ENDING LOCAL COLLABORATION WITH ICE

A Toolkit for Immigrant Advocates

UWD

United We Dream

IMMIGRANT LEGAL RESOURCE CENTER

ilrc

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A Toolkit for Immigrant Advocates

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To build a nation that respects the dignity and rights of all people, regardless of immigration status and that invests in our communities, not in more punitive enforcement.

Foreword

We are committed to protecting the integrity, dignity and unity of our communities. Currently, anti-immigrant forces are stereotyping, scapegoating, and criminalizing the immigrant community for political gain, while Democratic leaders are buying into this very framework resulting in the further subjugation of immigrant communities of color. We already live in a nation that systematically targets black and brown communities with over-policing, racial profiling, and incarceration, and immigration enforcement is yet another mechanism to target and criminalize communities of color. Immigrants across the country are funneled from a biased and unjust criminal justice system to a punitive, unforgiving immigration system, subjecting them to detention and deportation, without any semblance of due process.

It is time to empower ourselves and our communities to counter the false narratives that communities of color, including immigrants, are more inherently dangerous and blameworthy than other individuals in our society. We must fight back against our country's addiction to mass incarceration and mass deportation. We must demand that our nation invest in people, not in prisons and enforcement. This toolkit is designed to provide a pathway to change – the building blocks to combat ongoing collusion between local law enforcement and immigration authorities.

We must capitalize on past wins to forge ahead and ultimately defeat the deportation machine. Right now, we have more power in our local communities. These fights need to start at home.

After hard-fought battles from communities across the country, the immigrant rights movement won significant changes. In 2012 and 2014, the immigrant rights movement won two executive actions providing potential protection from deportation to millions of people. Since 2010, organizers have fought for local and state policies limiting local law enforcement collaboration with federal immigration authorities (in particular with the compliance of ICE holds) and secured such policies in more than 350 cities and counties, three states, and the District of Columbia. These victories are only a sample of the tremendous potential our communities have.

In 2015, we face new deportation priorities that further the mass deportation agenda, criminalizing, and wiping out our communities. The Department of Homeland Security rebranded and rebooted its flagship enforcement program, S-Comm, into something called the Priority Enforcement Program ("Pep-Comm"). Their plan is to get as many local law enforcement agencies across the country to buy into these new deportation priorities and collaborate with them to successfully implement Pep-Comm. Our job is to stop that!

The purpose of this toolkit is to help you understand the various pieces that make up the massive deportation machine, and to give you the tools to dismantle it. Local authorities need to protect and serve their communities, not criminalize them; and local governments need to

invest in the well-being of their residents, not in building jails. It is time for us to hold them accountable.

This toolkit is not a one size fits all resource. It is designed to give you the tools to begin to build your local campaign, while taking into account the unique aspects of the locality and community you are working in.

Get Local Support

The Immigrant Legal Resource Center (ILRC) is available to provide personalized support on your local campaign. The ILRC has assisted in numerous enforcement campaigns, locally and nationwide. The ILRC was an active member of the coalition which passed one of the most comprehensive, protective local policies separating local law enforcement from federal immigration authorities to date -- the Santa Clara Ordinance resulting in no ICE holds, no ICE access to the jail or its immigrant inmates, and no resources used to respond to ICE inquiries including release dates. The ILRC has also been an active member in more than a dozen other campaigns.

For personalized support in your community, contact:

- Angie Junck, Supervising Attorney at ajunck@ilrc.org
- Grisel Ruiz, Staff Attorney at gruiz@ilrc.org; or
- Lena Graber, Special Projects Attorney at lgraber@ilrc.org

United We Dream's (UWD) Deportation Defense team is available to provide localized support for groups that want to monitor and track enforcement in their area. In 2014, we launched the first-ever national hotline to keep track of ICE activities across the country and we have the data systems available to collect all reports from local communities, including cases. We also have supported over 500 deportation cases since 2011, many which have had a local campaign involving ICE field offices and national headquarters directly. We currently have seven teams that do deportation defense work. We have access to trainings, curricula, and toolkits to support groups on how to engage their community and build local power.

For personalized support in your community, contact:

- Carolina Canizales, National Deportation Defense Coordinator at carolina@unitedwedream.org or
- Raul Alcaraz-Ochoca, National Deportation Defense Organizer, at raul@unitedwedream.org

About the Organizations

The Immigrant Legal Resource Center (ILRC): The ILRC is a national, non-profit resource center with offices in San Francisco and Washington D.C. that provides trainings, educational materials, and advocacy to advance immigrant rights. The ILRC specializes in nearly every area of immigration law, including immigration enforcement, the intersection between criminal law and immigration law, deportation defense, DACA/DAPA, and more. Since the 1980s the ILRC has prioritized the rights of immigrants with criminal records or in the criminal justice system, fighting the growing merger between the immigration and criminal systems that has unjustly criminalized and dehumanized immigrant communities. The mission of the ILRC is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people.

To learn more about the ILRC's enforcement work, visit www.ilrc.org/enforcement

United We Dream: United We Dream Network (UWD) is the largest immigrant youth-led organization in the nation, a powerful non-partisan network made up of 52 affiliate organizations in 25 states. We organize and advocate for the dignity and fair treatment of immigrant youth and families, regardless of immigration status. UWD's current priorities are to stop deportations and advocate for policy changes that would provide full equality for the immigrant community in the U.S. In 2011, UWD initiated the Deportation Defense program, which has prevented over 500 deportations nationwide. United We Dream's Deportation Defense Program connects, trains and empowers local communities to defend their rights, stop unjust deportations, and combat the ongoing collusion between local authorities and federal immigration agencies.

To learn more about UWD's enforcement work, visit www.unitedwedream.org

Acronyms and Abbreviations

CAP	Criminal Alien Program
CBP	Customs & Border Protection
CCA	Corrections Corporation of America
DACA	Deferred Action for Childhood Arrivals
DAPA	Deferred Action for Parental Accountability
DHS	Department of Homeland Security
GEO	The Geo Group
I-247	ICE Detainer Form (old)
I-247D	ICE Detainer - Hold Request Form
I-247N	ICE Detainer - Notification Request Form
I-247X	ICE Detainer – General Custody Assistance Form
ICE	Immigration & Customs Enforcement
IGSA	Intergovernmental Service Agreement
IRCA	Immigration Reform and Control Act
LPR	Legal Permanent Resident (green cards)
NSEERS	National Security Entry-Exit Registration System
PEP- Comm	Priority Enforcement Program
SCAAP	State Criminal Alien Assistance Program
S-Comm	Secure Communities

History of Enforcement:

How did we get here?

1980's

WAR ON DRUGS: Targets Communities of Color

- Anti-Drug Abuse Act (ADAA) of 1986: allows for ICE holds on people in local custody for drug offenses
- ADAA of 1988 creates concept of aggravated felony to target immigrants convicted of certain crimes including drug trafficking
- Prison populations begin to grow rapidly because of drug enforcement

1986
Criminal Alien Program (CAP) is established

1990's

1990: Immigration Act passes with the goal of "securing the U.S. border," and frontlines the war on drugs

Deportation relief is eliminated for "aggravated felons" serving 5+ years jail sentences, which implicates many drug crimes with lengthy mandatory minimums

1996: Immigration Enforcement gets even more punitive

- Mandatory deportation is created for immigrants (including LPRs) for thousands of criminal offenses
- Mandatory immigration detention is created, and bond rights are limited
- Judges are stripped of discretion in many cases to stop deportation
- Expedited removal is granted without a judge, empowers CBP/ICE to remove immigrants
- 287(g) is established

2000's

2001-2003:

- 9/11 makes immigration a matter of national security
- DHS is created—ICE given power to conduct interior enforcement and facilitate removals
- Creation of E-Verify
- NSEERS (special registration) for immigrants from Arab/Middle Eastern countries

2005:
Operation Streamline

Federal government begins prosecuting all border crossers for illegal entry and reentry in federal court

2007:

- Secure Communities is born
- Large scale immigration raids

2008-2010: Crim-Imm Merger Explodes

- Local and state groups start organizing against local law enforcement collaboration with ICE
- Anti-immigration bill SB1070 (AZ) focuses attention on the issue of local law enforcement collaboration with ICE
- Private prison lobby supports SB1070 and other punitive anti-immigrant state legislation
- More people sent to federal prison for illegal entry or reentry to the U.S. than all other federal crimes combined

2008

2011:
DHS creates "deportation priorities"

- DHS issues low v. high priorities memo
- Implementation fails with low rates of prosecutorial discretion granted
- First comprehensive detainer policies passed in the U.S. (Chicago and Santa Clara, CA)

2012:
DACA creates "significant misdemeanor" criminal category for immigrants to be ineligible for relief

2012

2013
Record number of deportations in U.S. History

2014:

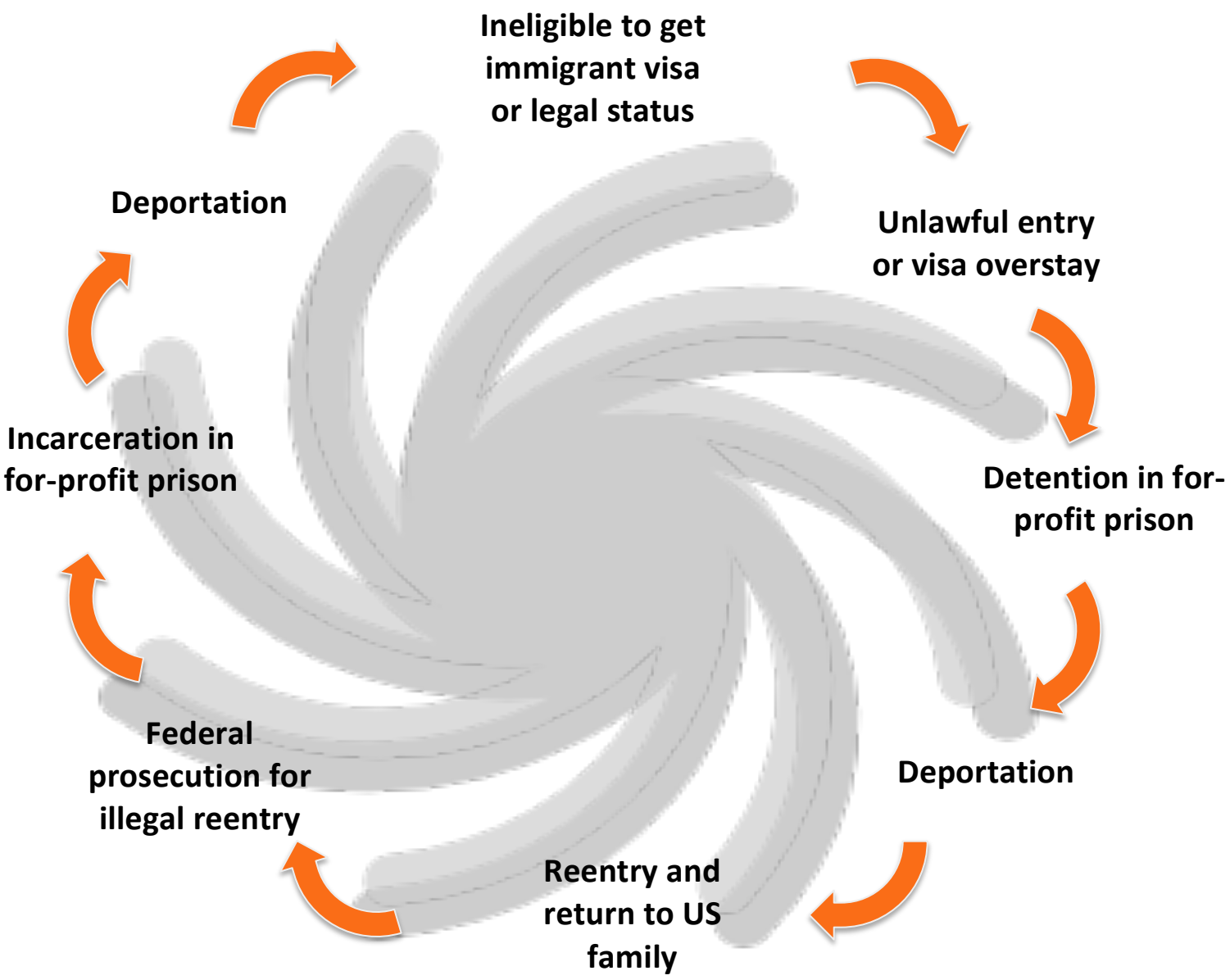
- Federal courts state that compliance with holds are not mandatory and are unconstitutional
- Over 300 state and local policies limiting compliance with ICE holds pass

2014: Executive Action Announced

- Expanded DACA and creation of DAPA – but held up in court
- S-Comm terminated, but replaced by "Priority Enforcement Program," (PEP-Comm) essentially the same thing
- DHS issues a new enforcement priorities memo, which has an expansive list of criminal offenses that make individuals a priority for deportation and ineligible for relief
- Family detention expands

