	9%

# Influences on Latinos' Propensity to Report Crimes to Police

The previous section presented results showing that a substantial portion of Latinos surveyed are less likely to voluntarily contact law enforcement authorities when they have been the victim of a crime or if they have information about a crime that has been committed, because they fear that police will ask them or people they know about their immigration status. To further explore the association between an individual's propensity to contact police and his or her traits with respect to demographic characteristics, previous experiences with law enforcement, and immigration and documentation status, we performed a multivariate ordinary least squares regression, with the respondent's propensity to report crimes to the police serving as the dependent variable. To develop a more reliable measure of underlying feelings toward the police and public safety, a multi-item scale was constructed by converting the mean of four individual Likert-scaled survey items into a single interval variable ranging from 0 to 1.<sup>5</sup> The original items are:

- I am less likely to contact police officers if I have been a victim of a crime for fear they will ask me or other people I know about our immigration status.
- I am less likely to voluntarily offer information about crimes I know have been committed because I am afraid the police officers will ask me or other people I know about our immigration status.
- I am less likely to report a crime to law enforcement officers because I am afraid

the police will ask me or people I know about our immigration status.

- Since local law enforcement has become involved in immigration if I am a victim or a witness to a crime I am more likely to tell my church or community leader about it than I am to tell local law officers.

Two additional scales were constructed in a similar manner to assess the respondent's attitudes about law enforcement. The first measures the respondent's feelings of social isolation as a result of law enforcement, while the second measures the respondent's feelings about the association between law enforcement and public safety. These scales, a set of demographic variables, and additional variables pertaining to the nature of immigration and documentation status, were added to the model as independent variables (Figure 9). The results of the model are presented in Figure 10.

The model explained 63 percent of the variance in responses, and both of the focal variables (*ISOLATED* and *SAFETY*) were statistically significant at the .05 level and had the expected influence on the unwillingness of Latinos to contact police to report a crime or to provide information about a crime. The results suggest Latinos with high levels of social isolation have a weaker propensity to voluntarily contact the police. Likewise, Latinos who are concerned about a decline in public safety as a result of police involvement in immigration enforcement also are less likely to contact the police. In addition to these factors,

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<sup>5</sup> This scale was then tested for internal reliability using Cronbach's Alpha,  $\alpha = .844$ .

**Figure 9: Description of variables**

Variable Name	Description
<i>ISOLATED</i>	<p>Scale to measure respondent's association between a sense of isolation and law enforcement, constructed from the following items:</p> <p>I feel more isolated because local law enforcement is more involved in immigration enforcement</p> <p>I feel afraid to leave my house because local law enforcement officials are more involved in immigration enforcement</p> <p><math>\alpha = .716</math></p>
<i>SAFETY</i>	<p>Scale to measure respondent's association between law enforcement and public safety, constructed from the following items:</p> <p>I feel less safe because local law enforcement is more involved in immigration enforcement</p> <p>I feel afraid to leave my house because local law enforcement officials are more involved in immigration enforcement</p> <p>Criminals and drug dealers have actually begun moving into my neighborhood because they know we are afraid to report them now that law officers are more involved in immigration enforcement.</p> <p><math>\alpha = .699</math></p>
<i>AGE1829</i>	Respondent is between the ages of 18 to 29
<i>AGE4564</i>	Respondent is between the ages of 45 to 64
<i>AGE65up</i>	Respondent is 65 years or older
<i>HSGRAD</i>	Respondent is a high school graduate
<i>IMMIG</i>	Respondent is foreign-born
<i>COLLGRAD</i>	Respondent is a college graduate
<i>UNEMP</i>	Respondent is currently unemployed
<i>CHILD</i>	Respondent has children under the age of 18
<i>DEPORT</i>	Respondent knows someone who has been deported
<i>UNDOC</i>	Respondent is an undocumented immigrant
<i>UNDOCASSOC</i>	Respondent has family, friends, or other associates who are undocumented
<i>MALE</i>	Respondent is male

**Figure 10: Influence of perceptions of public safety and social isolation on the willingness to voluntarily contact the police to report crimes**

