

ADVOCACY TOOL KIT ON SECURE COMMUNITIES

Background

Over the last five years there's been an alarming expansion of partnerships between federal Immigration and Custom's Enforcement (ICE) and local and state law enforcement agencies. This has transformed police officers into a primary gateway for deportation. The results have been record-breaking detentions and deportations, serious civil rights and due process concerns, and damaged trust between immigrant communities and local police.

The suite of federal programs that entangle local and state law enforcement agencies with federal immigration enforcement, are called ICE ACCESS (Agreements of Cooperation in Communities to Enhance Safety and Security). The ICE ACCESS umbrella houses the 287(g) program, the Criminal Alien program, and the Secure Communities program (also known as S-Comm) among others. Of greatest concern are the Administration's plans to unilaterally expand S-Comm to every local police department and jail in the nation by 2013.

These programs are tearing apart communities

- The merger of local authorities, whose primary role is to address crime, with federal immigration authorities furthers the perception that undocumented immigration is a crime, when in reality it is a civil offense.
- "Secure Communities" has actually made communities less safe, in that many individuals are afraid to report crimes that they experience or witness, for fear of being deported or having neighbors, family members or friends deported. As a result, crimes are going unreported and communities are living in fear of police.
- While, ICE markets these program as public safety initiatives that are designed to take the most violent so-called "criminal aliens" off our streets, the reality is that these operate as wholesale deportation programs. The broad dragnet deports a majority people with no criminal record or minor infractions. What's worse is that it has even caught up victims of crimes and US citizens. (See report from [National Immigration Law Center \(PDF, 7 pages\)](#) Racial profiling and abuse by local authorities within these programs go unchecked.

Secure Communities allows fingerprints from individuals booked in federal, state, and local jails to be automatically sent to Immigration and Customs Enforcement. If ICE determines that an individual may be deportable, it requests that the local law enforcement agency detain him or her for transfer to ICE and possible deportation. This leads to further criminalization of migrants wherein minor violations, often traffic stops, turn into an investigation of citizenship status where many are therein detained. Notably the program operates pre-conviction, meaning individuals are deported prior to standing trial or being found guilty of the crime charged with. Furthermore, low-priority, non-violent offenders or even lawful permanent residents are being funneled into this program, needlessly separating hundreds of thousands of families.

The Strategy to Stop Secure Communities

As people continue to organize, there have been significant local victories against this nationally lead program. In 2010 through August of 2011 multiple counties and states organized and convinced their decision makers to opt out of Secure Communities with Memorandum of Agreements with ICE. As resistance grew [ICE shifted its position](#) by declaring Secure Communities a mandatory program. As a result the strategy has shifted to getting local counties to agree to not honor ICE detainer requests as the below cases clarify. When local cities and

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counties take the lead in deciding to not honor ICE detainer requests, they can essence render Secure Communities ineffective.

What is an ICE detainer?

ICE detainers are the lynchpin of numerous ICE ACCESS programs including S-Comm. Essentially, it's the Achilles heel of the entire local police and federal immigration enforcement programs.

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

What you can do in your local community?

You can make a difference in your county or city to stop this attack on already vulnerable communities, needless deportations and separation of families. The following gives step-by-step instructions on how to organize key leaders in your community and coordinate an advocacy meeting with your decision makers on Secure Communities. Please also see the below list of resources and tool kits to inform yourselves more on how to take action.

The [National Day Laborer Organization \(NDLON\)](#), the [Center for Constitutional Rights \(CCR\)](#), have developed a website with frequently updated information. Please see [the toolkit on Secure Communities](#) they have developed along with other resources:
<http://www.uncoverthetruth.org>

Bringing the Faith Message

No matter what your faith background, the principles of the common good, dignity and love for one's neighbor are fundamental to all to faith traditions. Just as the prophets in the Abrahamic texts spoke out for those placed on the margins of their communities we, too, are called to be advocates and speak with our decision makers about the injustices inherent in our current systems.

Resources

Lost in Detention, a Frontline documentary that reports on the effect of the above programs was broadcast on PBS stations on October 20, 2011. The documentary is available online, as are its full transcript and additional related resources. <http://www.pbs.org/wgbh/pages/frontline/lost-in-detention/>

The **Warren Institute at UC Berkeley School of Law** released a report exposing the violations of the rights of both citizens and non-citizens alike by the Secure Communities program you can read at <http://altopolimigra.com> or you can find a shorter guided version at <http://uncoverthetruth.org>.

Restoring Communities, is the most comprehensive report written about the Secure Communities program by numerous prominent national and local groups. Read at: <http://altopolimigra.com/s-comm-shadow-report/>

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Sample Cases and Recent Victories in Local Campaigns

Santa Clara, California

The details:

- Santa Clara County will not enforce *any* immigration detainers without a written agreement from the federal government promising to pay the full cost of the detainer.
- Because the federal government has offered no such agreement, Santa Clara is currently not enforcing any immigration detainers.
- If the federal government does agree to pay the full cost of immigration detainers, Santa Clara will enforce a detainer only for adults who have been convicted of a serious or violent felony.

