



## **PREJUDICE, POLICING AND PUBLIC SAFETY**

### **The Impact of Immigration Hyper-Enforcement in the State of Georgia**



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## Organizations

### **About American Civil Liberties Union Foundation of Georgia**

American Civil Liberties Union Foundation of Georgia (ACLU of Georgia) is the Georgia affiliate of the national ACLU. Its mission is to advance the cause of civil liberties in Georgia, with emphasis on the rights of free speech, free press, free assembly, freedom of religion, and due process of law, and to take all legitimate action in the furtherance of such purposes without political partisanship. The ACLU of Georgia regularly publishes information and analysis about government activity, including immigration enforcement, to the public. These publications take the form of books, reports, “Know Your Rights” materials, fact sheets, and online articles.

### **About Georgia Latino Alliance for Human Rights**

Georgia Latino Alliance for Human Rights (GLAHR) is a statewide organization that was created to educate and organize Latinos in their own communities regarding laws and customs with the purpose of obtaining community participation in the defense of their civil rights, and to empower low-income Latinos without regard to their immigration status. GLAHR operates a radio station heard throughout the Metro Atlanta area and produces daily radio programs broadcasting news to the public at large. GLAHR disseminates information online by way of the GLAHR website, [www.glahr.org](http://www.glahr.org).

### **About National Day Laborer Organizing Network**

The National Day Laborer Organizing Network (NDLON) improves the lives of day laborers in the United States. To this end, NDLON works to unify and strengthen its member organizations to be more strategic and effective in their efforts to develop leadership, mobilize, and organize day laborers in order to protect and expand their civil, labor and human rights. NDLON fosters safer, more humane environments for day laborers, both men and women, to earn a living, contribute to society, and integrate into the community.

### **About Immigrant Rights Clinic at New York University School of Law<sup>1</sup>**

The Immigrant Rights Clinic is a leading institution in both local and national struggles for immigrant rights. Its students engage in direct legal representation of immigrants and community organizations in litigation at the agency, federal court, and where necessary Supreme Court level, and in immigrant rights campaigns at the local, state, and national level.

The data from this report is the result of a Freedom of Information Act lawsuit brought by the ACLU of Georgia and the Georgia Latino Alliance for Human Rights with representation by Azadeh Shahshahani and Chara Fisher Jackson of the ACLU of Georgia, Jessica Karp of NDLON, and Matt Craig and Amy Pont, students at the New York University School of Law Immigrant Rights Clinic, under the supervision of Professor Alina Das. Leila Kang and Amy Pont, under the supervision of Professor Alina Das, researched and wrote the report with the contribution of law clerks of the ACLU of Georgia: Laura Rivera, Priya Patel, Juliana Lorenzo, Lucero Bello-Reza, Damien Vrignon, Elisa Wong, Mary Elizabeth Head, Joyce Yoon, Aalia Maan, and Amy Pont. Georgia Latino Alliance for Human Rights and ACLU of Georgia’s collected members’ stories. Design by Mary Jane Karp.

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<sup>1</sup> The name of the Law School is provided solely for purposes of identification of the Immigrant Rights Clinic’s affiliation. The views expressed in this report should not be regarded as the position of the Law School.

## Executive Summary

*Over the past eight years, Georgia law enforcement officials have become involved in immigration enforcement efforts to an unprecedented degree. This report is the first comprehensive, data-driven analysis of the consequences of this transformation. Based on a review of data obtained by ICE through a Freedom of Information Act lawsuit, this report finds:*

- The number of ICE arrests in Georgia increased by at least 953% between FY 2007 and FY 2013 (through June 2013). This includes all individuals apprehended by ICE officials in Georgia, including those who were initially arrested by local law enforcement officials and transferred into ICE custody. This increase cannot be explained by any increase in the undocumented population but instead is a reflection of dramatic increases in enforcement.
- Georgia law enforcement officials handed over Georgia residents to ICE through “immigration detainers” at increasing rates over the same time period. An “immigration detainer” is a voluntary request from ICE asking a local jail or prison to hold an individual for up to 48 hours after he or she would otherwise be eligible for release so that ICE may decide whether to pick him or her up and began deportation proceedings. The number of detainers issued in Georgia increased by at least 17,169% between FY 2007 and FY 2013 (through June 2013).
- People of color were disproportionately affected by increasing cooperation between ICE and local law enforcement, and the disparity increased over time. In FY 2007, 66.7% of individuals subject to ICE detainers were defined by ICE as having dark or medium complexion. In FY 2013 (through June 2013), 96.4% of individuals subject to ICE detainers were defined by ICE as having dark or medium complexion. Between FY 2007 and FY 2013 (through June 2013), ICE issued only 1.6% of all detainers against those with fair or light complexion.
- The dramatic increase in ICE arrests in Georgia has been facilitated by a growing collaboration between local law enforcement and ICE. State and local police, corrections officers, probation officials, District Attorney’s offices, and other officials communicate with ICE about Georgia residents, even with respect to those who are witnesses and victims of crime.
- These practices routinely target longtime community members. Based on ICE’s data, approximately 54% of arrests where entry dates are reported involve people who entered the United States in 2003 or earlier.
- As a result of these practices, Georgia families are routinely torn apart. While the numbers of children and spouses who lose families members to deportation is underreported, the data indicates that an estimated 48,135 U.S. citizen children had a parent arrested by ICE in Georgia and at least 17,497 individuals had a spouse arrested by ICE in Georgia between FY 2007 and FY 2013 (through June 2013). Similarly, the parents of an estimated 40,111 U.S. citizen children and the spouses of at least 11,421 people have been handed over to ICE through detainers in Georgia between FY 2007 and FY 2013 (through June 2013).

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<sup>2</sup> As explained *infra* Findings § 3(ii), dark or medium complexion refers to the following categories of ICE complexion data: “black,” “dark,” “dark brown,” “light brown,” “medium,” “olive,” and “medium brown” complexion.

Three initiatives have transformed the role that local and state law enforcement officials now play in facilitating the detention and deportation of Georgia residents. First, since 2006, the Georgia Department of Public Safety and four Georgia counties have entered into “287(g)” agreements, a program that deputizes local and state authorities to engage in immigration enforcement. Second, beginning in 2009, localities began participating in the “Secure Communities” program, through which participating jails participate in immigration checks on any individual booked into jail. Third, in 2011, Georgia Governor Nathan Deal signed into law HB 87, which allows state and local law enforcement officials to conduct routine immigration status investigations of those who are arrested for any offense and generally makes the enforcement of federal civil immigration law a matter of primary concern for state and local police. As of 2012, the entire state of Georgia is subject to both federal and state laws and policies demanding local participation in immigration enforcement.

Despite this extraordinary shift in immigration enforcement in Georgia, there was little public information available to evaluate the implications and consequences of this transformation. Increasing concerns about racial profiling coupled with a lack of information about how these programs were being implemented led the ACLU of Georgia and GLAHR to file a Freedom of Information Act request and lawsuit to obtain the crucial information described in this report. The lawsuit, in which GLAHR and the ACLU of Georgia were represented by the ACLU of Georgia, NDLON, and the NYU Immigrant Rights Clinic, led to an eventual settlement agreement for ICE to disclose data on cooperation between local law enforcement and ICE.

In many ways, the data confirms and explains the injustice suffered by immigrant communities in Georgia over the years. Community trust has been significantly reduced by increased detention and removal of Georgia residents. As illustrated by examples from the FOIA data along with stories collected by the ACLU of Georgia and GLAHR, citizens and immigrants in Georgia alike have felt the harsh impact of local collaboration with immigration enforcement. The targeting of communities of color has resulted in widespread fear and concern throughout the State of Georgia. For these reasons, the report closes with specific recommendations to end local and state officials’ involvement in immigration enforcement.

## Background

*Over the past eight years, the state of Georgia has actively participated in apprehending, detaining, and removing immigrants. Local and state law enforcement agencies in Georgia have formally engaged in immigration enforcement efforts through three main sets of initiatives: “287(g)” agreements between Georgia law enforcement agencies and the federal government the federal “Secure Communities” program, and statewide immigration legislation. The implementation of each of these initiatives, explained briefly below, has been accompanied by a disproportionate impact on people of color stoking concerns of racial profiling.*

### **I. 287(g) Agreements**

The 287(g) program, created in 1996 by the Illegal Immigration Reform and Immigrant Responsibility Act (IRIRA), allows local law enforcement agencies to perform certain functions of immigration officers.<sup>3</sup> State, county, or city law enforcement agencies enter into Memoranda of Agreement (MOAs) with ICE, and the MOAs define the scope and limitations of the delegation of authority.<sup>4</sup>

Between 2007 and 2009, four Georgia counties entered into MOAs with ICE: Cobb, Hall, Whitfield, and Gwinnett. Additionally, the Georgia Department of Public Safety, which includes the State Patrol, the Georgia Bureau of Investigations, and the Georgia Department of Driver Licenses, entered into an MOA with ICE in 2007.<sup>5</sup>

### *287(g), Secure Communities, and HB 87: An Invitation for Racial Profiling*

The U.S. Department of Justice defines racial profiling as “the invidious use of race or ethnicity as a criterion in conducting stops, searches and other law enforcement investigative procedures,” which is “premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity.” The DOJ asserts that every act of racial profiling impairs the Nation’s goal of “liberty and justice for all.”