	<b>B</b>	<b>SE</b>
<i>ISOLATED</i>	-.378	.027***
<i>SAFETY</i>	-.413	.030***
<i>AGE1829</i>	.025	.024
<i>AGE4564</i>	.008	.018
<i>AGE65up</i>	-.012	.029
<i>HSGRAD</i>	-.021	.011
<i>IMMIG</i>	-.044	.014**
<i>COLLGRAD</i>	.018	.020
<i>UNEMP</i>	.001	.018
<i>CHILD</i>	.025	.011*
<i>DEPORT</i>	-.035	.012**
<i>UNDOC</i>	-.022	.015
<i>UNDOCASSOC</i>	-.026	.012*
<i>MALE</i>	-.008	.010
Constant	.948	.018***

*N* = 1,472  
Adjusted  $r^2 = .629$   
\*p < .05, \*\*p < .01, \*\*\*p < .001

the following were found to be associated with Latinos' reluctance to voluntarily contact the police:

- Being an immigrant
- Having friends or family who have been deported
- Having friends or family who are undocumented immigrants

Conversely, parents of children under the age of 18 are more likely to voluntarily contact the police with information about crimes that have been committed.

While these results are exploratory, they support the notion that, even when controlling for strong negative feelings about the impact of police enforcement of immigration laws on

social isolation and public safety, Latinos who are immigrants, those who have family or friends who are undocumented immigrants, and those who have family or friends who have been deported report a lower predisposition to report crimes to the police. This finding is an indication of how immigration status and high levels of deportation can affect perceptions of the police, by both immigrant and non-immigrant Latinos, as well as by Latino citizens and noncitizens. These factors are undoubtedly related, with deportation policies leading to the increasing social distance between police and Latinos. The large share of "mixed status" families that include undocumented immigrants, authorized immigrants, and US citizens is likely a factor here as well; deportation policies frequently result in family separation, and many Latinos perceive police contact as placing themselves or their family members and friends at risk. As a result, they are less likely to voluntarily contact police to report crimes.

# Conclusion

The conventional wisdom in law enforcement circles is that for effective police-community relations to be developed and maintained, police must forge bonds of trust with the communities they serve. The willingness of residents to voluntarily contact the police when they have been the victim of or a witness to a crime depends on these bonds of trust. For this reason, law enforcement agencies proactively engage in efforts to foster closer working relationships with the communities they serve, including the widespread implementation of community policing initiatives. To the extent that law enforcement practices undermine bonds of trust with segments of the population, these aspects of policing are typically viewed as problematic and in need of reform.

State and local law enforcement authorities increasingly are involved in immigration enforcement, whether under the 287(g) program, the Secure Communities program, or various state laws. This report has identified an important unintended consequence of police involvement in immigration enforcement: a substantial portion of the Latino populations in Cook, Harris, Los Angeles, and Maricopa Counties are reluctant to voluntarily contact the police to report a crime or to provide information about crimes, specifically because they fear that police officers will inquire about the immigration status of themselves, their friends, or their family members. The survey findings indicate that:

- 1. Isolation and disconnectedness from police:** Many Latinos feel isolated from the law enforcement officers who are sworn to protect them. More than four in ten would be more likely to turn to a church or community leader than to law enforcement authorities if they are victims of or witness to a crime, for fear they would call attention to their own immigration status or that of someone they know. Similarly, more than four in ten say that because police are more involved in enforcing immigration laws they have become less likely to volunteer information about crimes because they fear getting caught in the web of immigration enforcement themselves or bringing unwanted attention to their family or friends.
- 2. Withdrawal:** Many Latinos feel isolated and admit to withdrawing from their community. A large share feels under suspicion and is afraid to leave their homes. This sense of withdrawal by a substantial portion of Latinos in the counties surveyed – especially those younger and raising children – has short- and long-term negative consequences for public safety and community life. In the short term, crimes become more difficult to solve as the social distance between police and residents increases. Over the long term, a significant segment of the population may withdraw and develop a fear of law enforcement authorities.
- 3. Diminished sense of public safety:** Rather than feeling safer because of increased police involvement in immigration enforcement, many Latinos feel less safe. Many Latinos say criminals are moving into their neighborhoods, making them and their neighbors less safe, because criminals know residents are less likely to report them to police given the increased involvement of police in immigration enforcement. Few feel safer because of the increased focus on immigration by local law enforcement.

