

# Fighting for the Rights of ALL Immigrants in the Era of the “Criminal Alien”

Strategies to Stop S-Comm and  
Detention Expansion

# Our Organizations

- Northern Manhattan Coalition for Immigrant Rights
- Immigrant Defense Project
- Families for Freedom
- Detention Watch Network

# Workshop Agenda

- “Enforcement-First” Landscape
- Legal Context
- Community Impacts: Focus on Washington Heights, NYC
- Enforcement Tactics Today
- Campaigns to Fight Back
- Next Steps & Close

# Record-breaking Deportations Under President Obama

In 2009, ICE deported  
389,000 people.

ICE's goal for 2011 is to  
deport 404,000 people.

That is about 1,106 people  
per day!



## Enforcement First

## Amnesty Last



# A Brief Review of Legal and Political History

- Immigration history has always focused on scapegoating, exclusion, and deportation
  - Often on criminal bases
- Recent examples:
  - Immigration Reform and Control Act (1986)
    - Sanctions for hiring undocumented workers
  - Anti-Drug Abuse Act (1986), Omnibus Anti-Drug Abuse Act (1988)
    - All drug offenses included for removability
    - Aggravated felonies and their consequences established

- Immigration Act of 1990 (IMMACT90)
  - Expanded definition of and eliminated reliefs for aggravated felonies
- Anti-Terrorism and Effective Death Penalty Act and Illegal Immigration Reform and Immigrant Responsibility Act (1996)
  - Expansion of aggravated felony and other removable offenses
  - Deportation becomes mandatory minimum, including for LPRs
  - Immigrants lose their day in court
  - Difficult to get judicial review
  - Mandatory detention
  - Expedited removal
  - Increased penalties for reentry





# Organizing Against the Attack on the “Criminal Alien”

- Washington Heights, NYC is at the crosshairs of the War on Drugs & Crime and the War on Immigrants
- Need for a historical and political analysis that gives community members the tools to fight back against both “Wars.”



# RAN AWAY!



FROM THE SUBSCRIBER. My Malatto Boy,  
 GEORGE. Said George is 5 feet 9 inches in height, brown  
 curly Hair, dark coat. I will give \$400 for him alive,  
 and the same sum for satisfactory proof that he has been  
 killed.  
 THE ANTHONY & KELLY MANHOOT WM. HARRIS.  
 "UNCLE TOM'S CABIN."