What People are Saying:

“What this policy does is ensure that everyone in our system is treated equally. United States citizens charged with crimes are released on bail every day. There is no justifiable reason to treat people's criminal cases differently just because they are suspected of having civil immigration issues. The county has no authority to enforce civil immigration laws. Immigration enforcement is ICE's job.”-- Bill Sponsor, Supervisor Shirakawa

Cook County, Illinois

The details:

- Cook County will not enforce *any* immigration detainers without a written agreement from the federal government promising to pay the full cost of the detainer.
- Because the federal government has offered no such agreement, Cook County is currently not enforcing any immigration detainers.

What People are Saying:

“In America, we don't detain people without probable cause . . . But these detainers are not based on probable cause and they have been imposed on US citizens, including veterans, by mistake. . . . This Ordinance . . . provides a simple, clear rule that would be easy to implement, and it eliminates any potential risk of liability to the County that would arise from continuing to comply with ICE detainer requests. ”-- Bill sponsor, Commissioner Jesus Garcia

Washington, DC*

The details:

- Washington, DC will not enforce *any* immigration detainers without a written agreement from the federal government promising to pay the full cost of the detainer.
- Because the federal government has offered no such agreement, Washington DC will not enforce any immigration detainers.
- If the federal government does agree to pay the full cost of immigration detainers, Washington, DC will enforce a detainer only for adults who have been convicted of a serious or violent felony.

What People are Saying:

"What we are saying in this legislation is we want to maintain the bright line between what federal immigration officials do and what our local department does. We have worked for years to ensure that there is such a bright line." -- Bill Sponsor, Councilmember Graham

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And Around the Country . . .

Detainer ordinances are being considered in many more cities throughout the country.

* The Washington, DC bill was introduced on Nov. 15, 2011 with unanimous support from all 13 Councilmembers. The Council has not yet voted on the bill.

Unitarian Universalist

- Religious Education on Immigration <http://www.uua.org/immigration/re/index.shtml>
- Theological Reflections on Immigration
<http://www.uua.org/immigration/reflection/index.shtml>

US Conference of Catholic Bishops

- Tool kits for Parish Organizing, 287 (g), Secure Communities, DREAM Act and Immigration Policy
<http://www.justiceforimmigrants.org/index.shtml>

Ecumenical Resources on Immigration

- <http://ecusa.anglican.org/latino>
- <http://supportimmigrationreform.org/resources>
- <http://www.nccusa.org/immigration/immigpolicies.html>

United Church of Christ

- Studies and guides to welcoming the stranger with ecumenical resource
<http://www.ucc.org/justice/immigration/general-info/info.html>

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HOW TO ORGANIZE AN ADVOCACY MEETING

Focus on One Issue

You will have a more effective conversation if the team focuses on a single issue. If you're calling on a law enforcement official or a city or county elected official, the focus is changing the policy on which immigration detainee requests they receive from ICE are honored.

Assemble a Team

Your team should be small, no more than six members. Ideally, it would be diverse in faith traditions, gender, and ethnicity. If you're speaking from a faith perspective, it's important to have an interfaith team. A diverse group can demonstrate the breadth of support for your position.

Contact Local Immigrant Rights Groups

If there are local or regional groups focused on immigrant rights please let them know what you are planning to do. They may already be speaking to the same officials and could help provide with valuable information about particular officials. It can also build partnership. One way to identify local or regional groups is through the website of national immigrant rights advocates: ACLU, National Days Laborers Organizing Network (NDLON), The New Sanctuary Movement, and the National Network for Immigrant and Refugee Rights (NNIRR). For a list of weblinks to such groups, go to <http://supportimmigrationreform.org/blog/turning-the-tide/>.

Schedule an appointment

Call and ask for a meeting with the official. Identify yourself and who your group represents and the purpose of the meeting. For example,

“I'd like to request a meeting with Sheriff Martin. A small group of religious leaders from different communities of faith have concerns about how the Secure Communities program is being implemented and we would like to discuss those concerns with the Sheriff.”

Be prepared to follow up with an email listing the names and contact information for everyone attending.

This person may be an ally or may be opposed to your effort. Initially, it's important to have an open mind and gather information about key stakeholders' positions.

Begin asking yourself: “What person of local governmental body has the authority to change the current policies at the Department of Corrections/jail?”

Do your research

Learn about the official. Has he or she made public statements on Secure Communities or 287(g)? Has the issue been reported in the local press or has a local instance of the issue been reported in the national press? What about radio or television coverage? Does the official have a website or Facebook page? What are the most pressing issues facing him or her? Try to imagine what the community looks like from his or her point of view. Research his or her personal background (from positions or activities, religious faith, area of education).

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Learn about the effects of Secure Communities in your community. Identify actions that ICE or law enforcement have taken that are at odds with official policies or goals, especially around community policing.