PRESENT

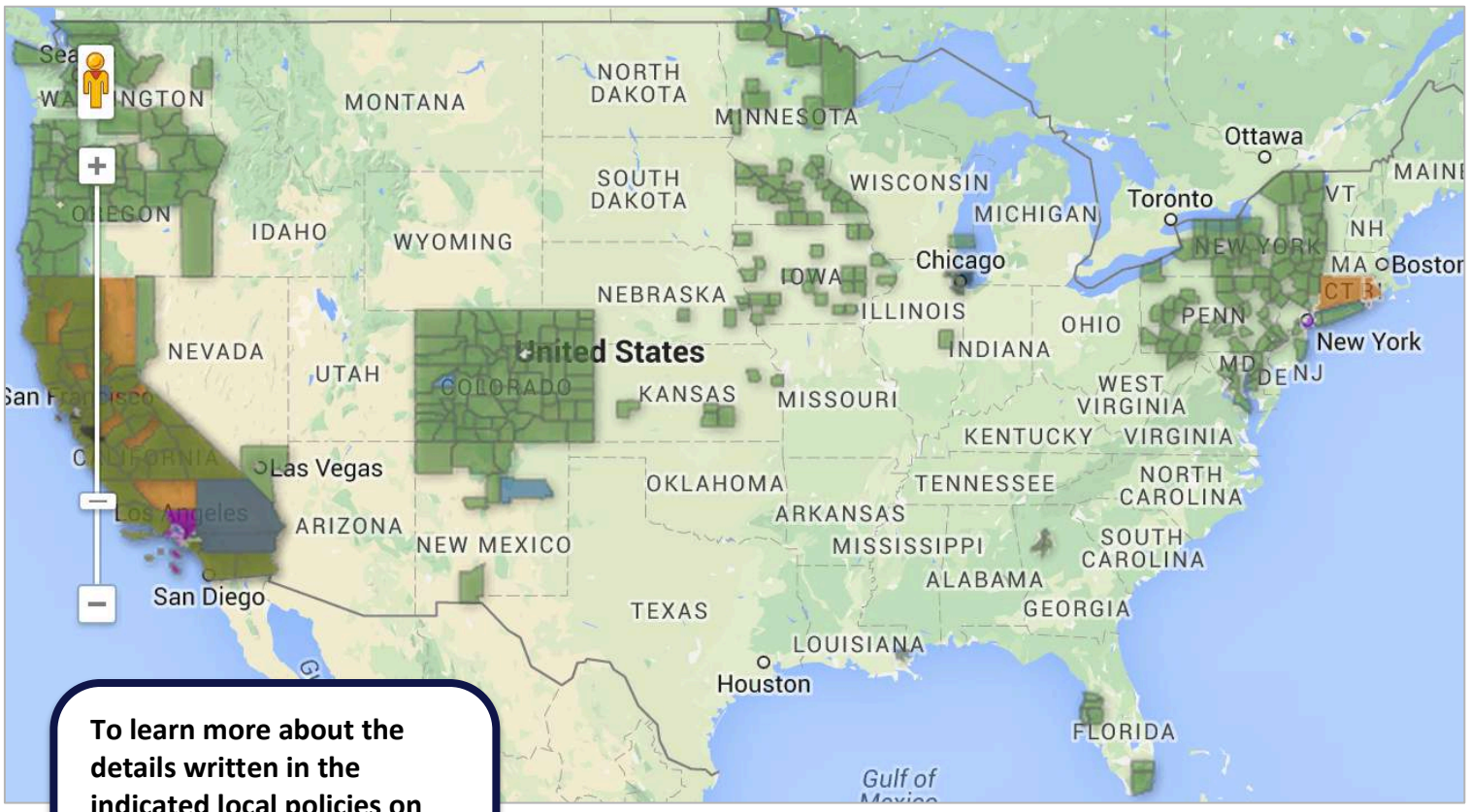
The Cycle of Immigration and Incarceration in 2015



Undocumented immigrants have few legal options and are easily swept into this cycle of incarceration and deportation. Once they are labeled a criminal for unlawfully entering or reentering the country, their rights are even more limited. The same can happen to lawful permanent residents who live in the U.S. for decades but who lose their status and are deported.

Join the Movement!

This maps shows jurisdictions that have said "NO TO ICE COLLABORATION".



To learn more about the details written in the indicated local policies on this map, visit www.ilrc.org/enforcement

Contact Lena Graber: lgraber@ilrc.org if you have won a policy in your community and want to be added to the map!

MAP KEY:

- **State law or policy against ICE holds**
- **Local policy against ICE holds**
- **No ICE holds; No notification of release**
- **No ICE Holds; No ICE access to the jail**
- **No ICE Holds; NO ICE access, No notifications**

Understanding Immigration Enforcement

Five Things Organizers Should Know

1. ***ICE is a rogue agency that does not follow its own policies***
   - ICE agents are happy to ignore the U.S. Constitution and leave local law enforcement to take responsibility.

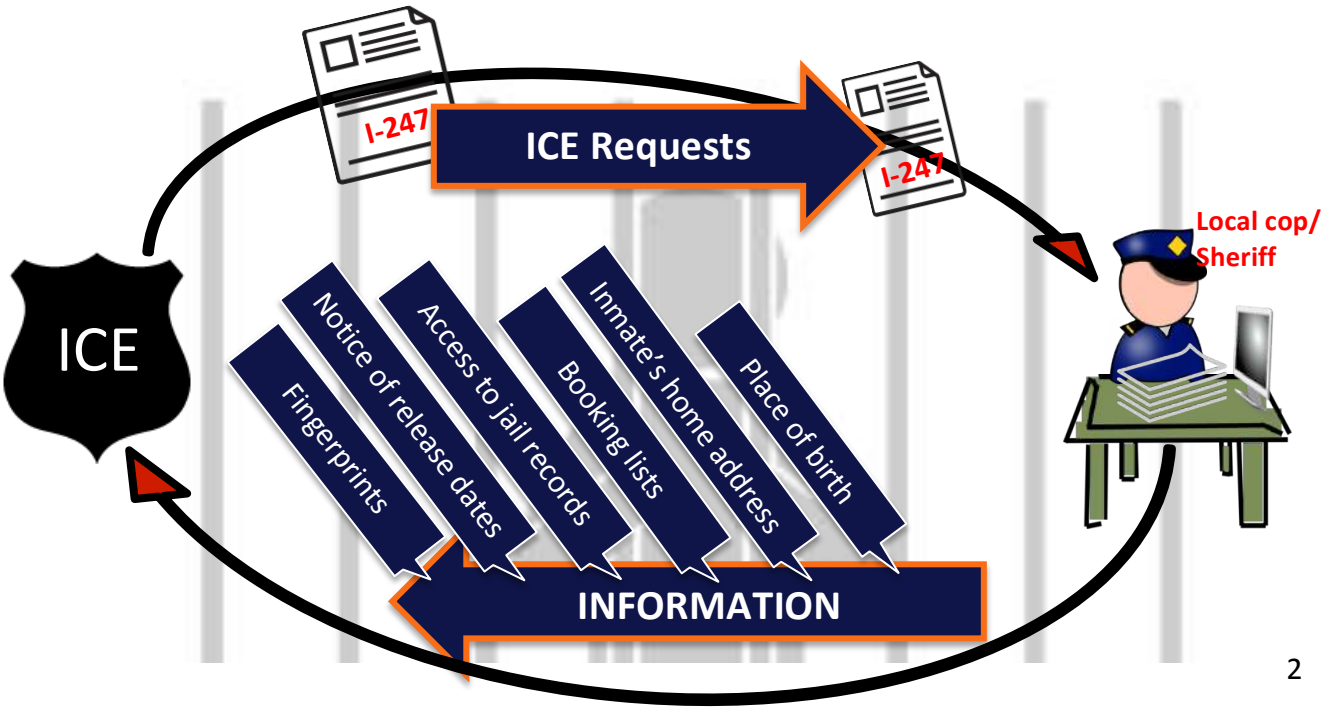
2. ***Secure Communities still exists; it's just been rebranded as "PEP"***
   - Fingerprints of every person arrested in the entire country will still be sent to ICE.
   - Many people are now calling it "PEP-Comm."

3. ***ICE continues to use local jails as a dragnet***
   - Cooperation with local jails isn't going anywhere. ICE will be asking jails to transfer people directly to them. ICE did not get rid of detainers, they just changed the request form.

4. ***Local ICE hold policies still matter!***
   - ICE will continue to ask local jails to help with immigration enforcement.
   - Local ICE hold laws will still affect when a jail may hold someone for ICE.
   - We need to defend and strengthen these local policies to adapt to ICE's new tactics.

5. ***DHS is actively selling PEP to localities***
   - DHS is targeting communities that fought S-Comm to try to get them to participate in PEP.
   - DHS says they will negotiate any level of agreement for the locality to cooperate.
   - For cities and counties who want to entangle themselves with immigration, DHS may ask for holds on as many people as they can get.

Watch out for all the ways that local law enforcement report to ICE!

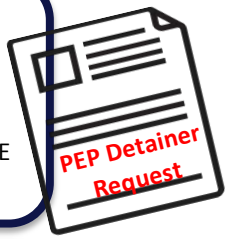


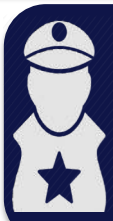
Key Terms and Programs

What are the specific programs and policies that we're up against? There are many parts to the deportation machine. In order to stop deportations and family separation, we need to dismantle every piece of the system. The first step is to understand all of policies and/or programs and how they work together. Below are key terms and definitions that will help you understand the enforcement system.

Priority Enforcement Program or "PEP-Comm" (formerly known as S-Comm) is a federal program that checks fingerprints taken by local law enforcement against immigration databases. All fingerprints taken by local law officers at arrest are shared with the FBI, and then passed to ICE. If ICE is interested in an individual, agents may issue a request for notification of release date of the person, or ask the local agency to hold the person for ICE to come take custody. Fingerprint sharing and PEP-Comm will exist everywhere in the U. S.

Detainers are ways for ICE to apprehend someone who is in criminal custody. PEP detainers include hold requests, notification requests, and catchall custody requests. An ICE hold is a voluntary request from ICE to local law enforcement to hold an individual for 48 hours past the time they would have been released on their criminal case (e.g. on bail, when charges were dismissed, or at the end of a jail sentence). A request for notification of release date asks the local agency to tell ICE when an individual is going to be released, so that ICE can be there at that time to arrest them. A catchall request that may ask for a hold and for notification.

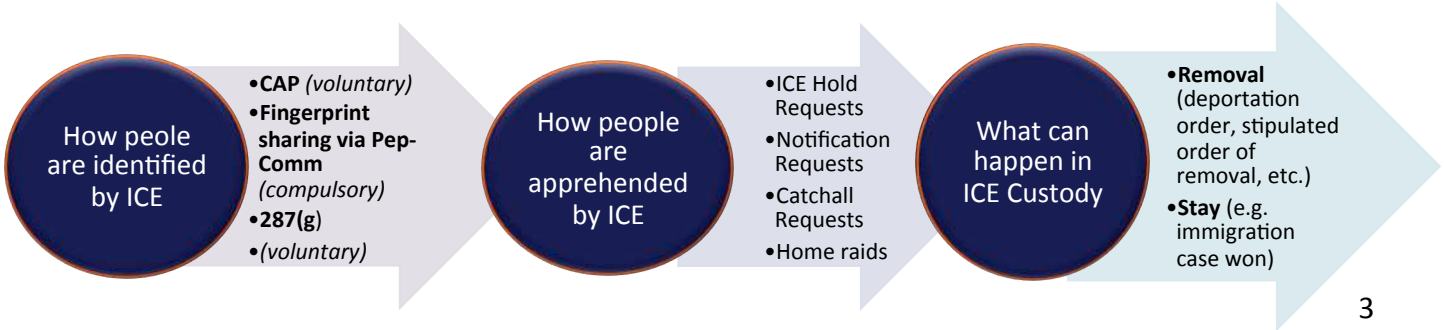




The 287(g) program permits ICE to deputize local law enforcement officers to enforce immigration laws inside their jail. Under 287(g) agreements, local law enforcement officers are able to act as ICE agents in certain functions. 287(g) is active in select jurisdictions throughout the U.S. To find out if your state or county has a 287(g) agreement with ICE, go to http://www.ice.gov/factsheets/287g#signedMOA.

Criminal Alien Program ("CAP") is the largest ICE enforcement program, and has existed under various names since 1986. CAP is the overall name for ICE's work in local jails, state prisons, and federal prisons where they search for immigrants to deport. This includes, but is not limited to: ICE access to jail databases, formal and informal agreements for jails to contact ICE about inmates, ICE visits to jails to conduct interviews of persons in custody, and ICE agents being regularly stationed in the jail. Currently, CAP is a major portion of operations at all ICE field offices and is active in most local jails across the country, as well as state and federal prisons.

Immigration Detention Once someone is arrested by ICE, they may be released or detained in immigration custody. If detained, they can be transferred to hundreds of jails across the nation. These include private for-profit prisons and contracted local county jails. In immigration detention, people have no right to be provided with a lawyer, and often suffer terrible conditions, including solitary confinement and poor medical care. There are no public defenders and some immigrants may have to fight their case via video, never seeing the judge in person.