# 100 DOLLS. REWARD.

# RAN AWAY

From me, on Saturday, the 19th inst.,

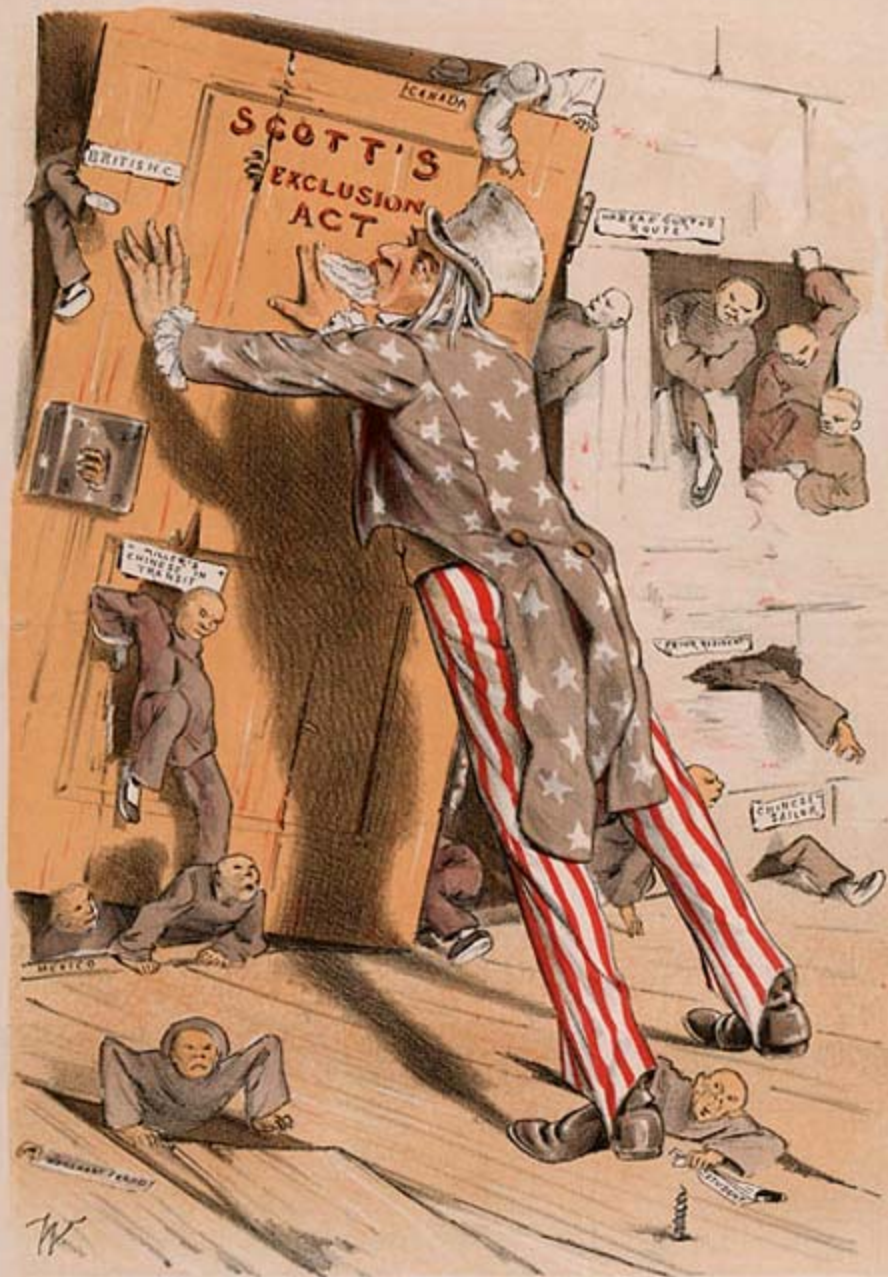
**Negro Boy Robert Porter,**  
 aged 19; heavy, stoutly made;  
 dark chesnut complexion;  
 rather sullen countenance,  
 with a down look; face large; head low on the  
 shoulders. I believe he entered the City of  
 Washington on Sunday evening, 20th inst. He  
 has changed his dress probably, except his  
 boots, which were new and heavy.

I will give \$50 if taken and secured in the  
 District of Columbia, or \$100 if taken north  
 of the District, and secured in each case and  
 delivered before the reward shall be good.

**Dr. J. W. THOMAS.**

Pomunky P. O., Charles Co., Md.





THE CHINESE QUESTION AGAIN.



\*\*\*\*\*

# THE DIFFERENCE BETWEEN



OBAMA  
AND  
OSAMA



IS JUST A LITTLE **B.S.**

\*\*\*\*\*

# Meet 216 people

who were arrested in the last 24 hours in Pinellas, Hillsborough and Pasco counties.



Click below to browse our 60-day archive...

## BOOKING COUNTY

Pinellas	6387
Hillsborough	6254
Pasco	1764

## GENDER

Female	3456
Male	10847

## HEIGHT

Under 5 feet	189
5-0	125
5-1	324
5-2	486
5-3	495
5-4	784
5-5	844
5-6	1227

## Latest crime stories

- Teens held in rape of 89-year-old woman (April 10)
- St. Petersburg police hunt the killers of 8-year-old girl (April 10)
- In wake of Paris shooting, one question looms: How did they get assault weapons? (April 10)
- Pasco County teens charged in attack, rape of 69-year-old woman

## About us

The information presented here as a public service is gathered from open county sheriff's Web sites in the Tampa Bay area. The booking mug shots and related information are from arrest records in the order and at the time the data was collected. Those appearing here have not been convicted of the arrest charge and are presumed innocent. Do not rely on this site to determine any person's actual criminal record.