The findings presented here indicate that the greater involvement of police in immigration enforcement has significantly heightened the fears many Latinos have of the police, contributing to their social isolation and exacerbating their mistrust of law enforcement authorities. This fear, isolation and mistrust, in turn, has led to a reduction in public safety, a serious negative consequence of the involvement of police in immigration enforcement.

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## Questions for Police Chiefs

*In Massachusetts, police departments make arrests and enforce the law on the street, but do not manage jails or detain people except for holding them in the police station until they go see a judge to see if there was probable cause for their arrest. Because of Secure Communities, police may receive ICE detainers at the police station. However, in many cases those detainers will not yet be relevant because the criminal arrest charges are still pending, and the person will be taken from the police station to Massachusetts court, not to ICE. For immigration purposes, the most important question for the police is whom they bring in the door.*

1. (Driving) What is your policy on arresting individuals who are driving without a license?
  - a. Is the individual always arrested, or can they be issued a citation or a warning?
  - b. What factors determine whether an individual receives a citation, a court summons, or is arrested?
  - c. How much discretion does the officer have?
  - d. What percent of these stops result in arrests?
  - e. What is your policy for individuals who carry alternative ID, such as a consular ID or a passport?
2. (Direct ICE contact) Under what circumstances would you contact ICE regarding someone in your custody?
  - a. Do ICE officers come to your jail or work in joint operations with your police force?
  - b. Does ICE contact you about individuals in your custody or operations in your jurisdiction?
3. (Fingerprints) At what point does an officer take a person's fingerprints?
  - a. Are fingerprints taken immediately upon a person being placed in custody, when the person is brought to the police station, at some other time, or in all these circumstances?
  - b. What discretion, if any, do officers have in determining whom to fingerprint?
  - c. After the local police forward an individual's fingerprints to the FBI, approximately how long does it take for ICE to inform the local police whether or not they are interested in that individual/ issuing a detainer?
  - d. When fingerprints are taken and forwarded to ICE, what happens to the individual in custody while the officer awaits a response?
4. (ICE detainers) Do you receive detainers, or hold requests, from ICE?
  - a. How many?

- b. What do you do in those situations?
  - c. If ICE issues a detainer, is the detainee always detained or does the police department have discretion to hold certain individuals but to release others?
  - d. If there is discretion, what criteria do the officers use in making the decision?
  - e. Have you received any ICE detainers that say they are only operative upon conviction? If so, how are they handling those?
5. (ICE detainer form) In late 2012, ICE changed the detainer form again.
- a. What form are you receiving from them, and what information or requests does it usually include?
  - b. Have you updated your protocols or policies in response to this change?
  - c. Do you change your response to a detainer based on what the detainer says?
6. (Custody at the station) Approximately what proportion of people who are arrested are then released directly from the police station without being taken to court?
- a. Do you ever release people after arrest straight from the police station, or is that always up to the bail clerk?
  - b. About how long does it usually take for someone to be released if they are not going to be taken to court?
  - c. What kind of case would that be?
  - d. Would that release from custody always be the decision of a bail clerk, or can the police officers make this decision?
  - e. How long does a person who is arrested generally stay in the police station before they are taken to court?
  - f. Who takes custody of them from there, and what further role do police officers play?
  - g. What happens to someone who is due to be released, but who has an immigration detainer?