Reports of this illegal practice have plagued Georgia, gaining momentum after the implementation of 287(g) programs in Georgia’s counties and worsening after the passage of HB 87 and statewide activation of Secure Communities. Despite numerous reports of racial profiling incidents, Georgia still does not have meaningful, enforceable anti-racial profiling legislation in place. Without such legislation, it is difficult to hold law enforcement personnel accountable for their unlawful targeting of Georgia residents based solely on their race or ethnicity.

<sup>3</sup> U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, FACT SHEET: DELEGATION OF IMMIGRATION AUTHORITY SECTION 287(C) IMMIGRATION AND NATIONALITY ACT [*hereinafter* ICE, *Fact Sheet*], available at <http://www.ice.gov/news/library/factsheets/287g.htm> (last visited Jun. 25, 2014).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

The 287(g) program has been widely criticized for targeting individuals convicted of minor offenses for deportation, contributing to racial profiling, and undermining community policing and public safety by spreading distrust of police in immigrant communities.<sup>6</sup> Reforms of the program have failed to address these serious problems, which are ongoing.

## II. Secure Communities

Secure Communities links local criminal law enforcement agencies to federal immigration officials by checking all fingerprints taken at booking through DHS databases, thus allowing ICE to determine rapidly if someone is potentially deportable.<sup>7</sup> The program was first activated in Georgia in November 2009,<sup>8</sup> and was implemented statewide on December 6, 2011.<sup>9</sup>

Even though the purported objective of the program is to “prioritiz[e] the removal of individuals who present the most significant threats to public safety,”<sup>10</sup> Secure Communities is in fact designed to collect the information and sweep up all foreign-born individuals arrested by local law enforcement, regardless of whether they are charged or convicted of any crime. Once information is collected, foreign-born individuals are at risk of being subject to a “detainer,” a voluntary request from ICE asking the local jail or prison to hold that individual for 48 hours after he or she might otherwise be eligible for release so that ICE may decide whether to pick up the individual and process him or her for possible deportation.

To date, Georgia has submitted over a million fingerprints to DHS through the Secure Communities Program and as of September 2013, around ten thousand individuals were actually removed after being identified through the Secure Communities program.<sup>11</sup> Fewer than 25% of the removals that occurred through Secure Communities involved those who were found to have committed a “Level 1” offense, the most serious level according to ICE’s own classifications.<sup>12</sup> Thus, the vast majority of removals that occurred through the Secure Communities program involve those with lower level offenses.

6 MIGRATION POLICY INSTITUTE, DELEGATION AND DIVERGENCE: A STUDY OF 287(G) STATE AND LOCAL IMMIGRATION ENFORCEMENT 11-12 (2011) [*hereinafter* MPI REPORT], available at <http://www.migrationpolicy.org/pubs/287g-divergence.pdf> (last visited Jun. 25, 2014); AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF GEORGIA, THE PERSISTENCE OF RACIAL PROFILING IN GWINNETT: TIME FOR ACCOUNTABILITY, TRANSPARENCY, AND AN END TO 287(G) (Mar. 2010), available at [www.acluga.org/download\\_file/view\\_inline/1504/244/](http://www.acluga.org/download_file/view_inline/1504/244/) (last visited Jun. 25, 2014); AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF GEORGIA, TERROR AND ISOLATION IN COBB: HOW UNCHECKED POLICE POWER UNDER 287(G) HAS TORN FAMILIES APART AND THREATENED PUBLIC SAFETY (Oct. 2009), available at [www.acluga.org/download\\_file/view\\_inline/1505/244/](http://www.acluga.org/download_file/view_inline/1505/244/) (last visited Jun. 25, 2014).

7 U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), Secure Communities, at [http://www.ice.gov/secure\\_communities/](http://www.ice.gov/secure_communities/) (last visited Jun. 25, 2014).

8 U.S. Department of Homeland Security, Immigration and Customs Enforcement, Secure Communities: Monthly Statistics through September 30, 2013, IDENT/IAFIS Interoperability, 6, available at [http://www.ice.gov/doclib/foia/sc-stats/nationwide\\_interop\\_stats-fy2013-to-date.pdf](http://www.ice.gov/doclib/foia/sc-stats/nationwide_interop_stats-fy2013-to-date.pdf) (last accessed Jun. 25, 2014) (*hereinafter* “Secure Communities Statistics”).

9 The Telegraph, Ga. joins program to check inmate status (Jan. 2, 2011), available at <http://www.macon.com/2012/01/02/1846527/ga-joins-program-to-check-inmate.html> (last accessed Jun. 25, 2014).

10 U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), Secure Communities, [http://www.ice.gov/secure\\_communities/](http://www.ice.gov/secure_communities/) (last accessed Jun. 25, 2014).

11 *Secure Communities Statistics*, at 6.

12 *Secure Communities Statistics*, at 6, 59.

### III. HB 87

HB 87, enacted as the Illegal Immigration Reform and Enforcement Act of 2011, purported to authorize Georgia police officers to investigate people for perceived immigration violations and to establish procedures for such investigations.<sup>13</sup> Soon after its enactment, a federal district court judge enjoined from enforcement some of the bill's most controversial provisions, including Section 8's "Show Me Your Papers" provision, which allows police officers to demand certain identification documents and allows the officer to verify a person's immigration status if there is probable cause to believe that the person has committed a criminal violation.<sup>14</sup> On appeal, the U.S. Court of Appeals for the Eleventh Circuit acknowledged concerns related to potential discriminatory enforcement of HB 87.<sup>15</sup> However, the court lifted the injunction on the "Show Me Your Papers" provision, increasing fears of racial profiling in immigrant communities.<sup>16</sup> In particular, immigrant communities are deeply concerned that HB 87 has led to racial profiling, pretextual traffic stops, and selective enforcement of criminal laws in order to target communities of color for immigration enforcement.

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<sup>13</sup> Illegal Immigration Reform and Enforcement Act of 2011, 13 O.C.G.A. Art. 3, Ch. 10.

<sup>14</sup> See *Ga. Latino Alliance for Human Rights v. Deal*, 793 F. Supp. 2d 1317 (N.D. Ga. 2011).

<sup>15</sup> *Georgia Latino Alliance for Human Rights v. Georgia*, 691 F.3d 1250, 1268 n.12 (11th Cir. Aug. 20, 2012).

<sup>16</sup> See Michael Winter, *Appeals court allows Ga police to check immigration status*, USA Today (Aug 20, 2012), <http://content.usatoday.com/communities/ondeadline/post/2012/08/appeals-court-allows-ga-police-to-check-immigration-status/1#.UGz6hRg-KWw>; Jeremy Redmon, *Alabama's 'show me your papers' law: a cautionary tale for Georgia*, The Atlanta Journal Constitution (Aug. 20, 2012), <http://www.ajc.com/news/news/alabamas-show-me-your-papers-law-a-cautionary-tale/nSCXw/>.



## Findings

*The following findings are based on data that the authors obtained from ICE as a result of a Freedom of Information Act (FOIA) lawsuit. ICE provided data from 78,635 arrests and 54,753 detainers issued in Georgia during FY 2007 through June 2013.*

ICE collected the arrest data from “I-213 Record of Deportable/Inadmissible Alien” records. These records are prepared for all immigrants apprehended by ICE and processed for possible deportation, including individuals initially arrested by local law enforcement officials and later transferred to ICE custody. ICE collected the detainer data from “I-247 Detainer” records, which are prepared whenever a detainer is issued against an individual in local or state custody. ICE also supplied copies of various documents, emails, and other communication records as per the FOIA lawsuit. For more information about the data, please see the Methodology section at the end of this report. In addition to the statistics provided below, stories of directly affected individuals were also collected. Some of this information was gathered from data obtained directly from ICE, while other stories were provided from community members who have spoken about their experiences living in Georgia in this new era of hyper immigration enforcement.

The data and stories demonstrate a disturbing and dramatic increase in the number of arrests and detainers issued against Georgia residents over the last several years as local involvement in immigration enforcement has expanded. The data and stories further show a disproportionate impact on communities of color in Georgia that has increased over time. Furthermore, the data and stories demonstrate a devastating impact on thousands of Georgia families, including thousands of children who have lost a parent to the deportation process. By engaging in immigration enforcement, local law enforcement officials have torn apart Georgia families and have made Georgia communities more vulnerable.

