

ICE s Partnership with Local Police Departments Leads to Migrants Quietly Disappearing.

By Renée Feltz and Stokely Baksh, Independent
Posted on November 20, 2010, Printed on November 24, 2010
<http://www.alternet.org/story/148929/>



On a recent Saturday night in Jackson Heights, a group of men gathered for drinks in a bar that caters to the neighborhood's international clientele. When they piled out of the door onto Roosevelt Avenue, their loud chatter was interrupted by two NYPD officers.

Those who were undocumented immigrants ran away. Several who didn't scatter fast enough were left to answer a dreaded question.

"You got any ID?" asked an officer.

That's when "a simple stop by the police turned into an immigration case," recalled Adam, an Ecuadorian immigrant who is friends with the men who were stopped. He asked that only his first name be used. Adam said his friends handed over ID cards purchased in the neighborhood, or issued by their consulates. Unsatisfied, the officers arrested them. They were taken to the local precinct and expected to be released the following Monday. Instead, they were transferred into the custody of Immigration and Customs Enforcement (ICE), moved to detention center in Texas, then deported to Mexico and Ecuador.

Now the process that led Adam's friends to be deported could become commonplace in "the city of immigrants."

New York City — home to more than three million immigrants, more than half a million of them undocumented — is on the verge of joining a program called "Secure Communities," which allows ICE to access arrest data from all local jails. Despite its name, advocates worry the

program will wreak havoc in communities that are already hyper-policed.

Secure Communities is the new face of an enforcement system that has continued to expand even as comprehensive immigration reform languishes. It works by sharing arrest data from local jails with ICE. If agents find a match, they can then issue a hold or a “detainer” asking police to keep an immigrant in custody to be picked up by ICE. Compliance with the request is voluntary, but most police cooperate.

How Does Secure Communities Work?

The program shares information between federal and local law enforcement agencies. It targets undocumented immigrants, as well as legal residents with criminal convictions (both new and old).



1. Police arrest a person.



2. Police scan the person's fingerprints & submit them to be checked against FBI and ICE records.



3. If ICE agents find a match, they can ask police to hold the person until they pick them up.



4. Police can comply with the request, or release the person.

Source: ICE Secure Communities Crash Course 2009

More than 700 counties in 34 states have signed up for Secure Communities since it began in 2008, including all of the states along the U.S.-Mexico border. ICE wants every jail in the nation to participate by 2013.

After California enrolled in the program last year, immigrants in several counties began to quietly disappear. In one case, a single-mother of three in Hayward, across the bay from San Francisco, got into a car accident and met a fate common to undocumented immigrants. She had no driver's license and faced citation or arrest.

"A police officer told me he needed to take me to the police department where my fingerprints would be taken," said the woman, who asked to remain anonymous. "He explained the entire process would take half an hour."

But she was kept in jail until she was visited by immigration officers. She is currently in deportation proceedings.

"Secure Communities makes it hard to know when people are being detained and deported," said Evelyn Sanchez, outreach director for Somos Mayfair in California's Santa Clara County. "You can't point to it as easily as you could during the raids a few years ago."

Some states announce their Secure Communities partnership with ICE in press releases, but New York neglected to disclose that it signed up on May 10, 2010. Documents released after an open records request reveal that ICE held a briefing on the program at its Detention and Removal Office in New York City on May 21, 2009. It briefed the New York State Identification Bureau the following month.

After a state signs up for Secure Communities, counties can be added individually or all at once. No jurisdictions have been activated yet in New York. But in a Nov. 9 meeting in San Francisco, ICE officials said they expect the all of New York to be active within several months.

Once immigration advocates got word the state had joined Secure Communities, they formed a coalition called New York Working Group Against Deportation and began pushing for Gov. David Paterson to rescind the agreement with ICE. It hasn't been easy.

"You have this moment now where all you have to say is illegal criminal aliens and everyone feels justified that there would be a program to get these people out of our communities," said Mizue Aizeki, a member of the working group and a community liaison with the Northern Manhattan Coalition for Immigrant Rights.

