

CIRAC

CHARLOTTESVILLE-AREA IMMIGRANT RESOURCE & ADVOCACY COALITION

Albemarle-Charlottesville Regional Jail - ICE Notifications

A Fact Sheet

Immigration is a federal civil matter, NOT a state or local criminal matter. Yet, a majority of those arrested by Immigration and Customs Enforcement (ICE) are individuals being released from local jails. ICE has become an extrajudicial national police force that increasingly relies on the cooperation of local law enforcement agencies. This cooperation demonstrably reduces public safety, as evidenced in statements by local police departments.

In March of 2017, the Albemarle-Charlottesville Regional Jail (ACRJ) Board decided on constitutional grounds that it would refuse to hold individuals past their release date. We applaud that decision. We now ask that the ACRJ Board demonstrate leadership and a commitment to our community's public safety by taking the decision to stop voluntarily notifying ICE when an immigrant is due to be released.

Changing this ACRJ policy of making "courtesy calls" to ICE would not violate any federal or state laws. It would render ACRJ and local jurisdictions "neutral" vis-a-vis ICE. Refusing notifications affirms the soundness of our local adjudication process which is undermined when individuals are released to a federal agency without the establishment of probable cause by a neutral judicial officer.

As you review this policy, we also ask that you consider the following information:

Immigration & Crime

- Immigration is a federal, not a state or local matter.
- It is not a crime to be present in the U.S. without legal status.
- First-time crossing of the border without authorization is a misdemeanor.
- The term "criminal alien" is not defined in immigration law.¹
- ICE arrests of those without criminal backgrounds are up 171% in past 18 months.²
- Crime levels in the U.S. have decreased just as the numbers of undocumented immigrants has increased.³
- Communities with large numbers of undocumented people are safer than those without.⁴

A National Police Force

- ICE formed in 2003 under the Department of Homeland Security as an "enforcement" not a "service" agency.
- ICE oversees the largest immigration detention network in the world.⁵

- The budget for immigration enforcement is larger than that for all other federal law enforcement combined.⁶
- The requested FY 2019 ICE appropriation is \$25.2 billion; this includes an increase in detention beds from 34,000 to 51,000.⁷
- Nearly three-quarters of ICE detainees are held in facilities operated by private prison companies, which have a direct incentive to lobby for increased appropriations and detention beds.⁸
- Nineteen ICE agents from the Homeland Security Investigation Division recently requested that the agency be dissolved, stating their work is hampered by the focus on Enforcement and Removal of undocumented individuals.⁹

ICE in Virginia

- ICE operates out of facilities located in Fairfax, Richmond, and Harrisonburg, including one unmarked office and ICE officers embedded with other federal agencies and local law enforcement.
- ICE has detention centers or contracted jail beds in Farmville, Williamsburg, Caroline County, Alexandria, Rockingham/Harrisonburg, and Norfolk.
- ICE contracts with the Office of Refugee Resettlement to house unaccompanied minors in the Shenandoah Valley Juvenile Detention Center, which is being sued for abusive practices including isolation and torture.

Public Safety

- ICE targets people who are being released from local jails after their cases have already been adjudicated in the local court system, served their time and/or paid their bond.
- Increasingly, ICE detains people who have only been charged with a crime and released before they have the chance to go to court and contest the charges against them.
- According to ICE's 2017 arrest data and information made public as a result of FOIAs, 25% of those arrested had no prior convictions, and 50% had only committed low-level crimes.¹⁰
- Some federal courts are now handling 50% immigration cases, which leaves many fewer resources to prosecute serious crimes.¹¹
- Local police departments across the country have voiced concern that undocumented individuals are increasingly unlikely to report crimes that they witness/experience because they fear that the police are collaborating with ICE.

Lack of Accountability

- In 2017, Congress reprimanded ICE for "a lack of fiscal discipline", yet there is little evidence that ICE has improved its financial management.¹²
- In 2017, Congress mandated that ICE meet 2011 health and safety standards for new and contracting detention facilities. ICE ignored this mandate.¹³
- Internal DHS reviews have found that ICE does not adequately provide humane treatment to detainees or manage its contracting with private detention companies in the interest of taxpayers.

Constitutional Violations

- Most constitutional rights apply to all “persons” present in the country, not only “citizens”; these rights include due process, protection against unwarranted searches and seizures, and guarantees against cruel and unusual punishment.
- The ICE detainer system violates these constitutional protections by not ensuring due process, searching without judicial warrants and abusing those in detention.¹⁶
- ICE detainers do not adequately establish probable cause for arrest or detention, and they are not assessed by a neutral third party.
- ICE “administrative warrants” are not signed by a judge and therefore are not warrants under Virginia or Federal Law.
- ICE enforcement operations in the community increasingly result in the arrest of those not the original targets. ICE refers to these individuals as “collaterals”.

