The Failure of Immigration Enforcement

Are You Getting What YOU PAY FOR?

Each year, the federal government spends billions of taxpayer dollars on Immigration and Customs Enforcement (ICE) programs that use local law enforcement to detain and deport so-called “criminal aliens.” ICE claims that these programs, known collectively as ICE ACCESS, are a good deal for America because they protect our communities from the most dangerous “criminal aliens.” But the truth is they are a rotten deal because they do just the opposite. ICE ACCESS programs like Secure Communities, 287(g), and the Criminal Alien Program make our communities less safe, waste taxpayer money, and violate the rights of law-abiding immigrants.

Secure Communities: Unsafe and Unjust

ICE Insists That

Secure Communities saves resources and makes us all safer by allowing ICE to use local law enforcement databases to track down the most dangerous “criminal aliens.”

But the Truth Is

Secure Communities forces local police to waste resources on processing low-level offenders, hindering their ability to focus on protecting the entire community.

- Despite “prioritizing” the most dangerous “Level1” criminals, 2009 records indicate that 90% of ICE’s processed undocumented immigrants are not in this category.
- In having to shift police resources from criminal enforcement to immigration enforcement, community safety is compromised.

And it Gets Worse

Secure Communities corrupts all that we value in the American criminal justice system. Without filing any formal charges, local law enforcement officials routinely detain immigrants for weeks longer than the official 48-hour time limit. These detained noncitizens, undocumented or not, are often denied bail and separated from their families.

CRIMINAL ALIEN PROGRAM (CAP): Targets the Wrong People

ICE Insists That

CAP identifies and deports incarcerated immigrants who pose a serious threat to public safety, particularly aggravated felons and likely terrorists.

But the Truth Is

CAP hunts down primarily those who have been booked but never convicted and those who commit minor crimes like traffic violations.

- Studies show that high immigrant neighborhoods actually have lower crime rates. From 1994-2004, the undocumented immigrant population doubled, but violent crime declined by 35% and the property crime rate fell by 25%.
- In 2009, the Government Accountability Office, the most respected non-partisan government watchdog, reported that instead of targeting serious crimes, ICE instead aggressively focuses on minor offenses.

And it Gets Worse

CAP boosts its numbers by defining “alien” to include all noncitizens, even legal permanent residents, many of whom have U.S. citizen spouses and children.

Continued on Next Page.
ICE Insists That

287(g) saves resources by allowing state and local law enforcement and ICE to work together to process and deport “criminal aliens.”

But the Truth Is

287(g) wastes massive amounts of money and makes us less safe by forcing local law enforcement to act as immigration officials instead of focusing on protecting our communities.

- Under 287(g), law enforcement feel compelled to squander limited time staking out churches and grocery store parking lots.
- Because 287(g) devastates the trust victims and witnesses must have in police officers, prominent law enforcement leaders worry they cannot stop or solve crimes that threaten community safety.

And it Gets Worse

ICE cannot credibly claim that 287(g) is cost effective. The Department of Homeland Security itself admitted in a report that 287(g) has no program objectives and no systems for measuring the program’s progress or accounting how public dollars are spent.

That’s not the End of it!

Despite a 1,260% increase in federal spending on 287(g), state and local authorities are still forced to invest millions of their own dollars in a failing attempt to salvage a broken system. But the numbers show that our communities are not getting any safer.

State and Local Expenditures on 287(g)

- Alamance County, NC spent $4.8 million its first year
- Mecklenberg County, NC spent $5.3 million its first year
- Prince William County, VA spends $6.4 million a year
- Frederick County, MD spends $3.2 million a year
- The State of Arkansas spends $7.9 million annually

Shifting resources to immigration enforcement does not help crime rates. Maricopa County, AZ made illegal immigration their top priority over all other crimes, regardless of their severity. Subsequently, FBI statistics show that violent crime is up by 69%, murder is up 166%, robbery is up 74%, property crime is up 26%, and burglary is up 25%. Meanwhile, Maricopa County law enforcement arrested 578 undocumented immigrants in the course of traffic stops in 2006-2007. 498 of those arrestees faced a single charge of conspiracy to smuggle themselves.

ICE ACCESS programs are delivering the exact opposite of what they’ve promised. They have made our cities more vulnerable to violent crime, wasted billions of dollars in taxpayer money, violated the rights of law-abiding immigrants and citizens, and have done nothing to fix America’s immigration system.

Paying for a false sense of security is not worth the money.

Presented by the Rebellious Lawyering Workshop (2011)