Who are these criminal aliens? In its New York briefings, ICE promoted Secure Communities as a way to use a "risk-based approach" to target high-level criminal offenders. It cited examples of immigrants the program helped locate in Dallas, Boston and Miami who had extensive criminal histories that included multiple felony drug convictions.

But these “Level 1 offenders” account for less than a quarter of those caught in ICE’s dragnet. More than half of the immigrants deported through Secure Communities since it began were charged with nonviolent, low-level offenses.

Another 27 percent were “non-criminals.” This means their charges were dropped or they were found innocent, but they face deportation because they were in the country without permission — a civil immigration violation.

Regardless of the charges, or lack thereof, ICE emphasizes that immigrants deported through Secure Communities are located after they are brought to jail.

Critics like Michelle Waslin, of the Immigration Policy Center, say this type of partnership takes “the initial identification and arrest outside of ICE’s control” and increases “the potential for profiling and pretextual arrests.”

If New York City joins Secure Communities, “ICE would have to ignore all the problems with the criminal justice system in terms of who’s getting arrested and which communities are getting policed,” says Aizeki.

Many of these problems are linked to NYPD’s Stop, Question and Frisk program, which allows officers to question anyone they suspect has a weapon or drugs.

Blacks and Latinos each make up about a quarter of the city’s population, but they account for more than 80 percent of stop-and-frisk encounters. By comparison, Whites are about 45 percent of the city’s residents, but make up just 10 percent of the stops.

“You have hundreds of thousands of New York City residents who are stopped for no other reason other than their national origin and their race,” said Sunita Patel. A staff attorney at the Center for Constitutional Rights, Patel is co-counsel on a lawsuit alleging that stop and frisks violate Fourth Amendment protections against unlawful search and seizure.

NYPD precincts where people are stopped and frisked most frequently are also home to large immigrant communities from the Caribbean, Latin America and Africa. They include Crown Heights, Bedford-Stuyvesant, Jackson Heights, East Harlem and the North Shore of Staten Island.

Now those subjected to racial profiling could be dragged into the deportation system.

“Secure Communities has the potential to create a real pipeline from basic police interaction to detention and removal,” said Patel.



NYC Population Broken Down by Race



Stop and Frisk Targets by Race



Source: NYPD Stop and Frisk Data (2009), US Census Bureau (2000)

Almost 90 percent of stop-and-frisk encounters by NYPD — nearly three million in the past five years — end without an arrest. Police record the name of the person stopped, but they are not arrested or fingerprinted. This means their information will not be shared with ICE via Secure Communities.

Out of those arrested in New York state, just 64 percent — 107,000 people — are convicted, according to data from the NY Department of Criminal Justice Services.

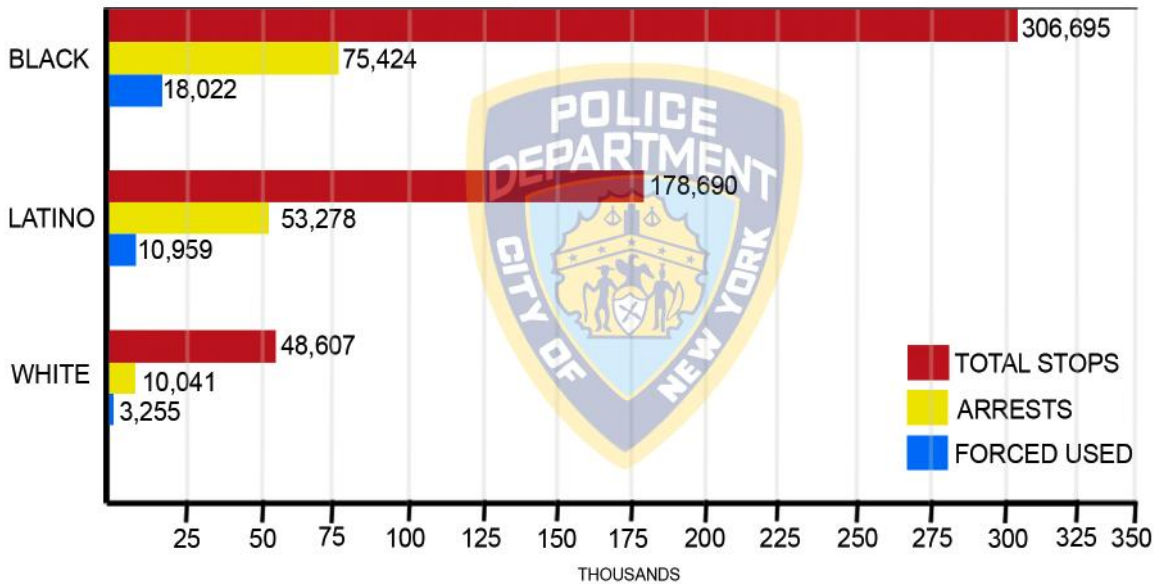
Many of the drug convictions are based on marijuana possession that NYPD officers discover when they ask suspects to empty their pockets. Blacks and Latinos account for more than 85 percent of the city's marijuana arrests.