LIFE UNDER "PEP-COMM"

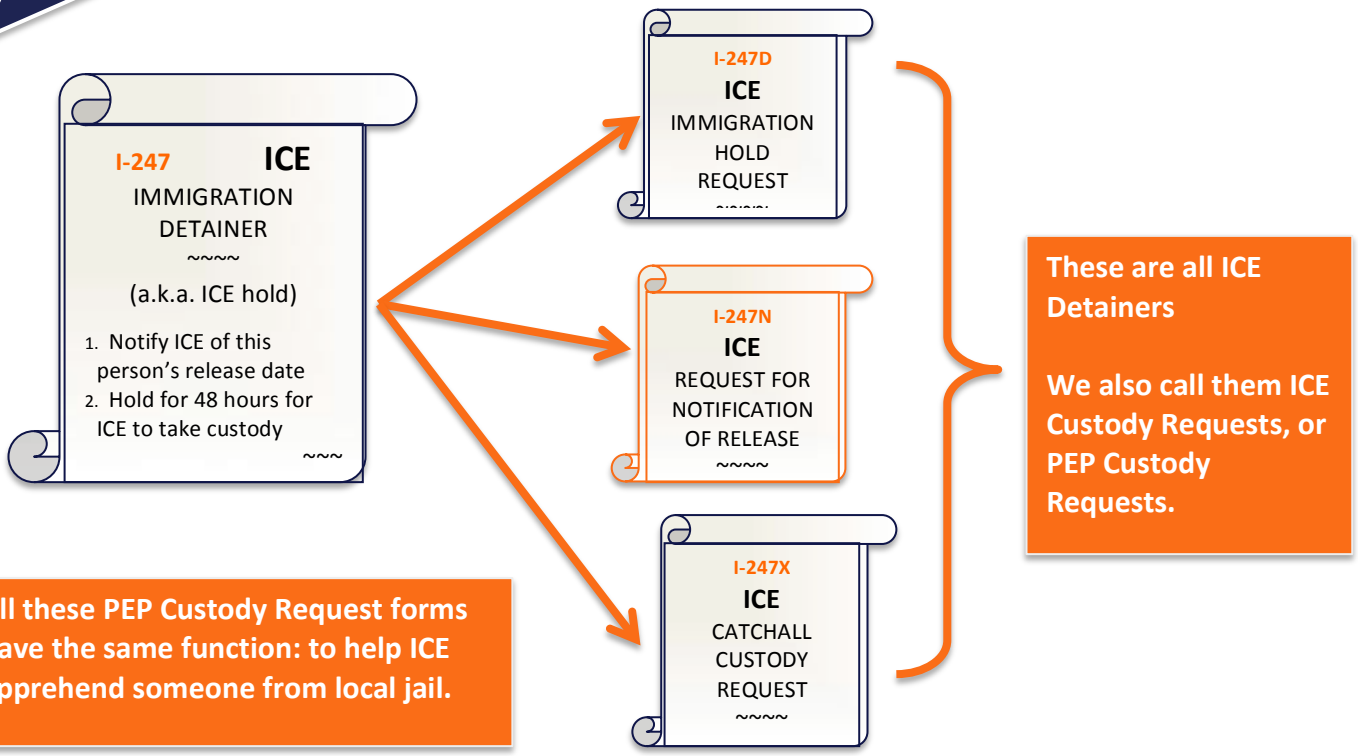
On Nov. 20, 2014, President Obama announced the end of the much-reviled Secure Communities program. But in its place, DHS created the "Priority Enforcement Program" or PEP. PEP works exactly the same way as Secure Communities. It tracks fingerprints and helps ICE agents issue ICE holds and retrieve people from local jails. This advisory breaks down ICE's new procedures, identifies what has or has not changed, and highlights strategies you can use to fight back.

<u>The basic mechanisms of Secure Communities remain in place under PEP.</u> When a person is arrested, the police take their fingerprints. All fingerprints taken by police are sent to ICE to check against immigration databases, and the local ICE office is notified if there is a match. If ICE wants to take action against the arrested person, ICE issues a custody request, aka detainer, to the local jail. A custody request may ask the jail to let ICE know when the person will be released (called a "notification request"). It may also request the jail to hold the person for extra time to allow ICE to come get them (called an "ICE hold"). This is exactly the same in PEP as in S-Comm.

What has changed?

1. NEW ICE DETAINER FORMS

ICE has rearranged their ICE hold form into three forms: a notification request, a hold request, and a catchall request. (The old detainer asked for both notification of release and to hold the person for transfer to ICE.)



With **ICE hold requests**, the jail detains a person longer to be able to hand them directly over to ICE agents. With **ICE notification requests**, ICE agents plan to arrive at the jail right at the moment when the person is scheduled to be released, so they will be transferred to ICE right at that time. The **catchall request** may serve to do either function, and may allow ICE to issue detainers hold requests outside of their enforcement priorities.

IMPORTANT NOTE ON TERMINOLOGY: In this toolkit, we call these forms collectively ICE Detainers or ICE Custody Requests. The different types of ICE Detainers are Hold Requests (Form I-247D), Notification Requests (Form I-247N), and Catchall Requests (Form I-247X). But ICE hold requests, also commonly known as immigration detainers, have existed for a long time. Previously, ICE Detainers asked a local jail to both notify ICE when the person would be released, and hold them for an extra 48 hours. Now, those requests are on separate forms. But all the forms seek to transfer someone from local jail to ICE custody.

2. TIMING of ICE CUSTODY REQUESTS

DHS's memo on PEP states that that PEP Custody Requests (aka ICE Detainers) will only be for those who fall within certain categories in the new DHS enforcement priorities below: .,

PRIORITY 1

- Gang members
- One felony conviction
- One aggravated felony conviction *(defined under immigration law)*
- Suspected of terrorism, espionage, or threat to national security

PRIORITY 2

- Significant misdemeanor convictions:
  - DUI - driving under the influence of alcohol or drugs
  - Domestic violence
  - Gun-related
  - Drug sale
  - Sexual abuse
  - Burglary (unlawful entry of a building + theft)
  - Any other conviction if sentenced to 90 days or more in jail
- Three or more misdemeanor convictions of any kind, except minor traffic offenses or juvenile offenses

Most of these PEP-specific priorities require the person to be convicted of a crime, not just facing charges. Therefore, ICE should not issue Custody Requests when a person is first arrested or awaiting trial in court, unless they have prior convictions that fall under the priorities. Theoretically, this means that fewer people should be subject to PEP Custody Requests overall. However, DHS detention and deportation quotas have not changed, and there is no guarantee that ICE agents will actually modify their practices. In fact, ICE may use the catchall request to go after people outside their enforcement priorities entirely.

1. LEGALITY OF ICE HOLDS

The law hasn't changed on ICE holds, just the form. Federal courts have found that detaining someone on an ICE hold is unconstitutional, and it is unlikely that changes to the form will have a significant effect on the constitutional issues. Local policies against ICE holds and all collaboration with ICE are still very important.

2. INFORMATION SHARING CONTINUES

S-Comm = PEP. S-Comm was dismantled in name, but it continues in practice as "PEP." The FBI will continue sharing fingerprints with DHS so that ICE can still detect immigrants in local and state law enforcement custody. This will inevitably facilitate ICE's ability to issue hold requests or notification requests – and it triggers ICE's attention at the moment of arrest. S-Comm has simply been rebranded as PEP.

ICE often receives reports of who has been booked into jail, whether they were born outside the U.S., when their anticipated release date will be, and other information about their case. PEP, CAP, and all these programs help ICE gather information and apprehend more immigrants. ICE's bedrock program is the Criminal Alien Program, which facilitates ICE agents accessing jail databases, interviewing local inmates about their citizenship, receiving daily updates from local jails, and many other types of formal and informal collaboration.

At the heart of ICE's cooperation with local law enforcement is communication and information sharing. DHS is aggressively negotiating with local law enforcement to get them to agree to cooperate at any level.

DHS is reaching out to local law enforcement agencies across the country to rebuild or to maintain relations. Where communities have refused to hold people, DHS is asking for limited agreements just to get those jurisdictions back under their thumb. But there is no accountability by DHS to limit what ICE Field Offices will try to get from local law enforcement. ICE will continue to use any means to track people down and detain them. It is up to communities to stand against ICE infiltration of the criminal justice system.

Communities need to monitor their local jails to track when ICE is really issuing any Custody Requests and make sure that ICE is held accountable. It is up to organizers and communities to remain vigilant and to record what they are seeing.

3. MASS INCARCERATION & MASS DEPORTATION

Communities of color are disproportionately targeted by law enforcement, and PEP reinforces the same dynamics. Poor and brown communities are funneled from an unjust criminal justice system into an immigration deportation system that lacks even the most basic due process protections. Immigrant communities of color are targeted two-fold; based on race and immigration status. Over and over, the government's first response to dealing with people of color is through incarceration.

The framing of the President's announcements about PEP and administrative reforms only exacerbate this problem. The illogical and divisive "deporting felons not families" framework attempts to justify biased policing and other misconduct against certain members of our communities. ICE's enforcement rhetoric encourages discarding an entire population without recognizing that communities of color including immigrants are disproportionately targeted by police, that they can rehabilitate, or that the criminal justice system sets people up to fail.

Organizers should not accept ICE's enforcement priorities as defining who can or should be detained and deported. We need to fight to keep our communities and families together, and insist that ICE respect the dignity and humanity of all immigrants.

What does this mean on the ground?

As cities and counties across the country have broken ties with ICE, we have seen ICE scramble to maintain their relationship with local and state law enforcement. ICE depends on local jails to find and arrest immigrants for them, and PEP is their effort to hold on to that system. ICE is meeting with law enforcement around the country trying to reinforce partnerships. In spite of the hundreds of policies refusing ICE hold requests, cooperation between local law enforcement and ICE is still strong. As PEP has rolled out, it starts to look more and more like the same old immigration dragnet.

WARNING! ICE will continue to get information from local law enforcement immediately upon arrest through PEP. Additionally, ICE has formal and informal relationships with jails, police departments and sometimes probation departments, under the Criminal Alien Program (CAP) and 287(g). With these programs and agreements, ICE officers may comb the jails to find immigrants and interview them, or they may receive regular reports on people in custody. Be alert for all these forms of collusion.

Organizers should not be fooled that PEP will bring a reduction in ICE's local activities; tactics will shift and depend upon the locality.

How can we keep winning?

Not every local law enforcement official is buying ICE's pitch. We must continue to build on the victories of recent years by documenting and exposing ICE's unfair practices, and by continuing to push local agencies to sever their ties with federal immigration enforcement authorities.

Be vigilant of evolving practices

- ICE will adapt to any roadblocks and discover new ways to circumvent new local policies. Cooperation between local law enforcement and ICE will be ongoing and we must remain vigilant of what these practices look like on the ground. Our communities must continue to **fight back against *all* cooperation,** such as requests for personal information of immigrants, including home addresses, or ICE's access to law enforcement databases, including DMV records, or ICE agents arresting people at court hearings or probation appointments.

Continue demanding law enforcement to work with the community, not ICE

- Cooperating with ICE is bad policy. It erodes community trust and creates a two-tiered system of justice in which immigrants are treated differently in the criminal justice system. Deportation is a double-punishment for immigrants who come in contact with the system. As local governments and police wrestle with how to improve police relationships with communities in the wake of Ferguson, cooperation with ICE only further undermines those efforts.
- For all of these reasons and more, we must urge local law enforcement and local leaders to consider policies that build our communities, not tear them down. **Continue meeting with law enforcement and elected officials** to hold them accountable and share the effects of detention and deportation.

Keep forging ahead, building on past victories

- We've come a long way in educating and building relationships with our elected officials, local and state law enforcement agencies, and our communities about ICE's harmful practices. We must continue forging ahead, holding local officials accountable, and demanding an end to local collaboration with immigration enforcement.

2014 Immigration Enforcement Changes at a Glance

 What has changed?	 What has not changed?
Detainers – There are now three kinds of detainers: hold requests, notification requests, and catchall requests. If a community has a policy against holding people for ICE, ICE will try to at least get notification about release dates. Otherwise, ICE will likely continue to ask for holds.	**S-Comm –** S-Comm has been terminated in name only; it will continue to operate exactly the same, under the name Priority Enforcement Program (PEP). In other words, all fingerprints will still go to ICE.
Deportation Priorities – DHS has new priorities regarding who will be targeted for detention and deportation. The biggest shift is that people with just orders of removal from before 2014 will not be a priority.	**Dragnet of Local Law Enforcement –** ICE will still be asking for information and assistance from local police and sheriffs, encouraging them to participate in identifying and detaining immigrants.
Timing – The new enforcement priorities are largely defined by people who have been *convicted* of certain crimes. This means ICE should not be targeting people based on arrest *charges*. This should mean fewer people denied bail and fewer people transferred to ICE before their criminal case is over. However, this will likely require close community monitoring.	**Mass Criminalization –** The November enforcement announcements continue to target and penalize communities who are racially profiled and over-policed. DHS uses unreliable and unaccountable gang lists and prioritizes convictions without regard to how long ago they might have occurred and whether the person is rehabilitated.
Accountability – DHS created exceptions to the new enforcement priorities. This means that there will be officers or directors who can decide if there are special circumstances where an individual shouldn't be deported. We have seen recently, however, that DHS has not been using these exceptions.	**Border Enforcement –** DHS will continue to focus even more resources on militarization and surveillance in the southwest, emphasizing immigration enforcement over trade and cross-border relations.