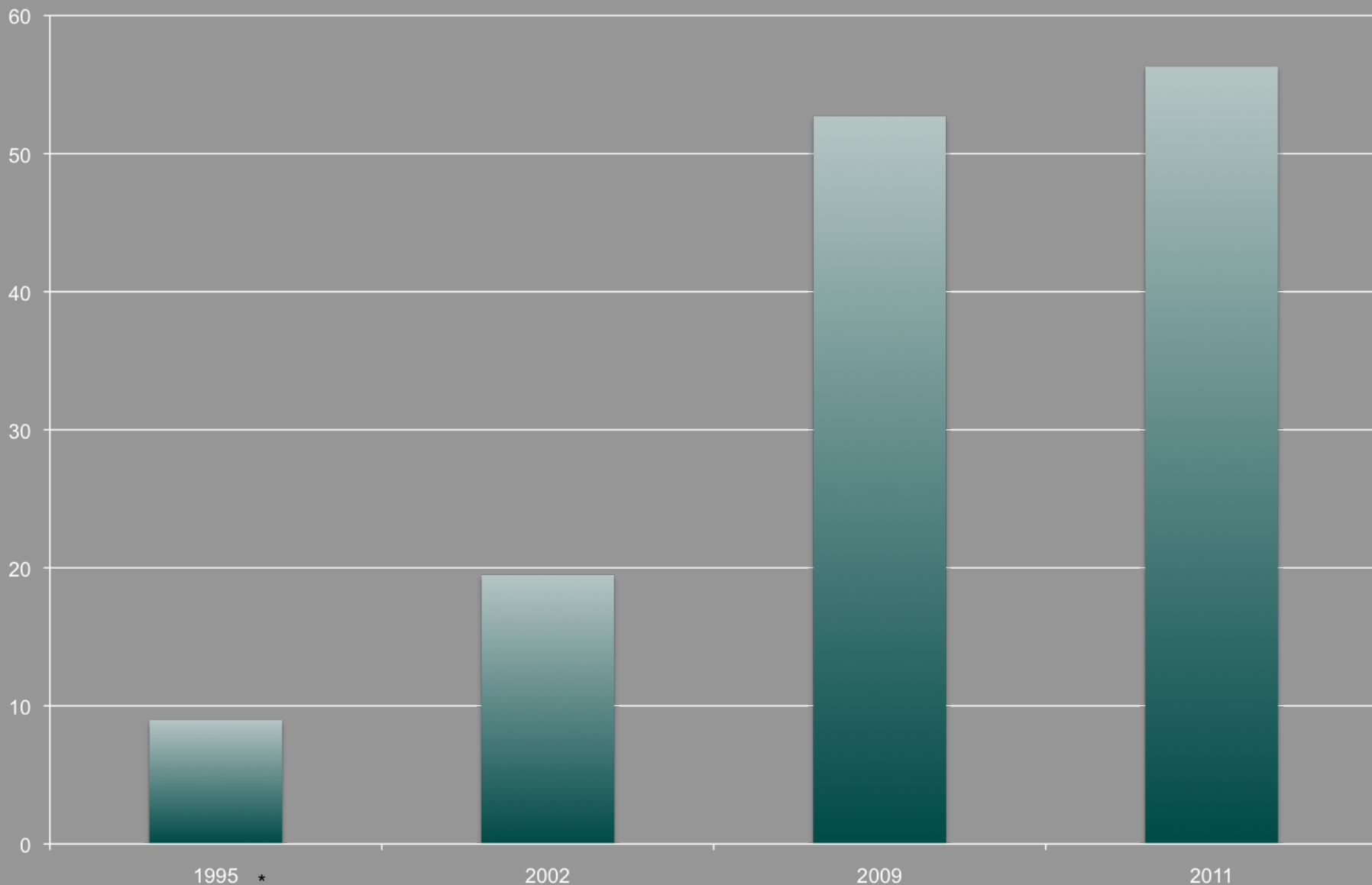






**STOP**  
**ILLEGAL ALIEN INVASION**  
[WWW.SAVEOURSTATE.ORG](http://WWW.SAVEOURSTATE.ORG)

## Department of Homeland Security