## Questions for Sheriffs

*In Massachusetts, Sheriffs run the Houses of Corrections (county jails) and generally do not do street-level law enforcement or patrols. Therefore Sheriffs or deputies generally do not make decisions about drivers' licenses, nor arrests. However, most individuals who are arrested by local police will be transferred to Sheriffs' custody before they are released, regardless of an immigration detainer. Thus the Sheriff and jail managers will be making the most decisions about submitting to or declining ICE hold requests.*

1. (Direct ICE contact) What information do you give ICE about people in your custody?
  - a. Do ICE officers come to your jail or work in joint operations with your agency?
  - b. How often do ICE officers come to the jail?
  - c. Do ICE agents have access to your inmate databases or booking lists?
  - d. Does ICE contact you about individuals in your custody or operations in your jurisdiction?
  - e. Under what circumstances would you contact ICE regarding someone in your custody?
  - f. Do officers collect information about citizenship, immigration status, national origin, and/or place of birth at booking?
  - g. Are there regularly scheduled jail visits for ICE?
  - h. Is ICE permitted to interview inmates?
  - i. Do inmates receive notice in advance of ICE interview, or any explanation of whom ICE is?
2. (ICE detainers) Do you receive detainers, or hold requests, from ICE?
  - a. How many?
  - b. What do you do in those situations?
  - c. If ICE issues a detainer, is the detainee always detained or does you have discretion to hold certain individuals but to release others?
  - d. If there is discretion, what criteria do the officers use in making the decision?
  - e. Have you received any ICE detainers that say they are only operative upon conviction? If so, how are they handling those?
3. (ICE detainer form) In late 2012, ICE changed the detainer form again.
  - a. What form are you receiving from them, and what information or requests does it usually include?
  - b. Have you updated your protocols or policies in response to this change?

- c. Do you change your response to a detainer based on what the detainer says?
4. (Custody) Where does the Sheriff originally take custody of pre-trial detainees?
- a. If someone is ordered released by a court, do they have to go back to the House of Corrections first, or are they freed directly from the courthouse?
  - b. How long does it take to process a bail payment or demonstrate that conditions of release have been met so that a person can be released?
  - c. If someone wants to pay bail but has a detainer, what happens?
  - d. What happens to someone who is due to be released, but who has an immigration detainer?
  - e. Do you hold people who have an immigration detainer for up to 48 hours after they are due to be released so that ICE can take custody?
  - f. Does ICE always arrive within 48 hours if a detainer is issued? What would happen if ICE did not arrive within 48 hours?
  - g. Is there a process for requesting release if a person has been held past the 48 hours? Who would an attorney speak to in that situation?
5. (Record-keeping) Approximately how many non-citizens come into your custody per year?
- a. Do you track how many ICE detainers you receive?
  - b. Do you track the reason for release when individuals are released from jail?
  - c. Do you keep track of how many people are released because their charges were dismissed?



## Community Trust Index

Santa Clara County Forum for Immigrant Rights and Empowerment (SCC FIRE) is a network of legal services, community, and faith-based organizations formed to protect Santa Clara County residents against the adverse effects of immigration enforcement programs. This survey was designed to measure how the community's trust in law enforcement changes when local law

enforcement agencies cooperate with Immigration and Customs Enforcement (ICE). The results of this survey will be used to inform our local elected officials and law enforcement agencies how their decisions to cooperate with federal immigration agents impact our communities.

**Read the questions below and select the response that best describes your experience.**

**Please be assured that your response will be held COMPLETELY CONFIDENTIAL!**

**For additional information, please contact us at (408) 453-3017 or at [santaclaracountyfire@gmail.com](mailto:santaclaracountyfire@gmail.com).**

**Date:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_ **Gender:**  Female  Male

**Ethnicity:**

American Indian and Alaska Native  Black or African American  Asian  
 Native Hawaiian and other Pacific Islander  Latino  Middle Eastern  Other: \_\_\_\_\_

**Age:**

Under 18  18-30 years old  31-45 years old  46-55 years old  Over 55

**Were you born in the United States?**  Yes  No

**If no, how long ago did you arrive?**

less than 1yr  1-5 years  5-10 years  10-20 years  Over 20 years

1. Have you ever had reason to contact your local law enforcement agency?  Yes  No
2. If yes, did you contact them?  Yes  No  N/A
3. Have you or anyone you know been victims of a crime in the United States?  Yes  No
4. If yes, did you/they report the crime to your local law enforcement agency?  Yes  No  N/A

If no, why not?