ICE ENFORCEMENT TACTICS

This list reflects ICE enforcement tactics relating to local law enforcement and the criminal justice system. The list catalogs some of the enforcement challenges that local communities face, to help inform and guard against various risks that might not have been encountered in every region.

INFORMATION SHARING

1. PEP-Comm (formerly Secure Communities or S-Comm)

ICE agents receive electronic notification of arrests and fingerprints via local, state, and FBI databases, which are then automatically checked against immigration databases. On the basis of these checks, local ICE agents may issue PEP Custody Requests (ICE holds, ICE notification requests, or catchall custody requests), interview inmates, or show up to arrest the person.

2. Sharing of databases containing personal contact/address information

ICE agents may have access to the local and/or state jail databases, which includes identifying information and addresses for all individuals booked into the jail. Even after someone has been released, ICE may be able to obtain this information through the jail system, giving ICE the ability to pursue the individual at their home.

3. Notification to ICE about release

Many jails cals ICE to let them know when an immigrant is due to be released,. They may do so with or without a specific request from ICE. Alternatively, the jail tells ICE that they will always release individuals at a particular time or times in the day. This facilitates direct transfers to immigration custody.

4. Sharing booking information

The jail may email or fax a spreadsheet or log of booking information to the local ICE office, providing ICE with name, date of birth, place of birth, arrest charges, and other information of everyone in the jail. ICE agents may also access booking sheets when they visit the jail. ICE uses this information to issue PEP Custody Requests or begin removal proceedings themselves.

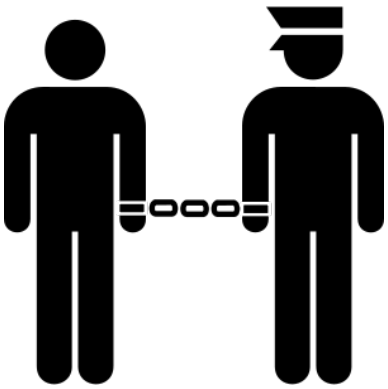
5. **ICE questionnaires**

ICE sometimes provides a form questionnaire that jail staff distributes to suspected noncitizens and/or foreign-born inmates. The information in this questionnaire is eventually turned over to ICE for them to use against the person in deportation proceedings.

6. ICE access to jails for interviews/inmate searches

ICE agents are often permitted to go through the jail to interview inmates about their immigration status. ICE may select interviews on the basis of Priority Enforcement Program (PEP-Comm) hits, booking information such as foreign birth, race or ethnicity. In these interviews ICE agents may also pressure inmates to sign their own deportation orders and waive their right to see an immigration judge.

ARRESTS



1. Hold Requests

Although hundreds of jurisdictions have stopped holding people beyond their release date based on ICE holds, (requests from ICE to hold people for no more than 48 hours past their scheduled release date), the majority of cities and counties have no such policy and may not be aware of the legal and policy issues involved.[1] These jails continue to hold people for transfer to ICE even after they should legally be released.

2. ICE pickups directly from jail

Jails may not hold inmates after their release date, but ICE shows up right when the person should be set free, or ICE has an officer with a permanent desk in the jail to be available at nearly all times.

3. Transfers directly to ICE detention via Intergovernmental Service Agreement (IGSA)

Many jails have a detention contract with ICE to rent beds in the jail for people who are detained during their immigration case. This is known as an Intergovernmental Service Agreement or IGSA. When a person with an ICE hold is due for release, the jail instead may just transfer them internally within the jail to ICE detention without moving them at all. IGSAs can be for long-term immigration detention or for a limited 72 hours arrangement.

4. ICE at courthouses and probation appointments

ICE agents examine the docket at the courthouse, or receive information from local databases regarding court hearings, and wait to arrest people as they arrive for or leave from their hearings or probation appointments.

[1] For a current list of localities which limit compliance with ICE holds, see our interactive map at www.ilrc.org/enforcement

5. National Crime Information Center (NCIC) database
ICE enters deportation orders as "immigration violators" into NCIC (a national database of criminal warrants managed by the FBI, which all law enforcement agencies feed into) and then local police make arrests based on these immigration warrants, even though they usually lack authority to make civil immigration arrests.[2]

6. Non-Detainer ICE documents
As localities refused to detain individuals on ICE holds, ICE has tried other documents to see if those stick with local law enforcement. These include administrative arrest warrants (I-200 and I-205), ICE detention records (I-203), and even civil immigration court summons (NTA), none of which are a lawful basis for a local jail to hold someone.

7. Prior Removal Orders
Prior deportation (removal) orders are one of the most problematic documents in terms of local law enforcement agents believing that they justify detention or transfer to ICE. Law enforcement also often incorrectly thinks that they indicate that the person is dangerous, which is untrue.

ICE INTERFERENCE WITH CRIMINAL JUSTICE SYSTEM

1. Denial of bail
Immigrants in criminal proceedings are regularly denied bail because of their status. A PEP Custody Request is one way that immigration status may come to prosecutors' attention. Denial of bail makes the person unable to work or take care of their family, is a waste of local resources, and makes it harder for the person to successfully defend their criminal case or negotiate a fair plea.

2. ICE apprehension before the criminal case is finished
Immigrants who are released but are picked up by ICE are often unable to attend their next criminal court date because they are in immigration detention or deported. When in immigration detention, ICE often refuses to transfer the individual to attend their criminal hearings. As a result, the criminal court judge will issue another warrant for their arrest for not showing up to court. This may also jeopardize the person's immigration case.

3. Probation reporting to ICE

[2] For more information on NCIC and the authority of local agents to enforce immigration law, see our FAQs on immigration Authority of Local Law Enforcement, at www.ilrc.org/enforcement

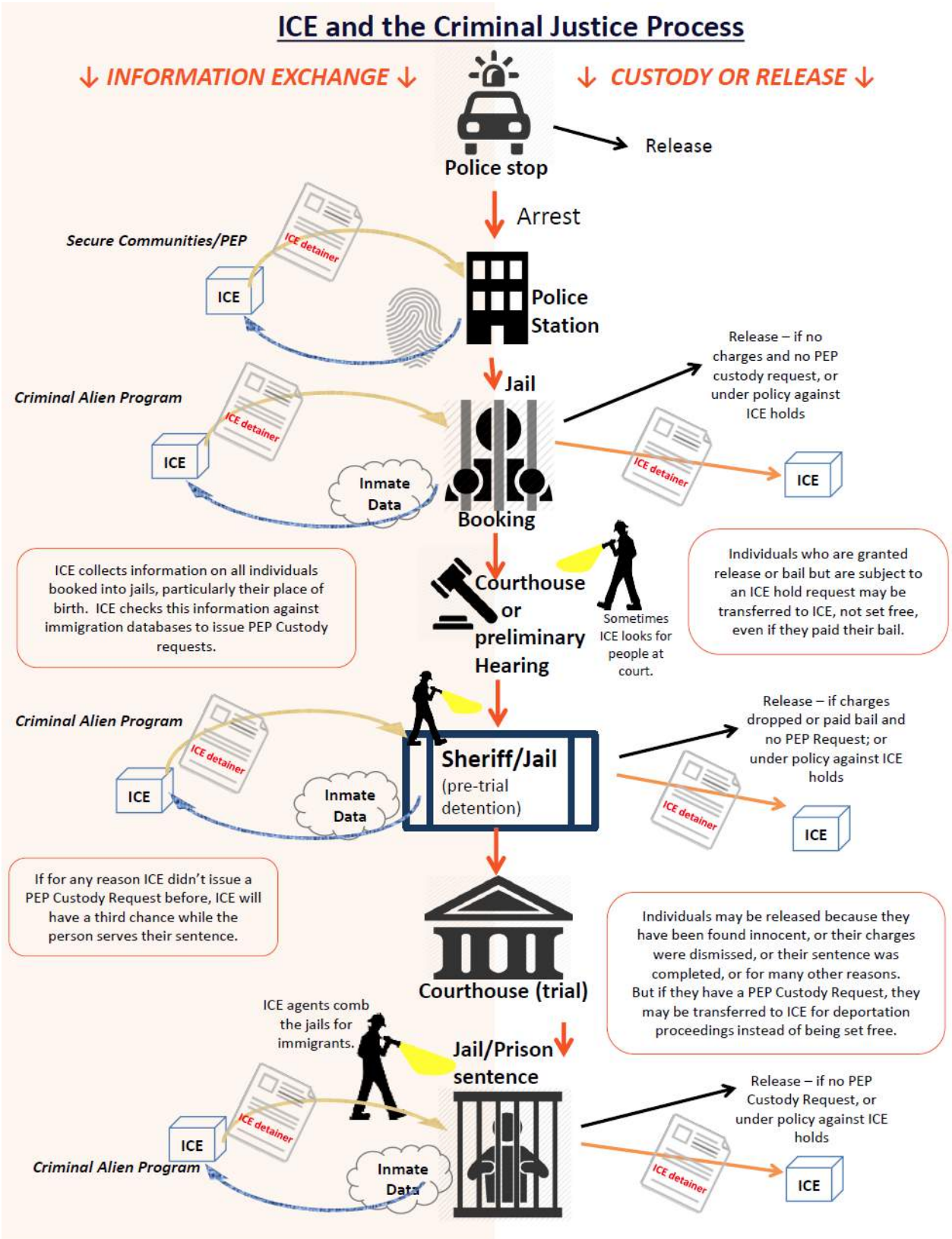
Probation departments in many states interview immigrants before trial, and also oversee their post-trial probation obligations. However, probation officers in some areas may report non-citizens to ICE. Sometimes ICE is notified when a person will be coming in for their probation appointment and arrests them right there.

4. Disqualification from diversion/rehabilitative programs

Immigration status or an ICE Detainer may disqualify an immigrant from participating in valuable alternative sentencing, diversion, or rehabilitative programs like drug treatment. These programs otherwise provide people with a path to rehabilitation and the ability to avoid a conviction or a jail sentence, but are often unavailable to someone with an ICE detainer.

5. Higher Custody Classifications

Immigration status or an ICE Detainer may result in a low or minimum-security inmate being sent into medium security facilities or higher security wings, with fewer privileges than they would otherwise have. They may not have access to certain programs, jobs, or other privileges within the jail.


ICE and the Criminal Justice Process
↓ INFORMATION EXCHANGE ↓
↓ CUSTODY OR RELEASE ↓
Police stop
Release
Arrest
Secure Communities/PEP
ICE detainer
ICE
Police Station
Jail
Criminal Alien Program
ICE detainer
ICE
Inmate Data
Release – if no charges and no PEP custody request, or under policy against ICE holds
ICE detainer
ICE
Booking
ICE collects information on all individuals booked into jails, particularly their place of birth. ICE checks this information against immigration databases to issue PEP Custody requests.
Courthouse or preliminary Hearing
Sometimes ICE looks for people at court.
Individuals who are granted release or bail but are subject to an ICE hold request may be transferred to ICE, not set free, even if they paid their bail.
Criminal Alien Program
ICE detainer
ICE
Inmate Data
Sheriff/Jail
(pre-trial detention)
Release – if charges dropped or paid bail and no PEP Request; or under policy against ICE holds
ICE detainer
ICE
If for any reason ICE didn't issue a PEP Custody Request before, ICE will have a third chance while the person serves their sentence.
Courthouse (trial)
Individuals may be released because they have been found innocent, or their charges were dismissed, or their sentence was completed, or for many other reasons. But if they have a PEP Custody Request, they may be transferred to ICE for deportation proceedings instead of being set free.
ICE agents comb the jails for immigrants.
Jail/Prison sentence
ICE detainer
ICE
Criminal Alien Program
Inmate Data
Release – if no PEP Custody Request, or under policy against ICE holds
ICE detainer
ICE

Immigration Detention and Deportation

Most immigrants apprehended at the border will not be transferred to ICE. Customs and Border Protection will detain them and deport them, often without any hearing before a judge. They may also be referred to federal prosecution for illegal entry or reentry.

Local Jail or Prison

ICE RAIDS

ICE Arrest

Many immigration detainees are held in local jails while their immigration cases are pending. The local jails rent bed space to ICE under contracts known as IGSAs.

Here is a map of detention centers across the U.S. from Detention Watch Network.

ICE Processing Center

Release on ICE bond or own recognizance while case is pending

Immigration Detention

Possible transfer to any facility nationwide

Release on ICE bond while case is pending

Mandatory detention means that many immigrants are not even eligible to pay bond to be released while their case is pending. They may be detained for years if they fight their case.

Mandatory Detention

Immigration Court

Release if win your case

Some immigration courts are physically located within detention centers, so that detainees never leave until they are deported or win their case.