Begin investigating what are the current policies. Some of these questions you can submit to your elected official or appropriate officer:

- What is the current immigration detainer policy and protocols at the Department of Corrections/jail? Are all immigration detainees blindly followed?
- Does the Department of Corrections allow Immigration and Customs Enforcement (ICE) access to inmates? How frequently do ICE agents visit DOC facilities? What DOC protocols and practices do ICE agents follow to speak to inmates?
- What if any agreements does the Department of Correction has with Department of Homeland Security, Immigration and Customs Enforcement, Customs and Border Patrol or Marshall Services?
- How many immigration detainees are issued by ICE and followed by the Department of Corrections during a fiscal year?
- How much does it cost to hold people on immigration detainees for one fiscal year?

Prepare for the Meeting

Create a one or two sentence statement of the purpose of your meeting.

Learn about local individuals and families who have been treated unfairly as a result of Secure Communities. One or two team members should thoroughly learn a few of those stories and be prepared to tell them without notes or other aids in a brief but dramatic fashion.

Plan the Meeting

Meet a few days before the meeting to plan the meeting. Agree on a message and a goal. Discuss which approaches and/or requests will be most effective with this official. Identify what is in his or her self-interest.

- Choose one person to facilitate the meeting. Usually that's the person who requested the meeting. He or she will thank the official for the meeting, state the purpose of the meeting, how much time you expect it to take, and then asks the team members to introduce themselves. The facilitator will also conclude the meeting and summarize what happened.
- Choose one or two members to tell the stories of people/families who have been negatively affected by the program.
- Choose some to do "The Pin," i.e. someone to make a specific request or requests. This needs to be someone who's able to tolerate a high degree of tension while also remaining calm and civil. He or she needs to be able to think on their feet, i.e. respond creatively and strategically to the official's response.
- Choose someone to take notes.

Holding the Meeting

Be on time. Dress appropriately. Be positive, constructive, friendly, and brief. Be disciplined, i.e. stick to your plan. You should each introduce yourselves and say why this issue is personally important to you. Identify what church or other organization you are a member of and how many members it has. Express appreciation for any positive actions (big or small) the official has taken. A "thank you" helps establish a cordial meeting.

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Discussing your issue

Clearly articulate the purpose of your visit. Be concise when you present your position. Allow plenty of opportunity for listening to the official's views and concerns. Listen closely to what the official says -- there may be hints that will enable meaningful follow up. It is a good idea to leave printed material that summarizes the points you made or provides additional background information on your concern.

- Compelling personal stories will stick with people longer than facts—although you should also have some facts to help validate your stories.
- Use religious language and arguments—speaking as a person of faith is often highly effective, especially on issues where officials probably hear a great deal from religious people with whom we disagree.
- If you don't know an answer, say so. If you are asked for information you do not have, say that you do not have it but will get it to them in a few days.

You don't need to know everything

Many people are put off by the idea of calling on an official because they do not feel sufficiently expert. So long as you have the basics down, simply be honest when there is something you do not know, and offer to send the information after the meeting.

Make a Specific Request

Discussing an issue is important, but the goal is action. *The goal is to change when immigration detainees are honored by law enforcement.* Immigration detainers are requests by ICE to law enforcement to detain jailed individuals until ICE can pick them up for immigration detention and deportation proceedings. Under Secure Communities, even someone who has not been found guilty of any crime is still vulnerable to a detainer hold. Local law enforcement officials are not mandated to honor ICE detainers or holds.

The Request

We are asking law enforcement and/or elected officials to only honor detainer requests for individuals who have been convicted of violent, serious crimes.

The official may disagree strongly with your assumptions and with the goals you advocate. That's OK--don't be over-argumentative. Try to imagine that the official wants to do the right thing. How then, can you help him or her get there?

Before the meeting ends, be prepared to ask for a follow up meeting to discuss progress on the commitments made, to bring information requested, to share other peoples' stories, etc.. Part of what you are attempting to do in making a call is to establish a relationship.

Tension is OK

A clear request will often create tension between yourself and the official. It's important to resist the urge to lower the tension. Leave room for silence after the request. It's doubly important that other members of the team resist the urge to rescue the official. This can be a powerful urge in people of faith. We want to help people. But the best way to help people here is to urge them to consider an important request, and as people of faith we must hold them accountable to their public service. Be prepared for the official to ask to take time to think about what he or she has heard before responding.

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After the Meeting

As soon as possible after the meeting, ideally immediately, the team should spend at least fifteen minutes debriefing and evaluating how the meeting went. Discuss other ways to work with this official and others who may have been mentioned in the meeting or who can facilitate change. It's important you hold one another accountable to what was mutually agreed upon before the meeting. Take notes on the evaluation with particular attention to follow-up items and who is responsible for each item. Follow up with a thank-you letter, recapping your key points and adding any additional information and the names and contact information of your team.

Share The Results

Share the results of your visit with leaders in your faith communities, advocacy organizations, and the press. Post it on Facebook and provide links to that and other resources with twitter. Write a letter to the editor. Let your national advocates know as well, so we can follow up with national level allies and DHS as well.