### *Alfonso's Story*

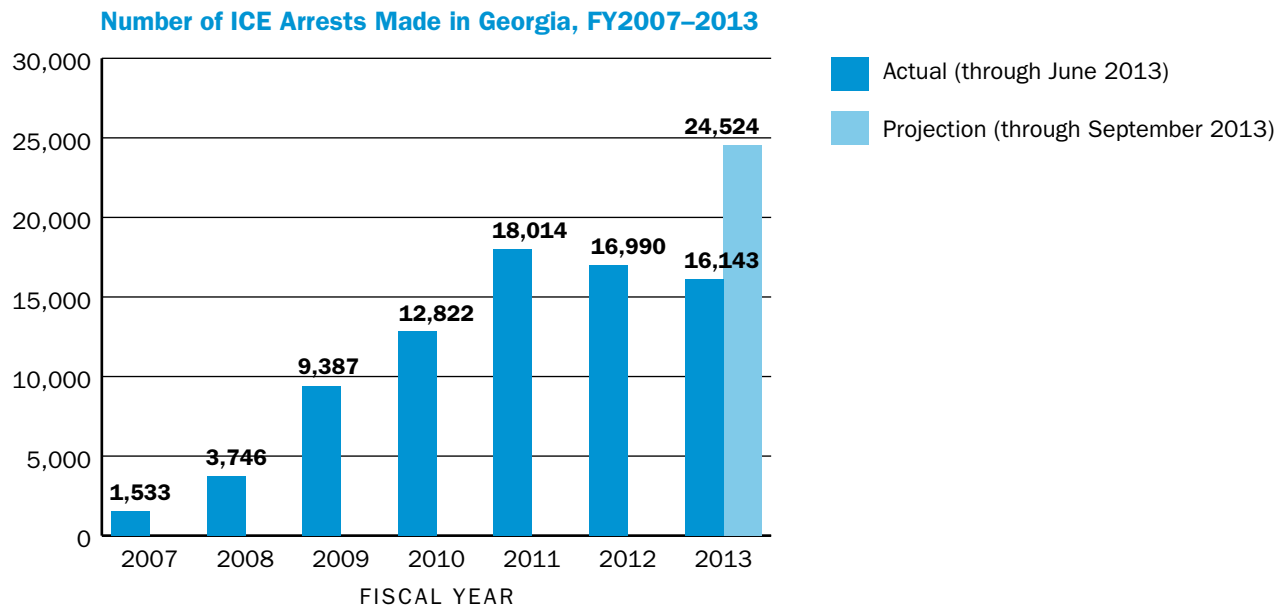
Alfonso was stopped by the Cobb County Police department on July 9th 2012. The excuse that the officer used to stop him was that he ran a red light. He and his wife swear that he did not run the red light. He states that when he was stopped, even before the police officer spoke to him, the officer walked around the car multiple times. When Alfonso was asked what he thought that meant, he said that he felt that the officer was looking for a reason to validate his stop. The officer was probably looking for a broken tail light or something of that nature. When the officer could not find this, he approached Alfonso and told him that he stopped him for running a red light. Alfonso was detained for driving without a license.

Family and friends immediately paid Alfonso's bond, but he had been subject to an ICE detainer so police refused to release him. Alfonso was transferred to ICE custody, and was eventually released on immigration bond. Unfortunately he still had to deal with the deportation consequences. He waited two years for a hearing in immigration court, and it appears that he will likely be deported.

To this day, the family and friends of Alfonso maintain that he was put into deportation proceedings because of racial profiling: there was no legitimate reason why he was stopped other than that he was driving while brown.

**1. The number of immigration arrests in GA has increased dramatically between FY 2007 and FY 2013**

ICE conducted 78,635 arrests in Georgia between October 2006 and June 2013. The number of arrests grew from 1,533 in FY 2007 to 16,143 in FY 2013 (through June 2013): a 953% increase. If the partial FY 2013 data (from a nine month period between October 2012 through June 2013) is projected to estimate the total number of arrests for the full FY 2013, then the total number of arrests for FY 2013 would be 21,524.<sup>17</sup> In that case, one would project that the number of arrests to have increased by **1304%** from FY 2007 through FY 2013.



*i. These numbers reflect the increasing cooperation between local law enforcement and ICE.* The total number of ICE arrests and detention in Georgia has increased between October 2006 and June 2013 as a consequence of growing cooperation between local law enforcement and ICE. Following the implementation of 287(g) agreements, the number of ICE arrests increased by more than twofold between fiscal year 2007 and 2008, and by almost threefold from fiscal year 2008 to 2009. The activation of Secure Communities in Georgia on November 17, 2009 clearly impacted the number of ICE arrests: from fiscal year 2010 to 2011, the number of arrests grew by 40%. Additionally, the signing of HB 87 in May 2011 had a noticeable impact on the number of ICE and local law enforcement apprehensions within the state.<sup>18</sup>

<sup>17</sup> This projection assumes a constant rate of increase in arrests, such that the partial FY 2013 (October 2012 through June 2013) data would represent three quarters of the total for FY 2013.

<sup>18</sup> The number of arrests in Georgia increased by approximately 44% from March 2011, two months prior to the signing of the law, to August 2011, two months after the law went into effect.

*ii. The majority of ICE arrests resulted in the initiation of removal proceedings, or in other forms of removal, irrespective of the seriousness of the individual’s criminal or immigration violation.*

The majority of ICE arrests resulted in devastating consequences for families and communities. 92% of arrests between FY 2007 and FY 2013 (through June 2013) led to the initiation of some form of removal proceedings, including formal removal proceedings and other forms of removal/return. Specifically, at least 52% of the arrests appear to have led to the initiation of formal removal proceedings against the individual. At least 39% of the arrests resulted in other forms of immediate removal (reinstatement, administrative deportation, bag and baggage, voluntary return, expedited removal, Visa Waiver Program refusal/removal, deportation). Only sixty-one individuals—less than one percent of all those arrested between FY 2007 and FY 2013 (through June 2013)—were granted prosecutorial discretion following their arrest, the majority of which occurred in FY 2013.

While ICE purports to prioritize the removal of “criminal aliens” with serious convictions, it did not record a “Removal Case Threat Level” for 96% of the individuals who were apprehended.<sup>19</sup> Of those who were assigned a threat level, less than half of the individuals (47%) were classified as “Removal Case Threat Level” 1, which refers to individuals who have been convicted of an aggravated felony as defined by the INA or of two felonies.<sup>20</sup>

**Reported Outcome of ICE Arrests**

Processing Disposition	# of Arrests	% of Total
Warrant of Arrest/NTA/“Formal Removal”	41,248	52.46%
Reinstatement	9,907	12.60%
Administrative Deportation	7,396	9.41%
Bag and Baggage	6,942	8.83%
Voluntary Return	5,963	7.58%
Expedited Removal	713	0.91%
“VWP Refusal”/“VWPP” Removal	204	0.26%
Not Amenable to Removal	108	0.14%
Prosecutorial Discretion	61	0.08%
“Deported”	28	0.04%
Admitted	7	0.01%
Blank/Other	6,058	7.70%

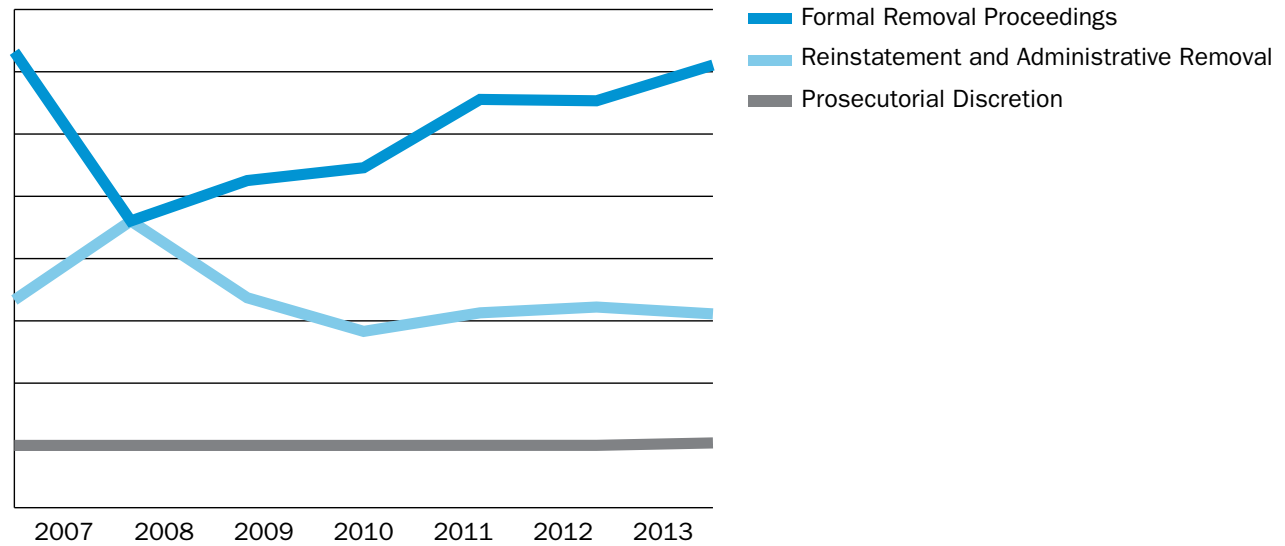
***Teresa’s story***

On December 28th, 2010 Teresa called the DeKalb County Police Department because she and her partner were having an argument, and she did not want the situation to escalate. When the police arrived, they decided to arrest her instead of her partner. Teresa’s family was able to pay her bond on December 30th, 2010, but Teresa remained detained for two more weeks, until January 14th, 2011. She should have been released on January 3rd, but the excuse the police kept giving the family was that she was detained because she had an ICE detainer placed on her.

<sup>19</sup> The field for “RC threat level” was left blank in 70,008 out of 78,635 arrest records, and 1,109 were marked as “NA.” Because the field is non-mandatory, there is no way to know why, in the vast majority of cases, ICE did not assign a threat level.

<sup>20</sup> Explanation of “RC Threat Level” provided by ICE as part of the spreadsheet. On file with the authors.