DEPORTATION

MAPPING LOCAL AUTHORITIES

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

Law enforcement reports to local government. Sheriffs or county law enforcement often report to county-level government, such as a county executive, or a county commission or board of supervisors. Power over the sheriff's budget can be an important avenue for establishing new rules about collaboration with ICE, if an independent rule is hard to obtain. This chart examines common figures in county-level governance and law enforcement.

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

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

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

REMEMBER! Every jurisdiction's structure is different. These charts describe common authorities and powers of city government and law enforcement.

Follow the Money:
Local Costs of Immigration Enforcement

You want your local police and sheriff not to collaborate with ICE. But what if they **GET MONEY from ICE** at the same time? How does that affect their incentives to collaborate with ICE, and how should you shift your campaign strategies and arguments?

Your Sheriff May Contract with ICE to Detain People While They are In Deportation Proceedings – "The IGSA"

What is an IGSA?

- IGSA (Intergovernmental Services Agreement) is a contract between ICE and a local jail. ICE pays the local jail to "rent beds," and keeps immigration detainees in those beds.
- Although the detainees are held in a local jail just like someone charged with a crime, they are officially in ICE custody, awaiting their hearings in immigration court, not criminal court. ICE detainees may or may not have any criminal record.
- ICE pays $30-$200 per bed per day (depending on the region) to the local jail to keep that bed available for ICE detainees. Some contracts are for only a few beds; others are for hundreds, and may amount to millions of dollars per year for the local jail.

How does an IGSA affect local policies?

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

What can you do about it?

- Follow the money. Find out if your jail has any contracts or agreements with ICE, what the contracts say, how much money is involved, when the contract ends, or any other details regarding the termination of the contract. Check this map to learn where ICE detains people: http://www.detentionwatchnetwork.org/dwnmap
- Collect examples. Some jurisdictions do not honor ICE holds or may limit other communication at the same time as they rent beds to ICE. For example, Contra Costa County, California rents detention beds to ICE, but does not comply with ICE holds.
- Collaborate with local anti-prison groups. Various organizations are committed to ending our country's reliance on incarceration. Collaborate with these groups and other criminal justice partners to build power against investment in local jails and instead invest in people and communities.

WARNING! Collaborate and consult with local immigration detention advocates before fighting specific IGSAs. Ending ICE IGSA contracts can result in people just being removed further away from more liberal immigration courts, family, and/or legal counsel. This could be worse for the detainees.

Your Sheriff Likely Receives Some Reimbursement for Holding Certain Immigrants for ICE – "SCAAP"

What is SCAAP?

- SCAAP (State Criminal Alien Assistance Program) is a federal program that sends federal money to states and counties to reimburse them for incarcerating undocumented immigrants. Only undocumented immigrants, convicted of one felony or two misdemeanors and sentenced to jail or prison for at least four days, are eligible to be reimbursed under SCAAP.
- The SCAAP program never has as much money as the state and county jails claim they should get, so each jurisdiction gets only a portion of their costs reimbursed. In recent years, receipt of SCAAP money by counties has declined.

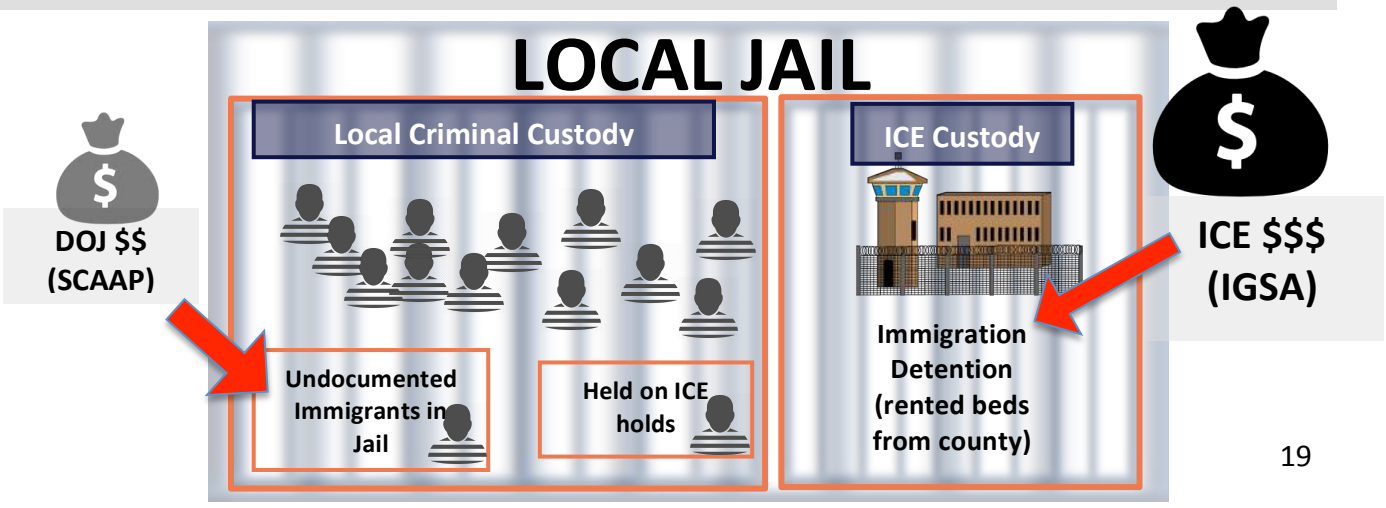
How does SCAAP affect local policy choices?

- SCAAP is not tied to responding to ICE detainers or cooperating with ICE in any way, although there have been proposals in Congress to do so. In any event, jurisdictions that have adopted policies broadly restricting cooperation with ICE continue to receive SCAAP funding.
- The SCAAP program provides an indirect incentive for jails to convict and detain undocumented immigrants. The costs of detaining an undocumented prisoner will be partially reimbursed, while the costs of other prisoners are not reimbursed.

What can you do about it?

- Find out how much your local jail has received in SCAAP money: https://www.bja.gov/ProgramDetails.aspx?Program_ID=86#horizontalTab8 You should research what the overall jail budget is in your locality and then determine what portion of that overall budget comes from SCAAP funding.
- Explain that SCAAP funds have not been linked to detainer policies or cooperation with ICE. In fact, Santa Clara County, California and Cook County, Illinois (Chicago), which have policies prohibiting nearly all cooperation with ICE, continue to receive SCAAP funding. For example, in 2014 Cook County received $1.4 million and Santa Clara County received $538,000.
- Clarify that SCAAP funds do not cover holding someone on an ICE detainer after they would be released.

WARNING! Certain Congress members and ICE officials have suggested that jurisdictions that don't cooperate with ICE should not get SCAAP money. This has never happened. Nonetheless, many sheriffs have cited it as a reason that they will not push back against ICE.



Your Community PAYS for Collaborating with ICE:

Aren't police already busy?

- Inquiring into immigration status, responding to ICE inquiries, collecting data for ICE, or notifying ICE about timing of inmates' release, etc. costs the county for all the time and resources police are dedicating to ICE's work, instead of local work. DHS is already the largest law enforcement agency in the country, with an $18+ billion enforcement budget.

What about social services and child welfare costs?

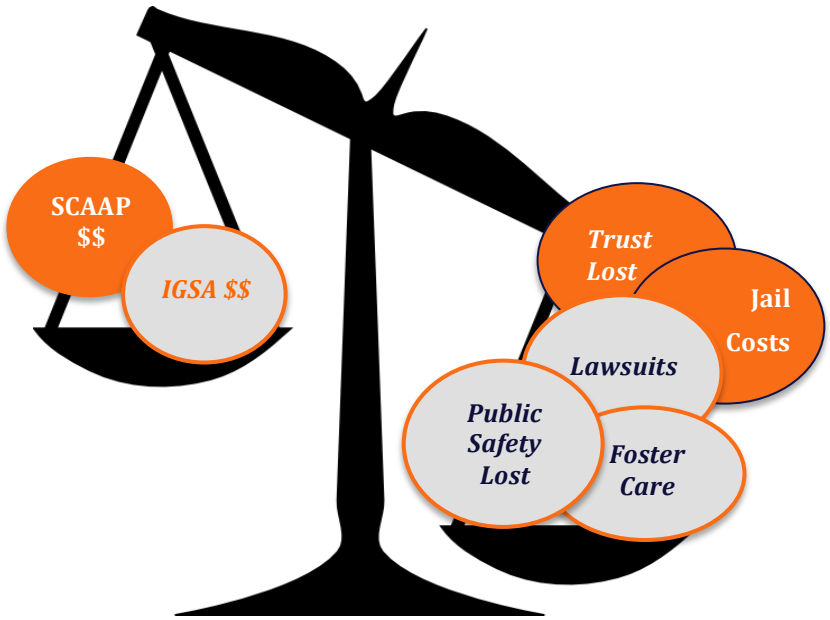
- Some children whose parents or caretakers are detained or deported end up in the child welfare system, at the expense of states and counties. The Applied Research Center conservatively estimated in 2011 that more than 5000 children were in foster care because their parents have been detained or deported. Assistance to ICE from law enforcement increases the local impact on family services, child welfare programs, and safety net programs for single parents whose spouse was deported.

What about legal liabilities?

- Your town or county is liable for what happens to individuals detained on PEP Custody Requests, even if ICE caused their detention. Lawsuits for this kind of unlawful detention have cost cities and counties hundreds of thousands of dollars.
- For further details about lawsuits against localities arising from ICE hold request violations, see: http://www.legalactioncenter.org/clearinghouse/litigation-issue-pages/enforcement-detainers

Are there other costs?

- ICE does not generally reimburse local jails for the costs of PEP Custody Requests. Any additional costs for holding people for ICE after they have finished their sentence, or time in jail before trial because they could not post bail due to an ICE hold request, come out of your local budget.



Criminalization of Our Immigrant Communities

Our immigration system is infused with racism, enforcing **unequal and punitive standards for immigrants of color**. Black and brown communities alike are targeted and labeled criminals simply because of the way that they look or the neighborhoods in which they live. Immigration enforcement policies represent one more tool to institutionalize these race-driven practices, **legalizing racial profiling**. These policies target our communities, destroy families, and lower our collective standard of life.

How our communities are hurt and targeted?

Screening for immigration violators by local law enforcement encourages racial and ethnic profiling tactics

Immigration enforcement programs institutionalize racism by encouraging law enforcement to go after someone simply because they “look like an immigrant”

There has been an increase in immigration-related offenses, "show me your papers" laws, and other laws aimed at undocumented people, to justify the targeting of immigrants by law enforcement

Other laws, including drug laws and drug enforcement, disproportionately target immigrants and communities of color

Programs and tools such as PEP-Comm, CAP, 287(g), ICE holds, and others, violate the basic promises of fairness and due process at the core of our legal system

Immigration enforcement programs result in more people being incarcerated – from the criminal case to immigration detention - enforcing the culture of mass incarceration

Increased policing through the collaboration between local law enforcement and ICE further increases fear and distrust in our neighborhoods

Similar messages are used in both criminal and immigration contexts to justify stripping away rights and incarcerating our communities -- "he shouldn't have had drugs on him," "she shouldn't have come in illegally"

Labeling someone a "criminal" is used to justify mass incarceration, deportation, and the loss of many basic human rights

The Administration's language around "deport felons and not families" further entrenches mass criminalization of immigrant communities of color

Thank you!

BAJI BLACK ALLIANCE FOR JUST IMMIGRATION

Racial Equity.
Immigrant Rights.
Economic Justice.

Campaign Tools

Getting Your Campaign Into Gear

STEP 1

Research: Assess the problems in your community.

You can't solve the problems in your community without knowing what they are. Immigration enforcement can look very different from place to place so the first step is to see what it looks like in the city/county where you live.

- Speak to affected community members. Reach out to other community organizations/allies to see what they and their members are seeing. Make sure to document stories and patterns.
- Reach out to the public defender's office. Since public defenders see the criminal justice system first hand, and ICE relies on this system to identify and target immigrants, public defenders can be a good source of information.
- Check our map of local detainer policies at www.ilrc.org/enforcement to see if your community has a policy about ICE collaboration.
- Use Google!

What am I looking for? Review the *Identifying and Monitoring checklist* for specifics ways that this may be playing out in your community.

Keep an eye out for testimony! As you research issues, start to identify testimony to exemplify problems you see in your community. Vet community testimony early on, because law enforcement and local stakeholders will try to poke holes in your stories. Vetting stories will better prepare you to address any discrepancies. ***Contact Carolina@unitedwedream.org for support to track enforcement stories in your community.***

Understand the Context. *How do your local stories and law enforcement practices fit into the larger immigration and criminal justice system?*

WE LIVE an era of mass detention and deportation. ICE has increasingly co-opted the criminal justice system to meet its immigration enforcement goals. As a result, state and local police are in the business of deportation, cooperating with ICE instead of their communities. But many localities have taken power back and severed local ties to ICE. This is an important step in reclaiming the dignity and human rights of immigrant communities.