Immigrants who face deportation after they are convicted of these charges often seek help from organizations like [Families for Freedom](#).

“Most of our members are long-term permanent residents who have had some type of interaction with the criminal justice system,” said Janis Rosheuvel, the group's executive director. “They have deep roots here, so their families will be very affected by Secure Communities.”

Charges stemming from the roughly 50,000 other arrests are either dismissed or result in an acquittal. But undocumented immigrants in these cases still face deportation because their information has been shared with ICE.

Outcome of NYPD Stop & Frisk Encounters



Source: Analysis of NYPD Stop & Frisk data (2004-2009) by Prof. Jeffery Fagan, PhD

The frequency with which police stop Latinos is reflected in a poster that hangs in the Jackson Heights office of New Immigrant Community Empowerment (NICE). It lists useful English and Spanish vocabulary terms. From “arrested” to “search,” every word relates to law enforcement.

“A lot of people feel like police are there to protect them,” said Andres Garcia, an organizer with NICE. “Our members don’t really feel the same way.”

Garcia says immigrants in the neighborhood already hesitate to call police for help because they are afraid they will be asked for their status. He expects communication to shut down even further if the city joins Secure Communities.

“Why should they want to work with police if that’s going to hurt them?” Garcia asked.

On the wall of Families for Freedom’s office in Manhattan is a map of how the criminal justice and immigration systems now work together. Its been used in “[Deportation 101](#)” trainings at several churches and schools and on street corners in central Brooklyn.

“I’ve been out there, and when people hear ‘immigration,’ they run away thinking you’re with ICE,” says member Ravi Ragbir. “But when they listen from afar and realize we’re giving

information, then they come around and say, ‘Oh, my brother is in this situation.’”

Ragbir has also designed a 10-week curriculum for members of immigrant rights groups that prepares them to speak about the deportation system and broader legislative and policy issues. “They start to understand deportation is not something to be ashamed about. It’s about racism and the profiling that demonizes people,” said Ragbir.

Secure Communities is already troubling some on the other side of the police badge.

“We have spent 25 years building relations implementing community policing in the many cities across America; now this program could reverse that and prevent us from doing the job we need to do,” said Ron Hampton, the recently retired director of the National Police Accountability Project and a veteran D.C. cop.

The question of how and whether local police should enforce federal immigration laws was a major topic at an August gathering of police chiefs from 27 major cities. The conference took place in New York City, though no local police officials attended.

It was convened by the Consortium for Police Leadership in Equality, an organization that promotes police transparency and accountability. Co-founder Dr. Tracie Keese said the group’s “overwhelming concern” with Secure Communities “is the impact it would have on the relationship with law enforcement and the Latino community, and the ability for both groups to work together to reduce crime.”