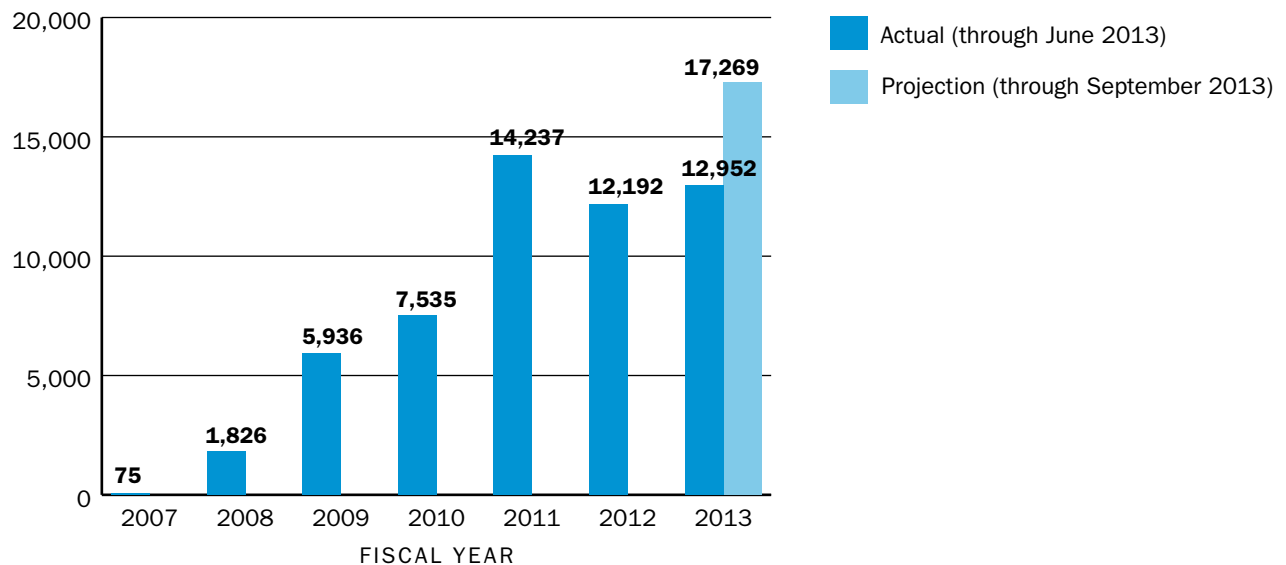
**Comparison of Arrest Outcomes as Percentage of Total**



**2. Local and state officials handed over Georgia residents to federal immigration authorities at dramatically increasing rates between FY 2007-2013.**

Between FY 2007-2013, local law enforcement agencies voluntarily handed over 54,753 Georgia residents to ICE through immigration detainers. Although compliance with immigration detainers is completely voluntary and subject to a 48-hour limit, local law enforcement agencies in Georgia routinely hold residents per ICE detainer requests, and in some cases, detain them for longer than the 48 hours.

**Number of Detainers Issued in Georgia, FY2007-2013**



ICE substantially increased the number of detainers it issued to local law enforcement from fiscal year 2007 through fiscal year 2013 (through June of 2013). ICE issued at least 54,753 detainers in Georgia facilities between October 2006 and June 2013. The number of detainers issued in Georgia grew from just 75 in FY 2007 to 12,952 in FY 2013 (through June 2013): a **17,169%** increase. If the partial FY 2013 data (from a nine month period between October 2012 through June 2013)

is projected to estimate the total number of arrests for the full FY 2013, then the total number of detainers for FY 2013 would be 17,269.<sup>21</sup> In that case, one would project that the number of arrests to have increased by **22,925%** from FY 2007 through FY 2013.

*i. These numbers reflect the increasing cooperation between local law enforcement and ICE.*

ICE issued seventy-five detainers in Georgia during fiscal year 2007. This number rose to 1,826 during the following fiscal year—a 2,334.67% increase—reflecting the implementation of 287(g) agreements in Georgia beginning in late 2007. The increase in detainers appears to correspond to the implementation of programs in Georgia aimed at increasing the role of local and state authorities in immigration enforcement. For example, significant increases occurred following the activation of Secure Communities in Georgia on November 17, 2009; from fiscal year 2010 to 2011, the number of detainers almost doubled.

*ii. Almost all detainers resulted in the individual being taken into ICE detention without regard to whether the individual posed a danger to the community.*

While ICE claims to be conducting immigration enforcement to ensure the safety of communities, the data does not substantiate this claim. Based on available information, 95.5%<sup>22</sup> of detainers resulted in the individual being booked into detention. This alarming rate of detention is not justified by the criminal charge or conviction related to the detainer, given that ICE officers did not record a “Detainer Criminal Offense Level” on the detainer forms for 46.7% of the individuals against whom detainers were issued.<sup>23</sup> Of those classified, around 40% of individuals were determined to be Detainer Criminal Offense Level 3, corresponding to those “charged or

### *Juan’s story*

Juan lives in Kenwood Landing Trailer Park with his family. On May 23rd, 2014 two of Juan’s trucks were broken into as part of a series of robberies in the area. His wife tried to call the police, but Juan was afraid of any repercussions. His wife went ahead and called the police around 3pm that day, and the police went to make the report. The police told Juan that he needed to change his plates, and Juan told them he would do so.

A few days later, Juan was driving to the store with his children when the same police officer that took the report about his trucks stopped him for no apparent reason. The officer asked Juan for a driver’s license, which he did not have.

While Juan was being detained, his children were in the car with no air conditioning and were crying. Many neighbors came out and told the police officer that they were willing to take care of the children, if they could please take them out of the car, but the police officer refused. One of the neighbors told the police officer that Juan was ill and had diabetes, and that he was not feeling well, but the police officer continued to detain Juan in front of his children and neighbors.

His family remains traumatized by the experience.

<sup>21</sup> This projection assumes a constant rate of increase in arrests, such that the partial FY 2013 (October 2012 through June 2013) data would represent three quarters of the total for FY 2013.

<sup>22</sup> Percentages here and throughout this report are calculated after excluding the number of blank entries unless otherwise noted. In this instance, of the 54,753 entries of detainer data, only 30,073 entries included data for “Detainer Lift Reason,” and 28,732 entries were marked as “Book into Detention.” Note that ICE announced a new detainer policy December 21, 2012 that could impact the number of detainers. See <http://www.ice.gov/doclib/detention-reform/pdf/detainer-policy.pdf> for the policy.

<sup>23</sup> The field for “Detainer Criminal Offense Level” was left blank in 25,476 out of 54,753 detainer records, and 99 were marked as “NCH.” Because the field is non-mandatory, there is no way to know why, in the vast majority of cases, ICE did not assign a criminal offense level.

convicted of ‘misdemeanor’ crime(s) punishable by less than 1 year.”<sup>24</sup> This includes minor traffic offenses, such as driving without a license. ICE appears to have issued 18,874 detainers against individuals with no criminal history.<sup>25</sup> In Georgia an individual can be arrested by local law enforcement for driving without a license and subsequently detained by ICE through a detainer. Based on data and individual accounts, it appears that ICE issued a great number of detainers against individuals who were driving without a license.

**3. People of color have been disproportionately affected by the increase in detention, arrests, and removal.**

Persons of Hispanic or Latino origin made up only 8.8% of Georgia’s population according to the 2010 Census,<sup>26</sup> but they comprised the vast majority of persons affected by detainers and arrests. Neither the increase in detainers and arrests nor the increase in racial profiling between fiscal years 2007 and 2013 can be justified by a rise in the population of undocumented persons.<sup>27</sup>

*i. Data shows that those targeted by arrests and detainers are primarily from Latin America.* The increased cooperation between local law enforcement and ICE disproportionately affects communities of color. Citizens of the following countries were most significantly affected by arrests and detainers in Georgia.

**Number of Arrests by Country of Citizenship**

Citizenship Country	# of Arrests	% of Total
MEXICO	50,505	64.23%
GUATEMALA	7,613	9.68%
HONDURAS	4,566	5.81%
EL SALVADOR	2,974	3.78%
COLOMBIA	1,258	1.60%
CUBA	1,174	1.49%
JAMAICA	1,058	1.35%
DOMINICAN REPUBLIC	743	0.94%
BRAZIL	674	0.86%
NIGERIA	421	0.54%
OTHER	7,649	9.73%

**Number of Detainers by Country of Citizenship**

Citizenship Country	# of Detainers	% of Total
MEXICO	37,138	67.83%
GUATEMALA	4,479	8.18%
HONDURAS	3,009	5.50%
EL SALVADOR	1,786	3.26%
CUBA	1,101	2.01%
COLOMBIA	812	1.48%
JAMAICA	752	1.37%
DOMINICAN REPUBLIC	580	1.06%
NICARAGUA	255	0.47%
BRAZIL	242	0.44%
OTHER	4,599	8.40%

<sup>24</sup> Explanation of “Detainer Criminality” and “Detainer Criminal Offense Level (Detainer COL/Threat Level)” provided by ICE as part of the spreadsheet. On file with the authors.

<sup>25</sup> In documents obtained from the government, ICE stated that “ICE has defined criminality as whether or not an alien has an RC Threat Level (convicted criminal) or not (non-criminal immigration violator).” Document on file with the authors. According to ICE data, 18,874 detainers were issued where no RC Threat Level was recorded.

<sup>26</sup> United States Census 2010, state-by-state information accessed at <<http://www.census.gov/2010census/>> (last accessed May 21, 2014).

<sup>27</sup> The most recent estimates of the unauthorized population nationwide (approximately 11.7 million as of mid-year 2012) indicate that the population is the statistically similar to the population in 2007. The most significant trend since 2007 was a sharp decline in unauthorized immigration that coincided with the U.S.’s economic downturn from 2007-2009. See Jeffrey S. Passel, D’Vera Cohn, & Ana Gonzalez-Barrera, Population Decline of Unauthorized Immigrants Stalls, May Have Reversed (Sept. 23, 2013), available at <http://www.pewhispanic.org/2013/09/23/population-decline-of-unauthorized-immigrants-stalls-may-have-reversed/>.