WE SEE an increased attention across the country on police misconduct, highlighting systemic racial biases within the criminal justice system. These dynamics are inseparable from immigration enforcement. Both the immigration system and the criminal justice system target people of color, lock people in cages, separate families, and destroy communities. Most of all, they are built upon social control and punishment rather than rehabilitation and reintegration. For basic information about the criminal justice process and how ICE has infiltrated it, see: **ICE & Criminal Justice Process on 14.**

WE KNOW corporations and private companies are profiting off incarceration and surveillance. The detention industry is growing, with the profits lining the pockets of private prison companies, and also propping up local jails that contract for detainees. For more background on how financial interests affect local immigration enforcement, see: **Follow the Money: Local Costs of Immigration Enforcement on pg. 18.**

STEP 2

Agree on your goals. *Now that you have a general sense of what the problems are in your community, establish some of your overarching goals. Make sure to get buy-in from your team. See below for possible goals, and remember you can't always do everything at once.*

Define your concerns and your narrative.

Immigrant communities face many common challenges, yet each community is distinct. Your story about deportations, family separation, other harms, community trust, and justice for immigrants can take many shapes and forms and should reflect your local concerns.

The demographics, politics, and geography of your community will shape how you tell your story. A strong narrative that takes all of these factors into consideration will help organizers and supporters work together and present clearer and more convincing demands that resonate with the target audience(s).

STORY

STEP 3

Choose your specific objectives.

What are your specific policy asks? Exactly what changes to local practices will make an impact?

For example, in New York, an overarching goal was to stop law enforcement cooperation with ICE. Through research, the campaign learned that ICE agents were regularly in the jail, interviewing inmates. The ICE Out of Rikers campaign's specific policy asks were to prevent ICE from entering the jail, and to provide notice to inmates that they did not have to talk to any ICE agents.

GOAL: STOP ICE COLLABORATION

Sample specific policy asks for this goal:

- Convince law enforcement to refuse all PEP custody requests, and not to hold people for ICE or notify ICE of immigrants' release dates.
- Don't let ICE into local jails and don't let them talk to inmates unless they have a warrant signed by a federal magistrate.
- Ensure that bail is not raised or denied for noncitizens based on status. Immigrants should have equal access to bail.
- Stop local law enforcement from transporting detainees to ICE.
- Prohibit ICE from making arrests at court or probation appointments.
- End 287(g) agreements.
- Require that the jail inform inmates if they have a PEP Custody Request.

Think about both affirmative and defensive objectives: stop bad practices and advocate for positive change.

STEP 4

Identify targets. *Who has the decision making power to make the policy changes that you want to see? In other words, who do you need to target to create change? This is what identifying targets is about.*

Example: If your policy ask includes getting ICE agents out of the jail, your next step is to figure out who controls the jail. This person will be your main target. In many places this will be the Sheriff, or perhaps the Police chief if it's a city jail. Check the chart of local authority on page 14, but remember that every state is different, so you will need to identify exactly who controls the jails in your community. Other local authorities may be secondary targets. They may not manage the jail directly, but they have influence over your primary target, the jail budget, or over local legislation that can limit cooperation with ICE.

Once you've identified your target, research them. How can you convince them to adopt your policy? Which arguments do *they* care about? Which allies can you pull in to help you lobby your target?

Research which arguments will be most convincing to your Sheriff and other targets.
What does your main target personally care about? What stories do you have that will affect them? What individual or political interests can you use? For example, maybe they received money during their last campaign from a union and thus may care more about what that union has to say. What secondary targets may be the most important in moving your primary target? This is all part of mapping the structures of power in your community.

STEP 5

Find and Recruit allies. *Build relationships with other groups who may share your goals and values.*

Allies are extremely valuable in any campaign. Allies can strengthen different aspects of the campaign and fill in gaps. Importantly, allies can also bring in different arguments or perspectives, or power and influence, which you may not otherwise have. Allies may include a County Commissioner or Supervisor or other local politician who has relationships with the Sheriff and can secure a meeting and/or response. Remember to **think creatively** about your allies, including people/groups beyond the typical immigration allies. For example, partners who work in the criminal justice system can be invaluable.

STEP 6

Make a plan of action/strategy. *There is no one size fits all plan. Identifying a plan of action involves going through all of the steps previously mentioned, and then assessing what steps need to be taken to achieve policy change.*

Below is an example of how Santa Clara created a very strong policy against ICE collaboration. But every community is different; so don't hesitate to reach out for support and advice. Contact the Immigrant Legal Resource Center: Angie Junck at ajunck@ilrc.org; Lena Graber at lgraber@ilrc.org; or Grisel Ruiz at gruiz@ilrc.org.

Example: Santa Clara County, California

- The advocates: Services, Immigrants Rights & Education Network (SIREN), Asian Law Alliance, Silicon Valley De-Bug, the ACLU, the Immigrant Legal Resource Center, PICO's local affiliate People Acting in Community Together (PACT), The Catholic Dioceses of San Jose through its Justice for Immigrants Campaign, Sacred Heart Community Service, and others.
- Research: Research revealed that the local jail detained people to hand them over to ICE, shared release dates with ICE, and let ICE enter the jail to interview inmates.
- Overarching goals: Stop law enforcement cooperation with ICE
- Specific Asks: Stop compliance with ICE holds, end notification of release dates, and prevent ICE agents from interviewing inmates in the jail.
- Targets: The Board of Supervisors. They controlled the jail and could enact a county law limiting cooperation with ICE.
- Allies: Public defender, Probation, and two County Supervisors

- Messages: The coalition agreed to take a strong stance against local law enforcement entanglement in deportations, and not to promote a message that would divide the immigrant community by focusing on who is or who is not worthy of protection.

Plan of Action/Strategy: Pass a county ordinance to ban cooperation between ICE and the Santa Clara County jail.

1. Lobbying individual Board of Supervisors. For every individual member, the coalition researched their interest and lined up allies to respond to those concerns. For example, one supervisor was particularly concerned about domestic violence survivors so domestic violence groups were brought in to lobby that individual. Choosing the right author to carry the bill was also important.
2. Meetings with Sheriff and District Attorney.
3. Framing/communications. This campaign became very public. It was important to make sure that issues were framed in a way that would garner the most support without compromising the values of the coalition. The coalition was strategic in pitching op-eds to the local newspaper featuring the perspectives of a range of community leaders and County officials.
4. Extensive organizing and coordination. The coalition met regularly and divided up or shared a variety of tasks including lobby visits, public actions, press interviews, and providing public testimony at the various County hearings.
5. Success. On October 5, 2011, the ICE hold ordinance was signed into law. A copy of the policy is available at www.ilrc.org/resources/detainer-policies

Ready, set, organize! And don't give up.

As with any campaign, change does not happen overnight and in certain cases can take years and may involve compromise. Do not give up. It's very possible that even minor steps forward now will contribute to an ultimate win later on.

These campaigns build capacity and power of immigrants, organizations, and coalitions. Even a vote against your desired policies is still a reflection of the connections built and learning that you have instilled. Establishing and strengthening relationships with local leaders is important in creating change on a range of issues affecting our communities, no matter what short term results you get. While Pep-Comm is a key immigration enforcement issue-affecting immigrants today, many years from now immigration enforcement may be very different. The work we do today will help us better prepare to fight the future face of enforcement and help create alternative solutions that protect immigrant communities.

Checklist for Monitoring Police-ICE Collusion

LOCAL JAIL ACTIONS	ICE ACTIONS
Information Sharing with ICE	**Enforcement Priorities and PEP**
☐ Fingerprint sharing (not optional) ☐ Notifying ICE before release ☐ Allowing ICE access to place of birth or other booking info ☐ Allowing ICE to interview or screen immigrants inside the jail ☐ Allowing ICE access to jail databases ☐ Giving ICE questionnaires to inmates ☐ Sharing personal information with ICE such as home address, physical description, etc. ☐ Probation officers reporting people to ICE	☐ ICE hold requests ☐ ICE notification requests ☐ ICE catchall requests ☐ ICE Custody Requests on non-enforcement-priorities ☐ ICE takes custody even though detainee did not receive notice of ICE hold (required on the form) ☐ ICE refuses to grant prosecutorial discretion ☐ ICE sends local jail ICE warrants, removal orders, or other fake evidence of ICE authority
Transfers to ICE	**Arrests and Raids**
☐ Holding individuals past criminal release date for ICE ☐ Coordinating with ICE on pickup times ☐ Handing people to ICE as part of out-processing from jail ☐ Transporting people to ICE offices ☐ Transferring people directly to ICE custody within same facility ☐ Calling ICE to roadside stops ☐ Arrests based on NCIC immigration warrants[3]	☐ ICE accessing DMV data for arrests ☐ ICE or CBP agents impersonating local police or other officials ☐ Entering homes without warrants ☐ ICE arrests at traffic/DUI checkpoints ☐ Conducting taskforce sweeps with local law enforcement ☐ ICE pickups directly from jails at time of release ☐ ICE arrests at courthouses ☐ ICE arrests at probation appointments ☐ ICE threatens, abuses, or injures people
Criminal Justice Process	**Detention and Prosecution**
☐ Denial or increase of bail based on immigration status ☐ Refusal to process bail because of PEP custody request ☐ Denial of diversion or treatment programs because of PEP request	☐ ICE arrest before resolution of criminal case ☐ ICE detainees can't attend local court dates ☐ Prosecutions/warrants for federal immigration crimes like illegal reentry ☐ ICE agents try to get people in local jail to sign their own deportation order
Sweeps and Raids	
☐ Police escort or assistance on ICE raids ☐ Joint enforcement operations	

[3] NCIC is a national database of outstanding warrants managed by the FBI. Since 2002, ICE has included immigration warrants in the database, even though they are civil immigration documents, not criminal warrants.

Monitoring and Tracking Enforcement in Your Community

Our communities are daily targets of a massive detention and deportation machine. We want to become more self-sufficient at monitoring and tracking how local authorities collaborate with ICE on a daily basis and how ICE targets immigrant communities in localities.

Any time you start a campaign; you need stories and cases to show the human impact of enforcement policies and help support your demands. It is important that the stories are specific and contain detailed facts about how collaboration happens. One person's testimony is not enough to change the views of local law enforcement. Building a concrete report with names, places, dates and facts can help you make a stronger argument to win your demands of why local law enforcement should not threaten the well-being of immigrants in your neighborhood.

A simple and essential action is to begin recording and reporting all of these abuses and incidents in your community where local law enforcement collaborates with ICE.

In 2015, United We Dream launched the first-ever volunteer hotline 1-844-END-1ICE (1-844-363-1423) with two specific purposes:

- Identify people in detention or removal proceedings that could possible qualify for the executive actions of 2012/2014
- Report any ICE activity, like a raid, a checkpoint or ICE's presence in a public space (school, hospital, church, or specific immigrant neighborhood).
- Report any ICE in a jail, court room, or similar place

The hotline has received over 500 calls, and over 100 ICE activity reports have been collected. We have used these reports to hold DHS and ICE headquarters accountable to their ruthless enforcement in communities like Homestead, Florida, where we have collected over 20 raid and checkpoints reports. There is power in documenting and tracking, and this is just one example on how we can protect our communities and hold ICE and local law enforcement authorities accountable.

For personalized support on tracking and monitoring enforcement in your area please email carolina@unitedwedream.org or raul@unitedwedream.org

Below find a sample questionnaire of the reports UWD currently tracks these stories.
This is just one example, your group should feel free to modify to suit your specific needs.

Date of report: _____

ICE ACTIVITIES

What kind of ICE Activity is being reported?

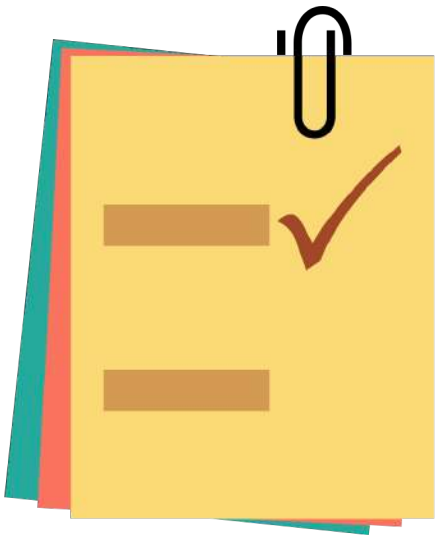
- Raid
- Checkpoint
- ICE in a public space (school, hospital, church, court room, outside of a jail, etc.)
- PEP custody request to local jail

What day did this ICE activity occur?_____
What time did it occur?_____
Where did this take place?_____
Where there any other local authorities involved? If so please check all that apply:

- Local police
- State troopers
- Sheriffs
- FBI /DEA
- Customs & Border Protection (CBP)
- Homeland Security Investigation (HSI)

Additional comments: (In this section you want to add any other details about the event)

LOCAL LAW ENFORCEMENT PARTICIPATION



What kind of police activity is being reported?