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5. Do you know anyone who was deported?  Yes  No
6. Do you know anyone who was deported specifically due to contact with police?  Yes  No

**On a scale from 1 to 5, with 1 being the lowest (least safe, least important, least likely) and 5 being the highest (most safe, most important, most efficient) please rate the following questions:**

- |   | <b>Lowest</b> |   | <b>Neutral</b> |   | <b>Highest</b> |
|---|---------------|---|----------------|---|----------------|
| 7. How safe do you feel in your community?  | 1             | 2 | 3              | 4 | 5              |
| 8. How likely do you think the presence of immigration officers in the county leads to community safety?  | 1             | 2 | 3              | 4 | 5              |
| 9. How important is it to have police officers that are culturally sensitive to your community and needs?   | 1             | 2 | 3              | 4 | 5              |
| 10. How likely do you think it is that contact with local law enforcement will lead to deportation or contact with immigration officers?            | 1             | 2 | 3              | 4 | 5              |
| 11. If immigration officers had the ability to pick up people from jail, how much would this impact your decision to call the police?               | 1             | 2 | 3              | 4 | 5              |
| 12. Do you know what the official policy on immigration holds is in Santa Clara County?<br><input type="checkbox"/> YES <input type="checkbox"/> NO |               |   |                |   |                |

**On October 18, 2011, the Santa Clara County Board of Supervisors passed a policy that states that the county will not do the job of immigration officials (ICE). The policy states that Santa Clara County will not use county resources to help facilitate the deportation of residents in our local jails.**

- |   |                          |   |                          |   |   |
|---|--------------------------|---|--------------------------|---|---|
| 13. Given the policy stated above, how effective do you think this new policy is compared to the <b>previous policy of using county resources to detain individuals in our county jails for an additional 48 hours from the time they are supposed to be released from county custody in order to give ICE time to pick them up from our local jails?</b> | 1                        | 2 | 3                        | 4 | 5 |
| 14. Given the new policy, how well do you think County Board of Supervisors is representing your vision for a safer community?  | 1                        | 2 | 3                        | 4 | 5 |
| 15. Given the new policy, how much does it increase YOUR likelihood of contacting your local law enforcement agency in the event of a crime or emergency?   | <i>Does not Increase</i> |   | <i>Increases greatly</i> |   |   |
|   | 1                        | 2 | 3                        | 4 | 5 |

Comments? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**For additional information, please contact us at (408) 453-3017 or at [santaclaracountyfire@gmail.com](mailto:santaclaracountyfire@gmail.com).**

**THANK YOU!**



## Encuesta de Confianza en la Comunidad

El Foro de los Derechos y Empoderamiento de Inmigrantes del Condado de Santa Clara (SCC FUEGO) es una red de organizaciones comunitarias, servicios legales y organizaciones religiosas, *formada para proteger a los residentes del Condado de Santa Clara de los efectos adversos de los programas de inmigración.* Esta encuesta fue diseñada para medir cómo la confianza de la comunidad en las agencias del orden público cambia cuando estas cooperan con el departamento de Inmigración y Aduanas (ICE). Los resultados de esta encuesta se utilizarán para informar a nuestros funcionarios electos locales y a las agencias del orden público de cómo sus decisiones de cooperar con agentes federales de inmigración impactan nuestras comunidades.

**Lea las siguientes preguntas y seleccione la respuesta que mejor describe su experiencia.  
¡Puede estar seguro de que su respuesta se mantendrá TOTALMENTE CONFIDENCIAL!**

Para más información, contáctenos al 408-453-3017 o al correo [santaclaracountyfire@gmail.com](mailto:santaclaracountyfire@gmail.com)