Budget (billions)

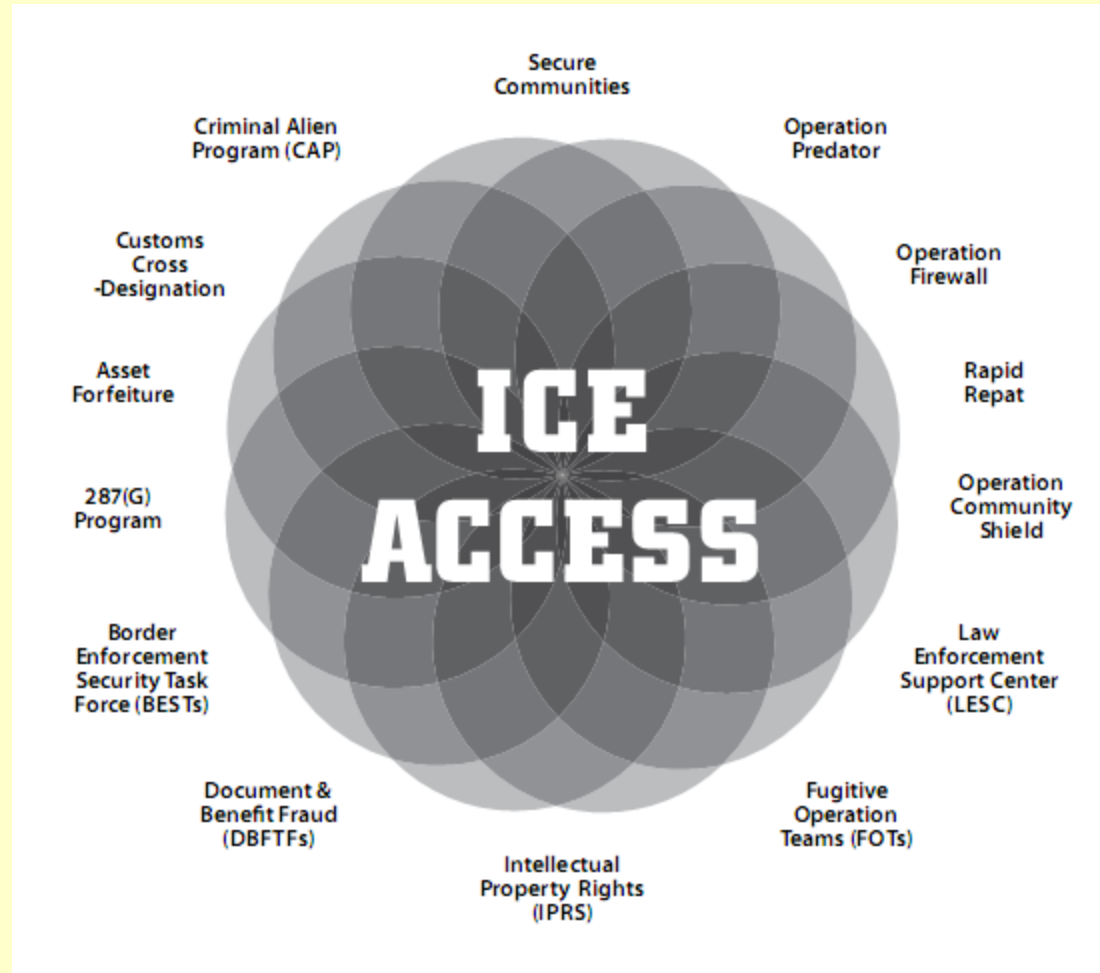


\*DHS did not exist till 2002, but this amount listed in DHS 2002 budget report for "Funding for Homeland Security"