Targeting citizens/legal immigrants

- A report found that since 2012 the agency wrongfully detained 1,480 people for days, weeks or months and later released them after investigating their citizenship claims.¹⁷
- An ACLU class-action lawsuit estimated that the number of citizens and legal residents illegally detained over a four year period could total 21,000.¹⁸
- Individuals in ICE detention are frequently denied due process and often lack access to an attorney.¹⁹
- Some US citizens have even been mistakenly deported.²⁰
- ICE has also ramped up its targeting and deportation of legal immigrants in the Trump era.²¹

Abuses and Destruction of Records

- ICE has requested to destroy 11 types of records pertaining to allegations of abuse of thousands in their custody. These include evidence of sexual assault and non-investigation, inadequate medical care, the overuse of solitary confinement and threats and physical violence at the hands of staff.²²
- ICE has turned over records of abuse only after significant public and political pressure.
- ICE reported that there were 1,310 claims of sexual abuse of detainees between 2013 and 2017. Most experts estimate that this estimate is unrealistically low.²³
- ICE targets immigrants outside courthouses and at routine check-ins at ICE facilities.²⁴
- In the Trump era, ICE has increasingly violated its own policy of doing raids at “sensitive locations,” such as schools, churches, and hospitals.²⁵

Sources:

1. American Civil Liberties Union, [*Issue Brief: Criminalizing Undocumented Immigrants*](#), Immigrant Rights Project (February 2010)
2. Unidos US, [*President’s FY 2019 Budget Request: U.S. Immigration & Customs Enforcement*](#)
3. Michael T. Light and Ty Miller, [*Does Undocumented Immigration Increase Violent Crime?*](#), American Society of Criminology (March 2018)

4. Michael T. Light and Ty Miller, [*Does Undocumented Immigration Increase Violent Crime?*](#), American Society of Criminology (March 2018)
5. Global Detention Project, [*United States Immigration Detention*](#) (May 2016)
6. Migration Policy Institute, [*U.S. Spends More on Immigration Enforcement than on FBI, DEA, Secret Service & All Other Federal Criminal Law Enforcement Agencies Combined*](#) (January 2013)
7. Maria Sacchetti, [*ICE chief tells lawmakers agency needs much more money for immigration arrests*](#), Washington Post (June 2017)
8. Livia Luan, [*Profiting from Enforcement: The Role of Private Prisons in U.S. Immigration Detention*](#), Migration Policy Institute (May 2018)
9. Texas Observer, [*ICE HSI Letter*](#) (June 2018)
10. Roque Planas, [*Latest ICE Data Details Increasingly Indiscriminate Arrests*](#), Huffington Post (July 2018)
11. John Gramlich and Kristen Bialik, [*Immigration offenses make up a growing share of federal arrests*](#), Pew Research Center (April 2017)
12. [*Congressional Record Volume 163, Number 76*](#) (May 2017)
13. Tara Tidwell Cullen, [*ICE Released Its Most Comprehensive Immigration Detention Data Yet. It's Alarming.*](#) National Immigration Justice Center (March 2018)
14. DHS Office of Inspector General, [*Concerns about ICE Detainee Treatment and Care at Detention Facilities*](#) (December 2017)
15. DHS Office of Inspector General, [*Immigration and Customs Enforcement Did Not Follow Federal Procurement Guidelines When Contracting for Detention Services*](#) (February 2018)
16. Immigration Legal Resource Center, [*Immigration Detainers Legal Update: Key Court Decisions on ICE Detainers as of July 2018*](#) (July 2018)
17. Paige St. John and Joel Rubin, [*ICE held an American man in custody for 1,273 days. He's not the only one who had to prove his citizenship*](#), Los Angeles Times (April 2018)
18. United States Central District Court of California, [*Duncan Roy et al. v. County of Los Angeles et al. / Gerardo Gonzalez v. Immigration and Customs Enforcement et al.*](#) (September 2016)
19. Ingrid Eagly and Steven Shafer, [*Access to Counsel in Immigration Court*](#), American Immigration Council Special Report (September 2016)
20. Eyder Peralta, [*You Say You're An American, But What If You Had To Prove It Or Be Deported?*](#) National Public Radio (December 2016)
21. Brittney Mejia, [*It's not just people in the U.S. illegally — ICE is nabbing lawful permanent residents too*](#), Los Angeles Times (June 2018)
22. Victoria López, [*ICE Plans to Start Destroying Records of Immigrant Abuse, Including Sexual Assault and Deaths in Custody*](#), ACLU National Prison Project (August 2017)
23. Emily Kassie, [*Sexual Assault Inside ICE Detention*](#), New York Times (July 2018)
24. American Civil Liberties Union [*ACLU Recommendations to DHS on Sensitive Locations Enforcement*](#) (March 2014)
25. National Public Radio, [*DHS Under Pressure Over Alleged Violation Of Policies On Sensitive Locations*](#) (October 2017)