### Maria's Story

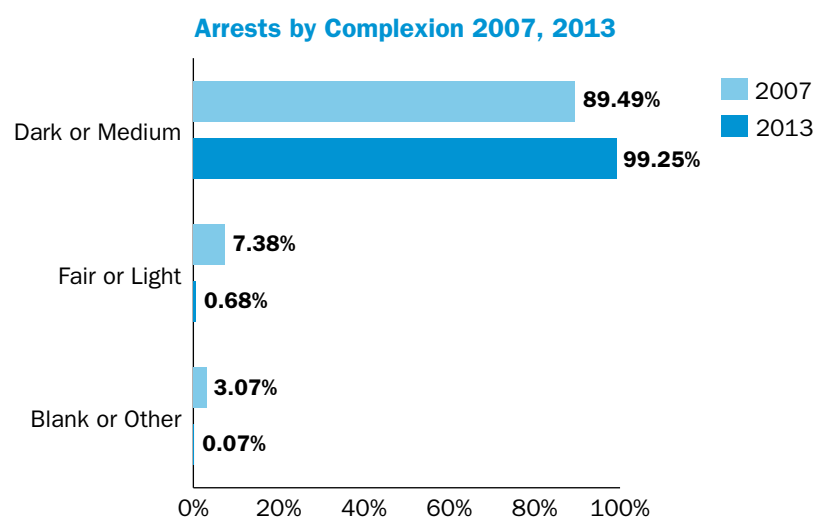
Maria was detained by the Atlanta Police in July 2013. She was driving on Moreland Avenue in Atlanta when a police patrol began following her. She insists that she did not commit any traffic violation. The police made a signal for Maria to pull over. She believes that the officer was trying to find a reason to arrest her. According to Maria, the officer told her that she was being stopped because she did not have a driver's license.

She was arrested immediately. The officer did not allow Maria to turn off her car and didn't allow her to make a call to her family so that the vehicle could be picked up. Maria begged the officer to be able to contact her family, and told him that she only lived 5 minutes away from where she was being arrested.

Maria felt that the officer was very rude to her; he laughed at her and in her opinion acted in a very discriminatory manner. She was charged with driving without a license. She wonders how the police knew that she did not have a license. She truly believes that she was profiled.

#### ii. Data shows that those targeted by ICE arrests and detainers are primarily of “dark or medium” complexion.

One of the gravest consequences of the cooperation between ICE and local law enforcement is the disparate impact on communities of color and the personal reports of racial profiling by law enforcement officers. While ICE arrest and detainer forms do not prompt officials to list an individual's race or ethnicity, the forms do ask officials to specify “complexion.” The data on complexion statistics for both arrests and detainers demonstrates an overwhelming pattern of increased enforcement against people of color. Data for both detainers and arrests show that individuals categorized by ICE to be of “dark or medium” complexion are affected by arrests and detainers far more frequently than individuals of any other complexion.<sup>28</sup> By contrast, those with “fair” or “light” skin color are the least affected by ICE and local law enforcement arrest and detention. Furthermore, arrests and detainers against those with “fair” or “light” skin color has also decreased in recent years

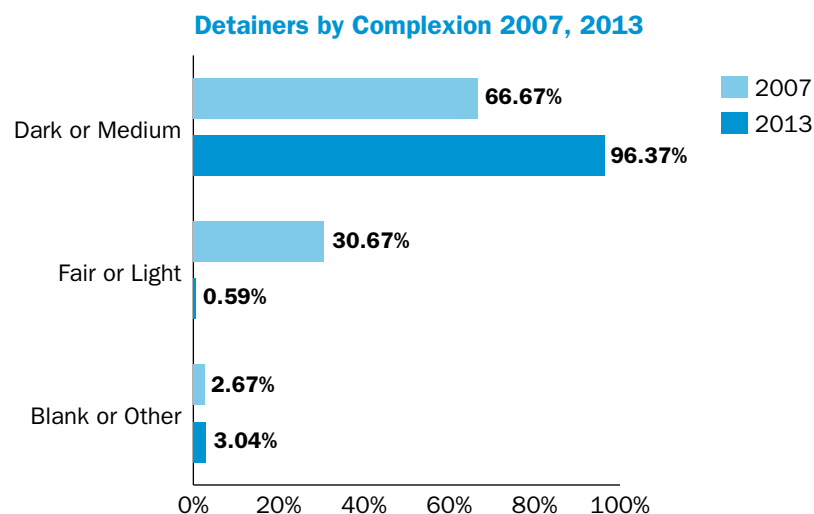


despite the increasing immigration enforcement activity in Georgia. Individual stories support the data on ICE and local law enforcement targeting of individuals with “dark or medium” complexion.

Arrests showed a disturbing pattern of disparate impact of ICE enforcement, with almost all—**97.7%**—of arrests between fiscal year 2007 and 2013 involving those with a “dark or medium” complexion. Two percent of all arrests

<sup>28</sup> Dark or medium complexion refers to the following categories of ICE complexion data: “black,” “dark,” “dark brown,” “light brown,” “medium,” “olive,” and “medium brown” complexion.

involved those perceived as “fair” or “light.” ICE arrests involving those with “fair” or “light” complexion increased in fiscal year 2008, but have decreased ever since then.



Similarly, almost all—or **96%**—of detainers issued between October 2006 and June 2013 affected those with a “dark or medium” complexion. The detainer data—which measures the characteristics of people who are handed over to ICE by local law enforcement specifically—in particular shows an alarming trend over time. Consistent with individually reported incidents of racial profiling, the targeting of people of color by ICE and local law enforcement has

increased significantly. In fiscal year 2007, 66.7% of detainers targeted those with “dark or medium” complexion; by fiscal year 2013 (through June), 96.4% of detainers involved those with “dark or medium” complexion. In FY 2007, 30.7% of detainers involved those with “fair” or “light” complexion compared with less than 1% in FY 2012. Overall, ICE issued only 1.6% of all detainers between fiscal years 2007 and 2013 against those with “fair” or “light” complexion.

Collaboration between ICE and local law immigration enforcement results not only in disparate impact to people of color who are noncitizens, but also people of color who are U.S. citizens. There were 54 detainers issued against U.S. citizens, 48 of which involved individuals with “dark or medium” complexion; 1 detainer was issued against an individual with “light” complexion.<sup>29</sup> According to their own data, ICE arrested U.S. citizens in 35 instances, of which 32 cases involved those with “dark or medium” complexion.

<sup>29</sup> The other 5 entries did not contain any complexion data.



**4. The significant increase in arrests and detainees in Georgia has been facilitated by a growing collaboration between local law enforcement and ICE.**

ICE depends significantly on local enforcement agencies to identify and detain individuals. Most ICE arrests involve cooperation by local or state law enforcement agencies. Between October 2006 and June 2013, nearly half, or 48.3%, of all arrests were conducted through “CAP Local Incarceration,” demonstrating a heavy reliance on local law enforcement. “CAP” refers to the “Criminal Alien Program,” a program that target individuals who are held in jails and prisons at the federal, state, and local level.<sup>30</sup> Individuals encountered by CAP—whether or not they have been convicted of any offense—may be at risk for deportation as a result.<sup>31</sup> CAP has been criticized for its lack of transparency and its ties to racial profiling.<sup>32</sup>

In addition to CAP, the data shows that ICE relied heavily on local and state resources in its immigration enforcement. Even though ICE did not systematically report on the 287(g) program before fiscal year 2013,<sup>33</sup> the data shows that almost 10% of all arrests occurred through the 287(g) program. “CAP State Incarceration” arrests made up another 5.8% of all arrests. By contrast, arrests made through “CAP Federal Incarceration” comprised around 12% of the total number of arrests.

**Number of Arrests by Arrest Method**

Arrest Method	FISCAL YEAR							Total #	% of Total
	2007	2008	2009	2010	2011	2012	2013		
CAP Local Incarceration	219	536	4,057	6,311	11,516	11,166	4,193	<b>37,998</b>	<b>48.32%</b>
Located <sup>34</sup>	1,057	1,382	1,813	1,659	1,271	1,186	1,598	<b>9,966</b>	<b>12.67%</b>
CAP Federal Incarceration	34	186	879	1,377	3,244	1,940	1,595	<b>9,255</b>	<b>11.77%</b>
287(g) Program	—	3	18	59	46	37	7,324	<b>7,487</b>	<b>9.52%</b>
CAP State Incarceration	81	1,096	563	463	726	1,047	564	<b>4,540</b>	<b>5.77%</b>
ERO Reprocessed Arrest <sup>35</sup>	15	341	1,458	2,205	221	173	72	<b>4,485</b>	<b>5.70%</b>
Non-Custodial Arrest	—	2	225	604	892	1,354	719	<b>3,796</b>	<b>4.83%</b>
Other	127	200	374	144	98	86	78	<b>1,107</b>	<b>0.89%</b>

<sup>30</sup> AMERICAN IMMIGRATION COUNCIL, THE CRIMINAL ALIEN PROGRAM: IMMIGRATION ENFORCEMENT IN PRISONS AND JAILS (Aug. 1, 2013), available at <http://www.immigrationpolicy.org/just-facts/criminal-alien-program-cap-immigration-enforcement-prisons-and-jails> (last visited Jun. 25, 2014).