Fecha: _____	Código Postal: _____	Género: <input type="checkbox"/> Femenino	<input type="checkbox"/> Masculino
<b>Origen étnico:</b>			
<input type="checkbox"/> indio americano y/o nativo de Alaska	<input type="checkbox"/> afroamericano	<input type="checkbox"/> Asiático	
<input type="checkbox"/> Nativo de Hawaii y otras islas del Pacífico	<input type="checkbox"/> latino	<input type="checkbox"/> Medio Oriente	<input type="checkbox"/> Otro: _____
<b>Edad:</b>			
<input type="checkbox"/> menores de 18 años	<input type="checkbox"/> 18-30 años	<input type="checkbox"/> 31-45 años	<input type="checkbox"/> 46-55 años
			<input type="checkbox"/> Más de 55
<b>¿Nació usted en los Estados Unidos?</b>			
	<input type="checkbox"/> Sí	<input type="checkbox"/> No	
<b>Si no nació en los Estados Unidos, ¿hace cuánto tiempo llego a este país?</b>			
<input type="checkbox"/> Menos de 1 año	<input type="checkbox"/> 1-5 años	<input type="checkbox"/> 5-10 años	<input type="checkbox"/> 10-20 años
			<input type="checkbox"/> Más de 20 años

- ¿Alguna vez ha tenido motivo para contactar a su agencia local de policía?  Sí  No
- Si contesto que si, ¿llamo usted a la policía o sheriff?  Sí  No  N/A
- ¿Usted o alguien que conoce han sido víctimas de un crimen en este país?  Sí  No
- Si contesto que si, ¿Reportaron el delito a la policía?  Sí  No  N/A

Si no reporto el crimen, ¿por qué no?

- 
- ¿Conoce a alguien que ha sido deportado?  Sí  No
  - ¿Conoce a alguien que fue deportado por tener contacto con la policía?  Sí  No

**En una escala de 1 a 5, siendo 1 el más bajo (menos seguro, menos importante, menos probable) y 5 el más alto (más seguro, más importante, más probable) por favor califique las siguientes preguntas:**

- |   | MENOS                       |   | NEUTRAL |   | MÁS                         |
|---|-----------------------------|---|---------|---|-----------------------------|
|   | 1                           | 2 | 3       | 4 | 5                           |
| 7. ¿Qué tan seguro se siente usted en su comunidad?   | 1                           | 2 | 3       | 4 | 5                           |
| 8. ¿Qué tan probable cree usted que la presencia de los agentes de inmigración en el condado restaura seguridad en la comunidad?                  | 1                           | 2 | 3       | 4 | 5                           |
| 9. ¿Qué tan importante es tener agentes de policía que sean culturalmente sensibles a su comunidad y sus necesidades?                             | 1                           | 2 | 3       | 4 | 5                           |
| 10. ¿Qué tan probable cree usted que el contacto con la policía resulte en la deportación o al contacto con agentes de inmigración?               | 1                           | 2 | 3       | 4 | 5                           |
| 11. Si los agentes de inmigración pudieran recoger a las personas en la cárcel, ¿Qué tanto influenciaría esto su decisión de llamar a la policía? | 1                           | 2 | 3       | 4 | 5                           |
| 12. ¿Sabe usted cuál es la ley oficial del condado de Santa Clara sobre las detenciones (holds) de inmigración?                                   |                             |   |         |   |                             |
|   | <input type="checkbox"/> SI |   |         |   | <input type="checkbox"/> NO |

**En octubre 18 del 2011, los Supervisores del Condado de Santa Clara aprobaron una ley que establece que el condado no hará el trabajo de inmigración. La ley establece que el Condado de Santa Clara no utilizará los recursos del condado para facilitar la deportación de los residentes en nuestras cárceles locales.**

**13. ¿Que tan efectiva cree que es esta ley comparada con la ley anterior que permite usar los recursos del condado para detener a personas en nuestras cárceles del condado por un período adicional de 48 horas desde el momento en que son puestos en libertad con el fin de dar suficiente tiempo a inmigración para detener a estas personas de las cárceles locales?**

1      2      3      4      5

**14. Con esta nueva ley, ¿como cree que los Supervisores del Condado están representando su visión de una comunidad más segura?**

1      2      3      4      5

**15. Con esta nueva ley, ¿qué tanto aumenta la probabilidad de que usted contacte a la policía local en caso de un delito o una emergencia?**

<i>No aumenta</i>			<i>Aumenta bastante</i>
1	2	3	4      5

Comentarios: \_\_\_\_\_

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