# Where Our Money's Going

- DHS budget: \$57 BILLION
- S-Comm: \$184 MILLION
- Detention beds: \$157.7 MILLION  
increase
- CBP gets 21% budget; ICE 10%, CIS  
5%

# ICE Agreements of Cooperation in Communities to Enhance Safety and Security



# Criminal Alien Program (CAP)

- Identifies and screens inmates in jails and prisons.
- Starts deportation proceedings while people are still in jail or prison
  - OR transfers people from jail or prison to ICE for deportation.

# 287(g) Agreements

- A Memorandum of Understanding between a local government and the Department of Homeland Security under Section 287(g) of the Immigration and Nationality Act.
- Under this agreement, ICE briefly trains local enforcement agents, who can then investigate, arrest, and detain deportable immigrants.

# Secure Communities (S-Comm)

- Allows state/local law enforcement and ICE to automatically and immediately search for a person's criminal and immigration history in DHS and FBI databases.

# How ICE Moves S-Comm into Your County

- ICE enters into agreement with State Identification Bureau (SIB)
- SIB processes fingerprints of those arrested by state and local police
- ICE provides Standard Operating Procedures to jail/police (on ICE website)
- Now active in 1080 jurisdictions across 39 states, plan for full coverage by 2013.
  - What has this meant for your counties?



# Who is the Target?

- ICE says it prioritizes enforcement strategy against “criminal aliens” through “risk-based” methodology (methodology changed 3x)
  - Level 1 : “aggravated felony,” or two or more felony convictions
    - Can include minor drug offenses
  - Level 2 : any felony or 3 or more misdemeanor convictions
  - Level 3 : other convictions
- Data doesn't reflect methodology!

# How S-Comm Works: Step 1

- Police take fingerprints at booking after arrest.
  - Hands placed on a fingerprint pad and electronically scanned.
  - Police will take fingerprints of everyone who is arrested.
    - US citizens, undocumented, green card holders alike
    - Includes juveniles
    - Exception: Where your police department doesn't take fingerprints

# How S-Comm Works: Step 2

- Police automatically forward fingerprints of any arrestee to Department of Homeland Security databases
  - Police will not notify the arrestee that their fingerprints are going to ICE

# How S-Comm Works: Step 3

- Program automatically searches DHS and FBI databases for immigration and criminal history, looking for a “hit”:
  - FBI: Integrated Automatic Fingerprint Identification System
  - Automated Biometric Identification System (IDENT)
  - Immigrant Status Indicator Technology (US-VISIT) Program

# How S-Comm Works: Step 4

- If the arrested person is matched to a database record indicating an immigration violation, the system will automatically notify ICE & local law enforcement that there is a “hit.”
  - ICE may want to interview arrestee to determine if the person is a noncitizen (phone, video, telephone);
  - Undocumented persons w/no immigration history are not likely to generate a hit in the database
- If the search results are unclear, ICE may attempt to interview arrestee to see if the person is a deportable noncitizen

# How S-Comm Works: Step 5

- **ICE evaluates each “hit” to determine what, if any, enforcement action will be taken**
- ▣ **Enforcement actions:**
  - In most cases, ICE will issue a “detainer” (or “hold”) – can take only 4 hrs
  - ICE can arrest and then detain in ICE facility (which is usually a prison or jail)
  - Ask that police or jails provide information about the criminal case so they can pick you up during the criminal case or after the

# How S-Comm Works: Step 6

- **What will the police do if ICE asks for assistance?**
  - Although the police are not required to grant these requests, police usually grant ICE requests
    - Forward information about the arrestee (booking, arrest records, police reports)
    - Facilitate ICE interviews of arrestee
    - Inform ICE about any release decisions
      - (S-Comm Field Training Manual available on [www.ice.gov](http://www.ice.gov))

# Key Tool: ICE Detainers

- Request from ICE to jail/prison to contact ICE before releasing someone
  - Applies to S-Comm, CAP, and 287(g)
- Prevents release – jail/prison can hold for additional 48 hours to allow ICE to take custody
  - 48 hours don't include weekends and holidays
- Goal: Prevent detainer!