<sup>31</sup> *Id.*

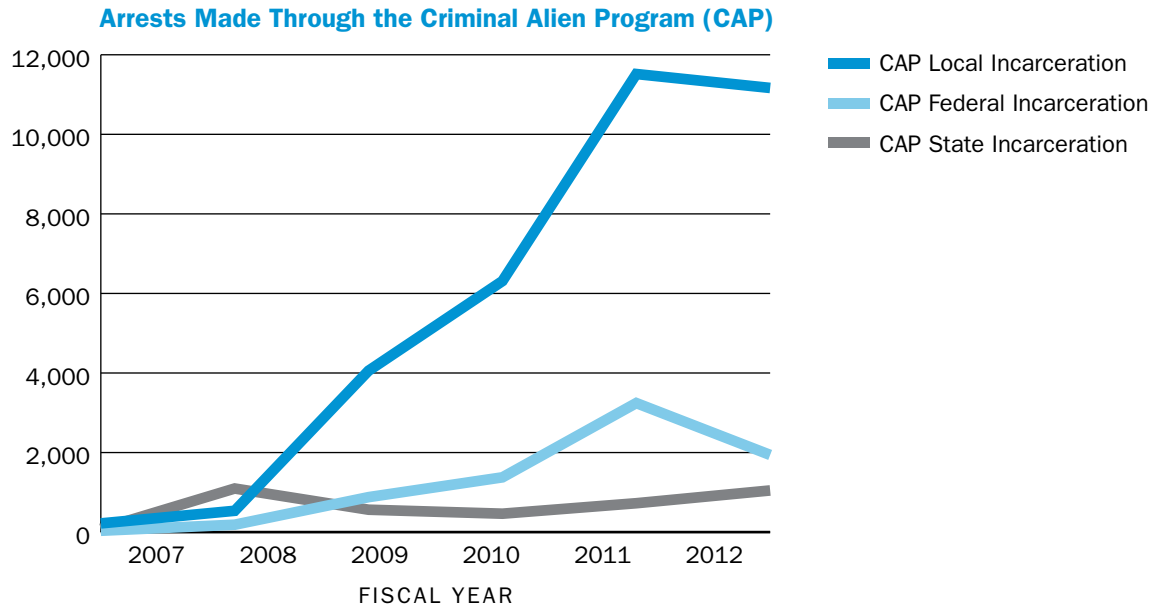
<sup>32</sup> *Id.*; Trevor Gardner II & Aarti Kohli, The C.A.P. Effect: Racial Profiling in the ICE Criminal Alien Program (Sept. 2009), available at [http://www.law.berkeley.edu/files/policybrief\\_irving\\_FINAL.pdf](http://www.law.berkeley.edu/files/policybrief_irving_FINAL.pdf).

<sup>33</sup> According to ICE, “Prior to FY 2013, STU did not report on the 287(g) program.” Explanation of Detainers and Arrests provided by ICE as part of the spreadsheet. On file with the authors.

<sup>34</sup> According to ICE “[t]his is used when a specified target (e.g. a fugitive) is found.” Explanations provided by ICE on file with the authors.

<sup>35</sup> According to ICE “[t]his is used for the “reprocessing” of an individual who has already been arrested (e.g. when a NTA needs to be cancelled).” Explanations provided by ICE on file with the authors.

A side-by-side comparison of the arrests made under CAP between fiscal year 2007 and 2012 demonstrates the increasing reliance by ICE on local law enforcement and, conversely, the decreasing usage of federal-only enforcement measures:



**Facilities with Highest Number of Detainers FY 2007–2013**

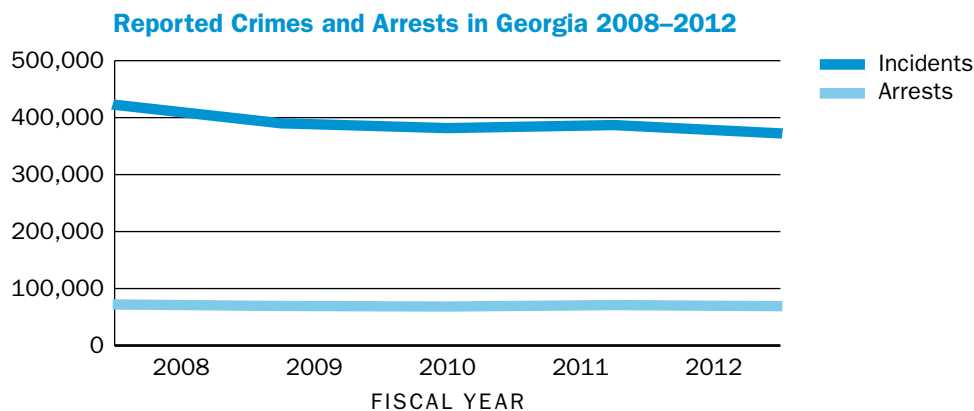
Detainer Facility Code Name	# of Detainers Issued	% of Total
Gwinnett County Jail	7,595	13.87%
Georgia Dept of Corrections	5,219	9.53%
Dekalb Co Jail/Dekabga–Dekalb County Jail <sup>36</sup>	5,185	9.47%
McRae Correctional Facility, CCA	3,977	7.26%
Clayton County Jail	3,537	6.46%
D. Ray James Prison	2,978	5.44%
Cobbjga–Cobb County Jail	1,757	3.21%
Hall County Jail/Halljga–Hall County Jail <sup>37</sup>	1,733	3.17%
Fulton County Jail	1,589	2.90%
Cherokee County Jail GA	1,238	2.26%
Blank/Other	6,058	7.70%

ICE’s issuance of detainers also focused heavily on local and state resources. Seven out of ten facilities that saw the highest numbers of detainers were county jails, and one was a Georgia state facility. Of the county jails, three were located in counties with 287(g) agreements (Gwinnett, Cobb, and Hall).

<sup>36</sup> These two were listed as two distinct facilities in the spreadsheet, but given that there is only one Dekalb County Jail in Georgia, we assume that they refer to the same location.

<sup>37</sup> These two were listed as two distinct facilities in the spreadsheet, but given that there is only one Hall County Jail in Georgia, we assume that they refer to the same location.

The increase in detainees and arrests cannot be explained by a similar increase in criminal activity in Georgia. According to Georgia’s Uniform Crime Reporting Program, the numbers of all reported crimes and arrests in Georgia have remained relatively unchanged between 2008 and 2012.



Cooperation between ICE and local law enforcement also extends beyond participation in formal programs. Such cooperation fosters law enforcement policies that criminalize immigrants in targeted ways. For example, in an email from November 10, 2009, the Assistant Field Office Director of the Fugitive Operations/Criminal Alien Program (Georgia) reminds sheriffs and prosecutors to aggressively pursue prosecutions of immigrants.<sup>38</sup>

The aggressive collaboration between ICE and local law enforcement agencies diverts resources away from addressing more serious crimes. Individual reports and ICE data show that a significant percentage of immigrants who are handed over to ICE from local correctional institutions had been arrested for low-level offenses.<sup>39</sup> Individual reports and ICE data show that many of the immigrants ultimately apprehended by ICE had no criminal history at all.

Consequently, resources are diverted from law enforcement efforts to investigate more serious crimes that pose a real danger to Georgia communities.

### 5. The expansion of immigration enforcement has eroded families and communities in Georgia by detaining and removing those with significant ties to the U.S.

Georgia local law enforcement’s continued cooperation with ICE in Georgia is rapidly tearing families and communities apart. ICE and local law enforcement demonstrate disregard for family unity by targeting individuals near residential neighborhoods as many personal accounts demonstrate. From FY 2006 to FY 2013 (up to June), ICE conducted at least **33,091 arrests of parents** in Georgia. This impacted at least **77,257 children, including 48,135 U.S. citizen children.**<sup>40</sup> During the same time period, at least ICE issued **27,474 detainers against parents** in Georgia. This impacted at least **64,254 children, including 40,111 U.S. citizen children.** ICE conducted at least 17,497 arrests of individuals with spouses—approximately 22% of all individuals arrested. ICE issued 11,421 detainers against individuals who were married.

<sup>38</sup> See *supra* Findings § 2.ii.

<sup>39</sup> As noted earlier in the report, ICE officers did not record a “Detainer Criminal Offense Level” on the detainer forms for 46.7% of the individuals against whom detainers were issued. Of those classified, around 40% of individuals were determined to be Detainer Criminal Offense Level 3, corresponding to those “charged or convicted of ‘misdemeanor’ crime(s) punishable by less than 1 year.” This includes minor traffic offenses, such as driving without a license. In addition, ICE issued detainers against 18,874 individuals with no criminal history.

<sup>40</sup> The statistics collected on the number and status of children affected by arrests and detainers is based on the data recorded from I-213 and I-247 forms. Some of these forms may relate to the same children if the parent at issue has been subjected to multiple arrests or detainers or otherwise has multiple but not fully non-duplicative form entries. Overall, however, data on children was vastly underreported, as ICE does not require officials to record this information when an arrest is made or a detainer is issued. The report authors therefore estimate that many more children may have been affected by arrests and detainers in Georgia than the numbers calculated above suggest.