- Support for ICE raid
- Checkpoint
- Calling ICE or CBP to roadside/traffic stop
- Holding someone for ICE or CBP

What day did this activity occur?_____
What time did it occur?_____
Where did it take place?_____
What agencies were involved? Please check all that apply:

- Local police department
- State troopers
- Sheriff
- ICE
- Customs & Border Protection (CBP)
- FBI /DEA
- Homeland Security Investigation (HSI)

Caller/ Person Information:

- Full name, age, address
- Race/ Ethnicity, gender identity, children or dependents information

ACTIVITY RESULTED IN THE DETENTION OF AN INDIVIDUAL? Many of these will result in someone in detention, you want to make sure that apart from the caller's information, collect the information of the person who has been detained, here is a list of what you should be collecting:

Biographical Information

- Full name, date of birth, most recent address and a working phone number
- Gender Identity, country of origin
- Employment and or education information, list all community ties
- Family information (if the person is a parent), list all children/ dependents

This is just a framework to help you get started on your documented stories in your area that can help you push your demands forward. You should modify this questionnaire to fit the specific needs for the demands In your local enforcement campaign.

Immigration History

- Alien # (if available), a 9-digit number placed on an individual bracelet upon immigration custody
- Reason for migration, last entry to the U.S. and any other re-entries, manner of entry
- Has the individual attempted to change immigration status in the past? Does he/she have any previous deportations, or is there any knowledge of final/ pending removal orders?
- Has the individual even been a victim of any type of abuse of fraud in the past?

Criminal Record History

- List any previous encounter with any local law enforcement, any previous arrests, charges and/or convictions
- Include most accurate dates and places where individuals was held in jail or not
- Include any court dates appearances and as much details available
- **Current custody:** It is important to determine all the factors of current custody of individual especially if it is any local city/ county jail
    - Ask if individual has been interviewed by any ICE agents or has been notified about any potential transfer to an ICE facility
    - Ask if he has been notified of having an ICE hold

Tips and Tricks for Meetings with Law Enforcement

What are your meeting goals?

Law enforcement and immigrant communities invariably come to the table with different framing, different perspectives on the same issues, and sometimes different goals.

Racial and ethnic tension has increased tension between law enforcement and communities of color. This handout aims to prepare community members for meetings with law enforcement, so as to be more effective in achieving policy change.

Your broader goals should be to achieve total disentanglement with ICE. However, establish some specific goals for your meetings with law enforcement in order to be as effective as possible. Specific goals may include:

- **Gather information** on how local law enforcement may be cooperating with ICE. For example, does the jail cooperate with ICE via the CAP program, a 287(g) contract, PEP custody requests or other forms of cooperation?

- **Build, or continue building, relationships** with law enforcement to discuss immigration and other issues. Remember that there will be a need for ongoing dialogue with law enforcement as enforcement tactics will evolve over time and as you work toward policy improvements.

- **Request quarterly meetings** to address ongoing issues which may continue to arise and to continue building these relationships.

- Establish a **contact person** with the law enforcement agency so that you can schedule other meetings or follow up with questions.

- If ICE has a physical presence in the jails, consider arranging a **jail tour** so that you can gain a more accurate sense of how ICE interactions/access occur in the jail.

TIP: Come prepared to any meeting with an **agenda** and with a **set of questions**. For samples, see *Questions for Meetings with Law Enforcement,* and *Sample Agenda* on pages 37-39.

Do your homework!

Before any meeting, and in particular when meeting with law enforcement, do your research to make sure that you're asking the right questions.

- ✓ **Does the law enforcement agency have a jail?** Many, but not all, law enforcement agencies have a jail in their jurisdiction. In those that do, you will want to ask more specific questions since there's a greater opportunity for cooperation with ICE.

  If the law enforcement agency has a jail, is there a 287(g) contract or IGSA[4] contract? If so, the jail has a more formal and cooperative relationship with ICE.

  - **To see if your jail has a 287(g) contract see:**[5] http://www.ice.gov/factsheets/287g#signedMOA
  - **To see if your jail has an IGSA contract see:**
    - http://www.endisolation.org/about/immigration-detention/ or
    - http://www.detentionwatchnetwork.org/dwnmap
    - **Note:** Some IGSA contracts hold people for the duration of deportation proceedings; some are only for 72 hours. Those may not be reflected on these maps. Ask the law enforcement agency or contact the ILRC, to see if they have a 72-hour contract.

Bring in Allies!

There may be others in your community who already have relationships with local law enforcement or who could add another important perspective. Consider the following:

Affected Immigrants & Immigrant Based Groups
Criminal Justice Reform Advocates
Civil Rights Groups
Human Rights Groups
Labor Groups/Unions
Faith Groups

LGBTQ Groups
Public Defenders
Immigration attorneys
Domestic Violence or other Victim's Rights Groups
Child welfare advocates/social workers

[4] Intergovernmental Service Agreements (IGSAs) are contracts between ICE and local or state entities, to hold immigrants in local jail while they are in deportation proceedings. The immigration case is separate from the criminal case: although the immigrant is physically in a criminal jail, they are legally in ICE custody. Some IGSA contracts are limited to holding ICE detainees for only a few days before they are transferred, while others may hold ICE detainees throughout their deportation proceedings. IGSA contracts come with reimbursement and for most sheriffs, IGSAs are a profitable enterprise.

[5] Note, double check for accuracy as some of these may be expired or newer contracts may not yet be uploaded.

What do we really have in common?

Don't start meetings with points of conflict, which can cause a standstill to progress. Rather, start by establishing common goals and common ground. As the conversation moves to more contested issues, go back to this common ground.

Research the Sheriff/Police Chief, and any other offices that you may be meeting with. In particular, you want to get a sense of the officials and what may be important to them. For example, if you know that the official is particular to faith or labor groups, this might affect how you frame issues or the allies that you invite to the meeting.

- Community policing/Public safety:: It is important for the community to trust law enforcement in order to report crimes and cooperate in investigations. Cooperating with ICE aligns local law enforcement with ICE, and not the community, thereby further eroding community trust.

- Keeping families together: We all care about keeping our communities intact and keeping families together. Deportation can tear families apart with little or no discretion, causing irreparable harm including to the children left behind. Cooperating with ICE leads to community harm.

- Making better use of our resources: Law enforcement often works with tight or shrinking resources. Law enforcement officers would rather use these sparse resources on public safety and community policing, rather than doing the federal government's job.

✓ Reminder: Build Relationships! Get to know your Sheriff/Police Chief. What does he/she care about? What are his/her personal and professional goals? Assess where you can move the Sheriff or find issues to leverage against him/her in a campaign.

Pushback back from law enforcement

In your meetings, you'll see common pushback from law enforcement when you ask them to stop cooperating with ICE. See below for some common objections and arguments and how to respond.

- **Pushback:** We don't hold people for ICE and we don't do work for ICE. ICE is allowed to come into the jail to do what they need to do. ICE is a fellow law enforcement agency and we give them same courtesy that we give any other law enforcement agency.
    - **Response:** ICE is an unreliable partner who lacks transparency and has no accountability. We don't have the same constitutional protections in immigration as we do in the criminal justice context. People are often coerced into signing orders of deportation and are not advised that they have the right to remain silent or see a judge. ICE isn't held to the same standard as other law enforcement agencies. When community members hear about bad practices by ICE agents done in tandem with local law enforcement, they conflate the two. You don't want these bad practices to be imputed onto your department.

- **Pushback:** We don't cooperate with ICE, but they engage in other enforcement in the community, and we don't have control over that. So, there's no reason for us to adopt a policy since we are not cooperating with ICE as it is.
    - **Response:** It is important to memorialize the fact that you don't cooperate with ICE in a written policy. Some localities have already done so, and it's important to have this written confirmation so that we can go back to the community and let them know that local law enforcement is not working with ICE.

- **Pushback:** We only focus on cooperating with immigration when it comes to dangerous criminals, who are a danger to everyone in the community, immigrants alike.
    - **Response:** Immigration status should never be used to target people, no matter what their criminal background is. Deportation is not the answer to public safety; it only destroys families and destabilizes communities. Cooperating with ICE actually decreases public safety by further eroding's community trust in law enforcement. Community members will feel safer if you are not cooperating at all with ICE.

Review Campaign Messaging/ Communications on pg. 43 to ensure that you come prepared to meetings with the right arguments and counterarguments.

Questions for Meeting with Law Enforcement

Intro

If this is your first meeting with your law enforcement agency, it should serve as a relationship building and information-gathering session. This should be the first of many meetings to monitor and influence any immigration enforcement in your community. If you have met with your Police Chief/Sheriff before, continue information gathering and also consider shifting to advocate for a local policy that promotes total disentanglement with ICE. You may also want to ask for **regular quarterly meetings** to continue addressing issues that arise and to further educate and inform law enforcement officials about the human, legal, fiscal, political, and other consequences that result from entanglement with ICE. [6]

Goals

- To further the campaign to disentangle local law enforcement and ICE. See the *Campaign Goals* handout for more detail.
- Establish or improve relationships with law enforcement to build community trust and continue addressing any future issues that may adversely impact our communities.

Before the meeting:

- Ask for an updated copy of any local immigration policy. [7] Review this policy with your team, or with the legal contact provided at the end of this handout. Bring up any questions/concerns at the meeting.

- Ask for the jail commander or manager to be present. [8] The Sheriff or Police Chief is in charge or running the Department as a whole, and may not know the daily activities of the local jail. Ask the jail commander or jail ICE liaison if they have one, or someone in record keeping who monitors requests from ICE, to be at the meeting to answer any questions that the Sheriff or Police chief may not know. Consider requesting a **jail tour** to get a better sense of how the facility runs, and any ICE access.

- Research the Sheriff or Police Chief and the Agency That They Run. Even a Google search can yield tremendous results, including a review of their website. Who is the Sheriff and what is his/her background? What are issues that the Sheriff and the agency care about? What projects has the agency prioritized in recent years? Are

[6] For more information on immigration enforcement campaigns, see www.ilrc.org/enforcement
[7] For a list of policies updated as of 2015, see the Detainer Map at www.ilrc.org/enforcement
[8] Not all cities maintain jails. If you are meeting with a police chief, confirm if your city has a jail.

there any specific concerns or issues, e.g., lawsuits, that the agency is facing that can leverage your ask?

- Materials: 1) Finalize your meeting agenda (see *Sample Agenda*) and assign roles to those attending the meeting; 2) pre-select the most important meeting questions if time runs short; and 3) confirm any meeting handouts.

Meeting Questions

Questions to get to know your law enforcement official and agency:

- What do you see as the biggest issues between the immigrant community and law enforcement facing this community?
- What are some of the biggest changes that you would like to see in federal immigration enforcement? this area?
- Can you tell us about any programs that you have that aim to build trust with our communities?
- What does "community policing" look like in your department?

Regarding the Executive Action Announcement:

- Have you or other agencies received any direction from ICE, locally or federally, regarding PEP or other immigration enforcement changes?
- Have there been any changes in ICE activities or requests here locally, or have you heard of changes in any other localities?
- Do you receive ICE detainers, aka custody requests, of any kind? If yes:
  - What types of custody requests do you receive? I-247D, I-247N, I-247X?
  - How often do you receive them? E.g. per week, per month?
  - At what stage in the criminal justice process is an ICE Custody Request typically issued?
  - How do you ensure that any detention under an ICE hold complies with the Fourth Amendment?[9]
  - FOR JURISDICTIONS WITH STATE OR LOCAL POLICIES AGAINST ICE REQUESTS: How do you confirm that an ICE Custody Request complies with the [TRUST Act or our local detainer policy]?
- Have you received requests for notification of release dates, rather than holds?
  - If yes: how many, how often, on whom, etc.?
- If ICE asks you for someone's release date, do you intend to comply?

[9] For more information on why ICE holds should comply with the Fourth Amendment and what this means in organizing, see *Updates in Immigration Detainer Cases and How to Use Them in Organizing*, available at www.ilrc.org/enforcement. For more in depth legal information about the constitutional issues on ICE holds, see our FAQ on the immigration authority of local law enforcement: http://www.ilrc.org/resources/faqs-on-immigration-authority-of-local-law-enforcement.

- Do you proactively provide a courtesy notice to ICE regarding release dates even without a request?
- If yes to any of the above:
    - Do you give the inmate or their attorney a copy of the ICE Detainer?
    - How often does ICE show up to pick someone up?
    - If they show up, where do they show up (in jail, outside, etc.)?
    - Does the jail have a set, daily release time that ICE knows about?

Other communication/cooperation with ICE:

- Do you make any effort to collect or ascertain immigration status of inmates? If so, why?
- Are individuals asked for place of birth during booking? Why? Is ICE given access to this information?
- What information or jail data systems do ICE agents have access to? E.g. booking information, inmate databases, anything else?
- Do you collect information for ICE in any way? For example, a questionnaire?
- How often are ICE agents at the jail? Do they have a desk or office at the jail?
- Do they sign in anywhere?
- Are ICE agents allowed to interview individuals?
- What is the process for allowing them to interview individuals? Do they make a request with jail staff or can they directly access the person?
- Does ICE clearly identify themselves as DHS agents?
- Do you know how ICE agents decide whom to interview?
- How much of your resources (time or money) are expended on communications with ICE (including holds and notifications)?
- Do you ever collaborate with ICE in any other projects or investigations? E.g., gang task force, translation, etc.
- Does ICE ever reach out for requests for help in any activities or investigations? If so, what does this entail?