# What's Wrong with ICE ACCESS Programs?

- Criminalize migration
- Undermine community safety
- Create an airtight pipeline to deportation
- Foster bias against immigrants in the criminal justice system
- Encourage racial and ethnic profiling
- No fair day in court
- Give power to local & federal agents with no oversight, transparency, or governing regulations

# An Exploding Detention System



The Willacy Detention Center, Raymondville, TX

# An Exploding Detention System

- On any given day, ICE detains over 33,000 non-citizens; this is more than triple the number of detained per day in 1996.
- In 2009, 389,000 non-citizens were detained, costing taxpayers \$1.7 billion at an average of \$122 a day per bed.
- Nearly 2 million individuals have passed through immigration detention facilities since 2003.



# Profiting off of Detention

- The explosive growth in the detention business has drawn many cities and counties to partner with ICE and private contractors in exchange for lucrative federal contracts.
- In 2001 the Private Prison Industry was almost bankrupt, but used 9/11 to capitalize on the need for detention. Steve Logan, CEO of Cornell in 2001: *"It is clear that since September 11 there's a heightened focus on detention, more people are gonna get caught. So I would say that's positive-The Federal Business is the best business for us and September 11 is increasing that business"*. Now nearly half of ICE detention is run by private contractors.
- In 2007, **Corrections Corporation of America** had record earnings of nearly \$1.5 billion

# ICE's New "Civil" Detention Beds

- In 2011-2012 ICE has plans to build new facilities in Florida, Georgia, the Carolinas, New Jersey, Illinois, California & Texas
- ICE states that in the Northeast **"Current mandatory demand in the Northeast is over 3,400 beds per day. Secure Communities Initiative could increase total requirement to over 5,500 beds per day."**  
(from ICE PowerPoint presentation, 12/20/10)
- Contract signed with GEO Group in Karnes City, TX. Florida and Chicago contractors have been proposed, including Corrections Corporation of America.
- New Jersey, Essex County facilities are in negotiations with ICE, including a CEC facility, which would be private and the Essex County Jail which is known for it's

# Policies from the ground up

- FFF has become a national clearing house and organizing center on issues related to the intersection between the criminal and immigration systems
- Our policies come from the direct experience of our membership –
- We are a multi-ethnic defense network by and for our communities

# FFF focuses on:

- Building the power of the people directly affected by detention and deportation – particularly low income communities of color
- Fighting against “public safety” and “national security” frameworks that expand enforcement power to scapegoat our communities
- We fight for abolition of the prison/detention industrial complex
- We build with allies across many sectors to fight for the rights of the formerly incarcerated, workers, and ALL families – however we define our families

# Fighting Back!

- New York State Working Group Against Deportation
  - Framework
    - All immigrants, regardless of criminal convictions
    - 1996 laws
    - CIR
  - Broad coalition: immigrant rights, domestic violence, victims advocates, labor, civil rights, criminal justice



# Points of Unity

- Public safety, racial profiling, due process, costs, ICE as bad player
- People who have gone through the criminal justice system have already “paid their dues”
- Public deserves meaningful input and debate, at a minimum
- Not okay to deport serious or violent criminals
- Not just about innocent/low-level offenders
- Not just about potential for errors
- Not calling for increased policing
- Not calling for “comprehensive immigration reform”

- Demands
  - Rescission or moratorium
  - Not amending MOA
- Tactics
  - Building support at community level
  - Conducting KYR trainings
  - Reaching out to electeds
  - Reaching out to law enforcement
  - Media
  - Petitions, letters
  - Presenting stories
  - Negotiations with state officials
  - Actions

# Discussion & Q/A

**THANK YOU!**