Additionally, young people in their 20s and 30s were most affected by immigration enforcement. With the cooperation of local law enforcement, ICE was not dissuaded from arresting the young and the elderly. ICE and local law enforcement arrested 630 children and teenagers (19 or younger), some even as young as five. ICE and local law enforcement arrested 328 individuals age 65 or over, including elderly individuals over the age of 80. ICE issued detainers against 426 children and 251 seniors (over the age of 65).

ICE and local law enforcement also arrested long-time residents of the United States despite their strong ties to the country:

- At least 46 arrests involved those who entered the United States between 1952 and 1970, more than 40 years ago.
- At least 2,936 arrests (or **54%** of arrests with recorded data on the date of entry) involved those who entered the United States in 2003 or earlier.
- ICE arrested 2,637 individuals who were lawful permanent residents at the time of entry to the United States. This number does not include all individuals who adjusted their status after entering the United States.<sup>41</sup>

**6. Georgia’s public safety goals are undermined when communities distrust local law enforcement agencies.**

An unfortunate and dangerous result of increased immigration enforcement and racial profiling in Georgia has been the cultivation of community fear of and mistrust in law enforcement authorities. At the ACLU of Georgia’s and GLAHR’s Know Your Rights Forums held across the state after the passage of HB 87 in Summer 2011 and through Spring 2012, individuals were asked several questions regarding this fear and mistrust. Of the 22 individuals in the focus group, ten responded that they do not feel safe in their communities. 14 responded that they avoid certain areas of the community because of police surveillance or harassment. And eight said that they have been reluctant or scared to call or have avoided calling the police because of their immigration status.

In a newspaper article published in February 2011, Captain Wes Lynch, head of Whitfield county’s 287(g) program, stressed that victims of crimes or people reporting crimes are never targets for deportation, to make sure that “lines of communication [within the community] don’t break down.”<sup>42</sup>

**Number of Arrests and Detainers by Age**

Age	Arrests	Detainers
5-9	6	0
10-14	40	0
15-19	584	426
20-29	23,832	16,971
30-39	33,063	23,311
40-49	15,531	10,275
50-59	4,673	3,098
60-69	802	558
70-79	82	65
80-90	7	9

**Number of Arrests and Detainers by Year of Entry**

Yr. of Entry	Arrests	Detainers
1952-1960	2	0
1961-1970	20	26
1971-1980	106	56
1981-1990	480	201
1991-2000	1,447	660
2001-2010	3,222	2,157

<sup>41</sup> The report authors only received data on individuals’ immigration status at time of entering the United States and not at the time of ICE or local law enforcement arrest.

<sup>42</sup> See Mariann Martin, Deportation program plays out in Whitfield, Times Free Press (Feb. 28, 2011), at <http://timesfree-press.com/news/2011/feb/28/deportation-program-plays-out-whitfield/> (last visited Jun. 25, 2014).”

### *Marisa's Story*

On March 30th, 2014 at 1:30 a.m., Marisa was driving with her husband and her two children from Conyers, Georgia to her home. She was stopped by the Conyers Police. Maria said that she saw the police patrol and she reduced her speed while passing by the police. The police followed her and put the lights on, indicating that she needed to pull over. She put the directional lights on and pulled over.

Three police patrol came to her car pointing their guns at Maria's family. One of the officers ordered her to get out the car and arrested her without telling her the reason for the arrest. The police also handcuffed her husband and ordered her two-year-old daughter and her seven-year-old son to kneel while pointing a gun at them. She was arrested and charged with traffic obstruction and driving without a license.

The experience was very traumatic for her children, especially for her son who is receiving therapy. Maria herself was deeply offended by the extreme force showed by the police during her arrest, especially since they pointed their guns at her children and arrested her, and treated her entire family like they were criminals. She thinks that the police acted very rudely and in a discriminatory manner towards her and her family that night.

Maria's case is still pending, and her family and community are going to do all it takes to fight the charges that were given to her.

Unfortunately, witnesses and victims of crime can and do get reported to ICE. The various mechanisms for local involvement in federal immigration enforcement make it difficult if not impossible to protect victims and witnesses and promote community trust. As the stories of many Georgia residents illustrate, those who want to assist their family members or fellow residents may find themselves facing deportation as a result.

ICE has even been arresting individuals even when they are attempting to be in compliance with Georgia law and rebuilding their lives. At least 185 of ICE arrests were made through local probation offices, with the largest numbers from Lawrenceville and Dekalb County. The I-213 narratives received from ICE demonstrate many instances of individuals reporting for probation and being turned over to ICE. For instance, one individual was reporting at GA state probation office in Muscogee, and the office contacted ICE.<sup>43</sup> In another case in September 2010, a person reported to the Early County Probation Office and the probation office contacted the Stewart Detention Center CAP Unit.<sup>44</sup> In both instances, both individuals were intent on complying with the law and instead were penalized for doing so.

<sup>43</sup> I-213 Narrative on file with author. Indicator 110891.

<sup>44</sup> I-213 Narrative on file with author. Indicator 113902.

Studies demonstrate the negative impact that local involvement in immigration enforcement has on community trust.<sup>45</sup> Victims and witnesses of crime are afraid to call the police when the police also act as immigration authorities.<sup>46</sup> For this reason and others, many law enforcement officials do not want to be engaged in immigration enforcement.<sup>47</sup> In Georgia, however, local involvement in immigration enforcement is the norm, not the exception.

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<sup>45</sup> NIK THEODORE, U. CHI. ILL. DEPT. OF URBAN PLANNING & POLY, INSECURE COMMUNITIES: LATINO PERCEPTIONS OF POLICE INVOLVEMENT IN IMMIGRATION ENFORCEMENT (May 2013), *available at* [http://www.uic.edu/cuppa/gci/documents/1213/Insecure\\_Communities\\_Report\\_FINAL.pdf](http://www.uic.edu/cuppa/gci/documents/1213/Insecure_Communities_Report_FINAL.pdf) (last visited Jun. 25, 2014) (reporting data demonstrating community mistrust of police due to local involvement in immigration enforcement).

<sup>46</sup> *Id.*

<sup>47</sup> *See, e.g.*, POLICE FOUNDATION, THE ROLE OF LOCAL POLICE: STRIKING A BALANCE BETWEEN IMMIGRATION ENFORCEMENT AND CIVIL LIBERTIES 3 (2009) (“Police executives have felt torn between a desire to be helpful and cooperative with federal immigration authorities and a concern that their participation in immigration enforcement efforts will undo the gains they have achieved through community oriented policing practices, which are directed at gaining the trust and cooperation of immigrant communities. Police are also concerned about the impact of local law enforcement of immigration law on already strained state and local resources, and particularly on the ability of local law enforcement to maintain its core mission of protecting communities and promoting public safety.”); MAJOR CITIES CHIEFS ASSOCIATION, IMMIGRATION COMMITTEE RECOMMENDATIONS FOR ENFORCEMENT OF IMMIGRATION LAWS BY LOCAL POLICE 6 (June 2006), *available at* [http://www.houstontx.gov/police/pdfs/mcc\\_position.pdf](http://www.houstontx.gov/police/pdfs/mcc_position.pdf) (last visited Jun. 25, 2014) (“[W]ithout assurances that contact with the police would not result in purely civil immigration enforcement action, the hard won trust, communication and cooperation from the immigrant community would disappear.”); INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, ENFORCING IMMIGRATION LAW: THE ROLE OF STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT 5 (2005), *available at* <http://www.theiacp.org/Portals/0/pdfs/Publications/ImmigrationEnforcementconf.pdf> (last visited June 25, 2014) (“[L]ocal police agencies depend on the cooperation of immigrants, legal and illegal, in solving all sorts of crimes and in the maintenance of public order. Without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families.”).

## Recommendations

### Georgia Legislature

- The Georgia Legislature should repeal HB 87. Funneling Georgia residents into our broken immigration system has torn apart thousands of Georgia families and has undermined community trust. The Georgia Legislature should repeal this anti-immigrant, anti-family law.
- The Georgia Legislature should enact legislation to protect all Georgia residents from racial, ethnic, or religious profiling. This law should include training for law enforcement officers and remedies for victims of racial, ethnic, or religious profiling. No Georgia resident should be pulled over, stopped, or otherwise targeted by law enforcement based on their race, ethnicity, or religion.

### Georgia Law Enforcement

- Georgia law enforcement should end the practice of targeting immigrants using traffic offenses.
- District Attorney's Offices should end the practice of sharing information about the immigration status of victims of crime.
- Probation Offices should cease penalizing those attempting to comply with Georgia law, and rebuild their lives, by alerting immigration authorities.
- Local communities in Georgia should join the hundreds of jurisdictions around the country, including cities like Chicago, Newark, Philadelphia, and the entire state of California, that have banned compliance with immigration detainers (ICE hold requests to state and local jails) in order to protect their residents from unlawful detention. Prolonging the detention of Georgia residents and handing them over to immigration enforcement based on detainers is unconstitutional and undermines public safety.
- Prior to permitting any investigative interview by ICE of an individual in local custody, Georgia law enforcement should require ICE to notify the subject inmate's attorney, provide a reasonable opportunity for counsel to be present during the interview, and certify to the jail administration that this notice and opportunity has occurred. This will help protect Georgia residents' due process rights.