Next Steps

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

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

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

4. When can we schedule a jail tour [if desired]?

***Individualized support** is **available upon request**. This may include policy analysis, campaign support, or even in-person legal support at meetings. Also, please **share your meeting results!** This strengthens campaigns national and contributes to monitoring. For individual support and/or to share meeting results, contact Angie Junck (ajunck@ilrc.org), Grisel Ruiz (gruiz@ilrc.org), or Lena Graber (lgraber@ilrc.org)*

Getting meetings and other roadblocks:

- ✓ **What if I have problems getting a meeting with law enforcement?** If they decline your initial meeting request, consider partnering with an organization/group that already has a good relationship with that agency. Ask a friendly government official, such as a member of the County Commission or city council, to request a meeting on your behalf. A final tactic would be mounting public pressure, though this should be a last resort since you may ultimately be met with a more hostile meeting.

- ✓ **What if people are undocumented, can they attend meetings?** It depends. If you know that law enforcement is very anti-immigrant or if you're attending a jail tour where ICE agents may be present, undocumented members may not want to attend or should at least be informed that they will be meeting with people who might have authority to arrest them. In many or most law enforcement meetings, it will be safe for undocumented community members to attend. Nonetheless, everyone must assess the risks and make their own decision. If the meeting is in the jail, they may require attendees to show ID. If a community member is undocumented and is there to share their testimony, advise them of any risk as you would with any community member going public with their story.

- ✓ **What if I'm told that only certain people can attend meetings?** It's possible that you may be limited in who can attend a meeting, either by number or by specific individuals. This is a strategic decision on your part, but you can push back. In a smaller meeting, there is a greater chance that you'll get more candid, honest information. If it is important for you to have a larger group present, for example if you are part of a larger coalition, push back and request a larger meeting space. If they try to limit *who* can attend, push back harder. Law enforcement is charged with responding to all members of the community and as such, should be willing to meet with everyone.

- ✓ **What about public community meetings?** Public community meetings can be helpful in building trust with the community, in answering more general community questions, and in making public statements to which you can hold law enforcement accountable. If you decide that you would also like to hold a community meeting, and law enforcement resists, share the benefits including the strong public statement that it makes during a time when trust in law enforcement is strained. Follow the same strategy in getting a private meeting with law enforcement.

Sample Law Enforcement Meeting Agenda

Prep Meeting:

Meet for about an hour before the meeting with law enforcement in order to prepare.

- **Assign roles:** Assign a facilitator, a note taker, and determine who will ask which questions.
- **Tone:** Remind everyone to keep the tone respectful throughout.
- **Ahead of the Prep Meeting, review:**
  - 1) *Tips and Tricks for Immigrant Groups Meeting with Local Law Enforcement* and
  - 2) *Questions for Meetings with Law Enforcement*.

Agenda

Pro Tip: Sit **intermixed** with law enforcement instead of having them on one side and community members on the other. This creates an "us versus them" dynamic and may be intimidating for community members.

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

II. **Meeting points**
   a. Individuals or groups should explain ties to community, including number of community members represented, and voter base if your Sheriff is elected.
   b. Frame the goal of the meeting as an effort to **build community trust**. Given tension across the country between local law enforcement and communities of color, including immigrants, it is clear that we are in a crisis.
   c. Collect law enforcement business cards so that you correctly document who was there and their contact information. Share yours as well if you have one.

III. **Testimony from affected community member** (5 min)
   a. This should illustrate the harm that cooperating with ICE has on the community. For example, by describing the harm that deportation has had on a family, resulting from contact with the criminal justice system.
   b. If the affected individual can't be present, someone else can describe the account second hand.

Vet stories carefully with the assistance of an attorney. Otherwise, law enforcement may investigate the details of a story and in the process poke holes in it, hurting your arguments.

IV. **Questions (See *Questions for Law Enforcement*)** (40-45min)

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

V. **Closing** (5min)

a. Thank the agency for their time.
b. Reiterate any next steps. For example, any promises to provide data, policies, or engage in follow up meetings.

Debrief

After the meeting:

I. **Debrief** immediately after the meeting. Discuss what went well and what didn't. Establish next steps and assign responsibility for each next step. Don't forget to type up your notes!
II. Send a **thank you letter** to law enforcement agency. **Restate any follow up** steps and establish a date for any follow up steps. For example, that you look forward to receipt of any policies within two weeks.

Campaign Messaging / Communications

Messaging Suggestions for Campaigns Fighting to End Local Law Enforcement/ICE Collaboration in Light of PEP-Comm

On November 20th, the Administration announced a new mass deportation program called Priority Enforcement Program ("PEP-Comm") that is essentially a rebranding of S-Comm. The Administration has doubled-down on harmful "felons, not families" messaging for the program, and DHS officials have launched an offensive to convince politicians and law enforcement to cooperate with this new program, in an attempt to roll back our hard fought victories and prevent new ones. It is a critical time for advocates to **reach out to elected officials and law enforcement** so that we can continue to forge ahead and resist DHS' evolving tactics to carry out mass detention and deportation.

These talking points below were developed based on our experiences fighting different local campaigns and supporting others in their fights across the country.[10] We are all working within different political realities, and some of these messages may resonate more than others. Whether you're defending protective legislation passed in an immigrant-friendly city or trying to convince your less friendly law enforcement or county that they still risk being sued for their collaboration with ICE, please use whatever is helpful to your campaign.

Personal testimony: The testimony of an **affected community member** is always the strongest tool in changing hearts and minds. Whenever utilizing talking points, always lead with testimony when possible.

Consider your Audience: Who is the **target** that you're trying to move? The more specific you can be with your audience, the better your chances for success. Is it white progressives or moderates, progressive communities of color, law enforcement officials, a state or national legislator, or someone else? **Different messages will be convincing to different targets**. For example, some people may be concerned more with keeping families together, while others may be more influenced by fiscal impact. **Research your targets** and issues they have supported in the past. Frame your messaging to **cater to what your audience cares about**.

[10] The Immigrant Defense Project developed and adapted many of these talking points in part based on their work with the ICE out of Rikers Coalition in NYC. IDP would like to acknowledge the Cardozo School of Law Immigrant Justice Clinic and Make the Road New York, whose thinking contributed to this piece. Other talking points were adapted from collaborative work with national leaders like NDLON, Black Alliance for Just Immigration, and ILRC.

Message Theme	Potential Audiences	Talking Points
Being complicit in a broken immigration system	Local politicians, journalists	• Federal immigration authorities try to recruit our city/county/state into the deportation business, making us complicit in a broken immigration system that undermines our values and threatens residents' safety. • The federal government wants to make our city/county/state complicit in the abusive treatment of immigrants. We're better than that. • The current mass detention and deportation system locks people up, sometimes for years, with limited access to attorneys, poor medical care, and no fair day in court. Our city/county/state must protect our residents and uphold our values of fairness and due process. • Immigration enforcement is ICE's job. The city/county/state has no authority to enforce civil immigration laws.
Coupling mass deportation with local policing exacerbates existing problems with both	Allies, especially those fighting against mass incarceration; progressive politicians	• At a time when criminal justice reform, biased policing, and epidemic rates of mass incarceration are at the forefront of the national agenda, the criminal justice system should not be used to fuel inhumane detention and deportation. • The same War on Drugs criminal justice policies that brought us mass incarceration is fueling mass deportation, with the same devastating impact on individuals and communities. • Systems that criminalize Black communities, people of color, and immigrants are integrally related. The expansion of ICE's authority to collaborate with local law enforcement agencies is part of an increased emphasis on punitive enforcement measures. These arrangements terrorize communities, invading homes and workplaces, separating families, and stealing precious lives. • We must work to end government-sanctioned violence in all communities, including law enforcement practices that encourage racial profiling and abuse of power. • Rather than continuing to fund and focus on mass incarceration and deportation, we need to invest in policies that uphold our values, protect human rights, and provide true security for our community.
Cooperating with ICE undermines equality before the law; double	Politicians, journalists, law enforcement	• Immigration enforcement is a civil rights issue. To exclude immigrants from widespread, bipartisan reforms to end mass incarceration and the bias in our police practices suggests that immigrants are second-class citizens unworthy of equal protection under the law.

punishment		• Everyone should receive due process and equal protection under the law. To treat people differently based on *immigration status alone* creates a two-tiered system of justice that is fundamentally unfair and undermines our most basic democratic principles. • Deportation often comes as an extra, second punishment for immigrants, who face banishment from the U.S. and permanent separation from their families, even after settling previous offenses within the criminal justice system. We are a country that values second chances, and those aren't possible in a system that subjects immigrants to a second and disproportionate punishment solely because they're immigrants.
Suffering of families and communities	Politicians, journalists	• Immigrants are deeply rooted in American families and communities. They're our mothers and fathers, sisters and brothers, sons and daughters—and we're losing them unnecessarily to mass deportation. • According to the agency's own data, DHS has deported more people in the last decade than in the previous century. The result is millions of families being torn apart and massive human suffering. • When a child loses a parent to deportation, the child, family, and society all suffer. The child's mental health, financial stability, and access to education are all put at risk, with some children ending up in foster care rather than at home with a loving parent. [11]
Financial and economic costs	Law enforcement, politicians, journalists	• By deporting valuable members of our communities, our city loses jobs, revenue from businesses, tax dollars, and sometimes the sole financial support for families. • The city/county/state is under no legal obligation to use its limited resources to subsidize the broken federal immigration system. Whenever we voluntarily cooperate with ICE, resources are diverted away from local communities. Those resources should go towards programs that will build up our communities, not tear them down. • ICE has a history of trampling civil rights and inviting expensive law suits. Do we really want to risk putting our taxpayers on the hook for federal misconduct? • Judges have found local governments liable for illegally detaining immigrants based on ICE's requests. Despite some minor changes, ICE's requests still fall short of constitutional requirements and local

[11] Provide *local data* for how many people have been deported, the number of immigrants in your community and potential family members affected. If this is not available, use the story of a locally affected person to drive home the human impact.

		governments continue to face costly lawsuits if comply. • ICE has a history of trampling civil rights and inviting expensive law suits. Do we really want to risk putting our taxpayers on the hook for federal misconduct?
Impact on local law enforcement	Law enforcement	• In the face of national movements challenging racial bias in policing, entangling local police with deportation further undermines any attempts to build trust with communities of color. • ICE police collaboration has a chilling effect on immigrant communities who may otherwise want to access law enforcement assistance or serve as witnesses. • Our criminal justice system is charged with addressing and resolving public safety concerns; the immigration system is not. • Mass deportation undermines public safety by destabilizing our communities with its devastating impacts on the emotional, mental, and financial wellbeing of community members. • Children left behind from deportation are at higher risk of entering the criminal justice system themselves, thereby perpetuating a cycle of incarceration in local communities. • Local law enforcement agencies should exercise their rights to avoid participating in this devastating program as state and local leaders uphold hard-fought victories to protect our communities.
PEP-Comm is just a rebranding of S-Comm	Politicians, law enforcement, journalists	• While PEP is meant to replace the failed Secure Communities, or 'S-Comm' program, it's more than a new name for the same game. Like S-Comm, PEP continues to target immigrant communities while falling short of constitutional standards. • PEP-Comm is yet another mass deportation program engineered to target and criminalize communities of color, first funneling people through an unjust criminal justice system and then pushing them into an immigration system that lacks even the most basic due process protections. • PEP-Comm is not only harmful for immigrants, but also seriously undermines local law enforcement's credibility and exposes them to

		continued liability. PEP heaps additional burdens onto local law enforcement and essentially asks that officers violate people's rights. • PEP-Comm, like S-Comm, inextricably entangles local and state law enforcement in immigration enforcement. Even the President's own Task Force on 21st Century Policing called for federal immigration enforcement to be "decoupled" from routine local policing in part because of the destabilizing effects on community safety.

Last Thoughts! What To Avoid Saying

Is there anything I should *avoid* saying? YES!

1) The government should focus on deporting dangerous, violent criminals.
2) Most immigrants are hardworking, honest individuals, not criminals.
3) "Illegals." Instead, say undocumented.

Why is it important to refrain from talking about "dangerous criminal immigrants?"

- When we talk about immigrants as "good" or "bad", we are reinforcing a conservative, anti-immigrant framing of the entire immigrant community. We do not want to suggest that some immigrants are more deserving of certain outcomes than others. We cannot bargain away the rights of some to protect the rights of others. Everyone deserves due process regardless of their individual story; these are the basic principles of democracy.

What if I get a question framed in bad terms? Rephrase and turn it around! Example:

- **Question:** Why are you pushing for a policy that would limit cooperation with ICE and let dangerous people free into the community?
- **Answer:** This is about treating people equally, regardless of immigration status. Our criminal justice system is charged with addressing and resolving public safety concerns; the immigration system is not. When the immigration system is used as a tool to enforce criminal law, a two-tiered system of justice is created where people are treated differently based on their immigration status alone. This is at odds with our country's founding democratic principles, which guarantee due process and equal protection for everyone.

You got this!