Keese co-authored an editorial published in July titled, “Policing Immigration: A Job We Do Not Want.” It cited a consortium report that found one in three Salt Lake City, UT, residents are unwilling to report drug-related crimes when law enforcement can detain someone based on their immigration status.

In another study, the consortium asked 177 police officers in Salt Lake City and San Jose, Calif., how they felt about “cross-deputization.” Officers said being involved with immigration enforcement made them significantly more concerned about appearing racist. They also reported more anxiety when approaching members of the Latino community and lower job satisfaction.

The NYPD has not taken a public stance on Secure Communities, only issuing a comment through a spokesperson who said, “It is incumbent upon the NYPD to maintain the trust and confidence of all who depend on the services of the police department for their safety.”

Secretary of Homeland Security Jane Napolitano says she doesn’t consider Secure Communities “an opt-in, opt-out kind of program.”

States such as Virginia enrolled every county in the program all at once, even though at least one of them wanted out. In California, Santa Clara and San Francisco counties — home to hundreds of thousands of immigrants — were brought into the program against their will.

Officials with the New York Division of Criminal Justice Services (DCJS) previously said they

had “been repeatedly assured both orally and in writing that no community in New York state will be activated unless it affirmatively opts in to the program.” But they later issued a statement that “it is the position of the federal government that it can require participation.” DCJS spokesman John Caher says no counties are active yet. Governor-elect Andrew Cuomo said he may review the program when he comes into office. He told the New York Immigration Coalition, “I think the federal government has to be very careful in Secure Communities, because you don’t want to create a situation where people are afraid to report a crime, or afraid to testify. It could actually interfere with law enforcement and public safety.”

But advocates want Paterson to rescind the agreement before Cuomo replaces him in January. They have support from State Senator Jose Peralta (D-Queens), who is gathering signatures from his colleagues for a letter calling on Paterson to suspend the agreement. It says a suspension “would allow time ... to assess the potential costs and consequences of S-Comm on issues such as community safety, effective policing, civil rights (including the potential of racial profiling), fiscal costs and liabilities, among others.”

Part of the challenge opponents face is that ICE agents already interview inmates in New York’s prisons about their immigration status. Their presence is part of the “Criminal Alien Program,” a precursor to Secure Communities that targets immigrants in prisons and large jails, including Rikers Island.

“A lot of law enforcement agencies are already comfortable with ICE in their facilities,” said Aizeki. But the impact of Secure Communities would be much broader.

“Before, you’d have to be in Rikers Island for ICE to pick you up,” said Ragbir. “With Secure Communities you’ll be identified at the precinct level before you’re released. So any interaction with the police becomes a point of fear.”

In New York City, Council members with large immigrant constituencies plan to introduce a resolution opposing Secure Communities. They include council members Ydanis Rodriguez of Washington Heights, Daniel Dromm and Julissa Ferreras of Jackson Heights, and Jumaane D. Williams, whose district includes parts of central Brooklyn.

But while the council has a history of passing resolutions against Arizona’s SB 1070, Mayor Michael Bloomberg’s office has issued statements in favor of Secure Communities. Without his blessing, Speaker Christine Quinn may thwart a vote on opting out.

This shifts advocates’ focus back to asking Paterson to use a clause in the state’s agreement with ICE that allows either party to terminate or suspend Secure Communities. During his time in office, the governor put limits on records NYPD keeps about innocent people subjected to stop and frisk, and created a board to pardon crimes committed by immigrants who have become productive members of society.

“The pardon panel could benefit a small number of people,” said Aizeki. “But Secure Communities will throw thousands more New Yorkers into the same detention and deportation system that he’s already acknowledged is unjust.”

Now advocates say Paterson could seal his civil rights legacy on his way out. Immigrants like Adam will be watching from the shadows.

“The way I look at it, the program is portrayed as way to get criminals off streets,” said Adam. “But in reality it’s an excuse to come after all of us. It’s a trap.”

Renée Feltz and Stokely Baksh co-produce DeportationNation.org, an investigative reporting website that critically examines immigration enforcement programs mandated to target “dangerous criminal aliens.”

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