### United States Congress

- Congress should pass generous and humane comprehensive immigration reform to provide a path to citizenship to hundreds of thousands of Georgia residents.
- Congress should terminate enforcement programs that lead to racial profiling, quotas, and other negative consequences for immigrant communities. For example, Congress should repeal or defund broken programs like 287(g) and Secure Communities that authorize or incentivize state and local police to engage in immigration enforcement. Congress should also eliminate quotas such as the so-called "bed mandate" that leads to the unnecessary incarceration of thirty-four thousand immigrants on a daily basis.

### **The President**

- The President should exercise his authority to end Secure Communities and existing 287(g) programs.
- The President should direct the Department of Homeland Security (DHS) to provide deferred action and employment authorization to the widest group of immigrants possible, including all those who would be legalized under the Senate immigration bill, S. 744. DHS should also routinely exercise discretion in cases involving vulnerable populations, including the young, elderly, victims of crime and employer retaliation, and parents, spouses, and children of U.S. citizens and lawful permanent residents.
- The President should also direct DHS to keep complete records on the individuals and families affected by its arrest, detention, and deportation policies. These records should include detailed information about individual circumstances, such as length of residence and other equitable factors relevant to prosecutorial discretion, for each person who is arrested, detained, and/or removed by DHS. DHS should publicly release this data with appropriate redaction to protect individuals' privacy.
- The President should also direct the Department of Justice (DOJ) to investigate claims of racial profiling in various Georgia localities. Community members have been routinely targeted based on the color of their skin, and the DOJ has the ability to take action to protect these communities from unlawful practices. DOJ should also reissue its Guidance on the Use of Race in Law Enforcement to close loopholes and truly end profiling on the basis of race and other grounds.



## Methodology

This data analyzed in this report was obtained pursuant to a federal Freedom of Information Act lawsuit filed by GLAHR, ACLU of Georgia, NDLON, and the NYU Immigrant Rights Clinic in October 2012. GLAHR and ACLU of Georgia collected individual stories from numerous communities across Georgia.

### Detainer Data

Fields of data: ICE provided data on 143,201 detainers issued by ICE to law enforcement agencies in the Atlanta Area of Responsibility<sup>48</sup> from FY 2006 – June 2013. ICE transmitted the data on detainers in a sortable spreadsheet. Each row of data represents an “Immigration Detainer – Notice of Action” on Form I-247 issued by ICE during the period covered by the data (FY 2006–June 2013). Many fields are non-mandatory and thus blank; where data is unavailable or unclear, it is noted within the report. Each row of data contains the following distinct fields:

- Area of Responsibility
- Event Number
- Prepare Date
- Program Current
- Active Investigation Yes No
- Operation
- Detention Location
- Detainer Facility Code Name
- Detainer Lift Reason
- Detainer COL/Threat Level
- Notify Release Request Yes No
- Arrest Warrant Served Yes No
- Arrest Warrant Served Date
- OSC Served Yes NO
- IDENT FIN
- FBI Number Marital Status
- Complexion
- Age Current
- Citizenship Country (Encounter)
- Port of Entry
- Admission Class Code
- Entry Status Code
- Entry Date
- Postal Code
- State
- City
- Removal Case Threat Level
- Prior Removal Flag
- Final Charge Section
- Charging Document Issue Date
- Children Count
- Child Citizenship Country

**Narrowing down to Georgia-specific entries:** The original spreadsheet of I-247s, covering the entire Atlanta Area of Responsibility (AOR), contained 143,201 entries. In order to limit our study to detainer activity in Georgia, we referred to the “Detainer Facility Code Name” column and selected facilities located within the state. In doing so, we referenced the actual detainer facility code (most contained “GA” as part of the abbreviation) and included all others listed within the list of Georgia detainer facilities available via TRAC.<sup>49</sup> For remaining entries, we conducted Internet searches of non-geographical facility names and included those located within Georgia. For entries marked blank or as “Other: Other-Other Facility,” we included them only if they contained also contained Georgia in the “State 2” column.<sup>50</sup> The total number of entries after limiting it to Georgia-specific data was 87,799. After removing duplicate entries by using Microsoft Excel’s “Remove Duplicates” tool, the total number of entries was 54,753.

<sup>48</sup> The Atlanta Area of Responsibility is Georgia, North Carolina, and South Carolina.

<sup>49</sup> See TITLE, <http://trac.syr.edu/immigration/reports/343/include/table3.html> (last accessed Mar. 20, 2014).

<sup>50</sup> Assuming that the State 2 column refers to the individual’s reported state of residence, we are inferring that they are likely to have been issued a detainer within the same state. ICE was unable to clarify the significance of the “Postal Code,” “State 2,” and “City” columns, and many entries were blank.

**Number of children:** Additional columns were added for the purpose of analyzing the field on the number of children. The fields that ICE provided, “Child Count” and “Child Citizenship Country,” were free-text fields. Data was not entered in a consistent manner. For example, an individual with two U.S. citizen children might have the notation, “2-American,” or “Two-U.S.,” or “CLAIMS TWO, USC” under the Child Count column. The Child Citizenship Country for such entries might be blank, “USA” or “UNITED STATES.” Spelling errors and other inconsistencies made the field impossible to sort with the other data. Therefore, new columns were added to count the number of U.S.-born children, children born abroad, children with unknown citizenship, total number of children, and blank entries.

### Arrest Data

**Fields of data:** ICE provided data on 177,858 arrests made by ICE in the Atlanta Area of Responsibility<sup>51</sup> from FY 2006–2013. The data on arrests was transmitted by ICE in a sortable spreadsheet, in addition to a total of narratives. In the spreadsheet, each row of data represents a “Record of Deportable Alien” on Form I-213 issued by ICE during the period covered by the data (FY 2006–June 2013). Many fields are non-mandatory and thus blank; where data is unavailable or unclear, it is noted within the report. Each row of data contains the following distinct fields:

- Area of Responsibility
- Ident Fin
- FBI Number
- Event Number
- Arrest Date
- Arrest Method
- Apprehension Landmark
- Operation
- Processing Disposition
- Age Current
- Citizenship Country (Encounter)
- Gender
- Marital Status
- Complexion
- Postal Code
- State
- City
- Entry Date
- Port of Entry
- Entry Status Code
- Admission Class Code
- Charging Document Issue Date
- Removal Case Threat Level
- Final Charge Section
- Prior Removal Flag
- Children Count
- Child Citizenship Country

**Narrowing down to Georgia-specific entries:** The original spreadsheet of I-213s, covering the entire Atlanta Area of Responsibility (AOR), contained 177,858 entries. In order to examine detainer activity specifically in Georgia, we referred to the “Apprehension Landmark” column and selected locations within Georgia. We first included all entries including “GA” or “Georgia” in the field. We then narrowed down the remaining entries by first deleting all entries corresponding to North Carolina (or “NC”) and South Carolina (or “SC”). Then, we checked each of the remaining entries by cross-referencing the list of municipalities and counties in Georgia,<sup>51</sup> and conducting Internet searches of specific, non-geographical facility names. For entries that are blank or contain a non-specific, non-geographical Apprehension Landmark, we included them only if they also contained

<sup>50</sup> The Atlanta Area of Responsibility is Georgia, North Carolina, and South Carolina.

<sup>51</sup> See TITLE, <http://georgia.gov/municipality-list> (last accessed Mar. 20, 2014).

Georgia in the “State 2” column.<sup>52</sup> The total number of entries after limiting it to Georgia-specific data was 114,438. After removing duplicate entries by using Microsoft Excel’s “Remove Duplicates” tool, the total number of entries was 78,635.

**Number of children:** Additional columns were added for the purpose of analyzing the field on the number of children. The fields that ICE provided, “Child Count” and “Child Citizenship Country,” were free-text fields. Data was not entered in a consistent manner. For example, an individual with two U.S. citizen children might have the notation, “2-American,” or “Two-U.S.,” or “CLAIMS TWO, USC” under the Child Count column. The Child Citizenship Country for such entries might be blank, “USA” or “UNITED STATES.” Spelling errors and other inconsistencies made the field impossible to sort with the other data. Therefore, new columns were added to count the number of U.S.-born children, children born abroad, children with unknown citizenship, total number of children, and blank entries.

**I-213 Narratives:** ICE provided 1,000 randomly selected I-213 narratives from the Atlanta Area of Responsibility FY 2006–FY 2013 (up through June 2013). ICE also shared the narratives portion of the I-213s that from the following Arrest Methods from the aforementioned time period: Other Agency (all 373), Traffic Check (all 1) Worksite Enforcement (all 27), Other Efforts (100 randomly selected), Law Enforcement Agency Response Unit (100 randomly selected), Non-Custodial Arrest (200 randomly selected), Patrol Border (all 83), and Patrol Interior (all 3). Additionally, ICE transferred the following I-213 narratives from the following operations during the aforementioned time period: Secure Streets (100 randomly selected), Return to Sender (100 randomly selected), and CIS Referral Project (all 61). Narratives were reviewed for qualitative purposes only. The only I-213 narratives profiled in the report are those from Georgia.

### Individual Accounts

This report also presents the stories of numerous Georgia residents who have been unjustly profiled, arrested, detained, and torn apart from their families and homes. These are first-hand accounts provided by the Georgia Latino Alliance for Human Rights. This report uses pseudonyms for individuals who requested anonymity.

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<sup>52</sup> U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, FACT SHEET: DELEGATION OF IMMIGRATION AUTHORITY SECTION 287(G) IMMIGRATION AND NATIONALITY ACT [hereinafter ICE, Fact Sheet], *available at* <http://www.ice.gov/news/library/factsheets/287g.htm> (last visited Jun. 25, 2014).