

IN LEAGUE WITH ICE: RENSSELAER COUNTY'S 287(G) AGREEMENT

In 2018 the Rensselaer County Sheriff's Office became the only law enforcement agency in the state to enter into the federal government's 287(g) program, which deputizes local officers to do the work of ICE agents.

The 287(g) program, which is entirely voluntary, was created to put local officers under the supervision of ICE. They can investigate civil immigration offenses, detain people for suspected immigration violations, and put people on the path to deportation. Officers are required to follow ICE's directions and enforcement priorities.

The controversial program is a bad deal for Rensselaer County. Turning local officers into ICE agents undermines public safety, diverts resources, enables ICE cruelty, and undermines public health.

Tell local officials to end Rensselaer County's 287(g) agreement. Here's why:

287(G) ERODES TRUST

The Rensselaer County Sheriff's Office has sent a clear message that it supports ICE's agenda, one that separates families and terrorizes communities across the country. When immigrants, their families, or their friends know that local officers are working for ICE they are forced to worry that assisting with investigations or asking for help could get them into trouble. Multiple academic studies and investigations by the Department of Justice's Civil Rights Division have laid bare how collaboration between police and ICE sows distrust and saps public confidence in law enforcement. This makes it harder for law enforcement to do their jobs and leaves everyone less safe.

287(G) PUTS RENSSELAER COUNTY AT LEGAL RISK.

The 287(g) program is not a license to violate New York state law. Under 287(g), local officers issue immigration detainers, and detain and transport people suspected of civil immigration violations. However, courts have held that New York law provides officers no authority to hold people for civil immigration purposes, and the New York Attorney General recently warned that 287(g) agreements are likely inconsistent with state law to the extent they direct officers to make immigration arrests.

Federal immigration law is highly complex, and the minimal training that local 287(g) officers are given isn't sufficient. Officers run the risk of making errors. Partnering closely with ICE also invites a culture of irresponsible policing that can lead to racial profiling and increased liability. Participating jurisdictions have been the subject of federal civil rights investigations and lawsuits.

RENSSELAER COUNTY'S 287(G) IS AN OUTLIER FOR A REASON.

The 287(g) program was created by federal law in 1996, and for more than 20 years no law enforcement agency in New York signed on. The Rensselaer County Sheriff's Office was the first, and no other law enforcement agency has followed suit – even as ICE has expanded its efforts to recruit participants.

The vast majority of law enforcement agencies understand that 287(g) has no upside for their communities. Of the thousands of sheriff's offices and police departments across the country, only a few dozen agencies participate in it. More than 20 agencies have ended 287(g) agreements in recent years, with some citing the public safety benefits of doing so.

MUCH OF RENSSELAER COUNTY'S 287(G) PROGRAM IS A BLACK BOX.

When the sheriff's office signed up for 287(g) in 2018, it refused to hold public hearings or answer questions about the program from skeptical residents. Two years in, much of how 287(g) works remains a black box, and community involvement is minimal. Under the agreement, the sheriff's office is required by the Department of Homeland Security (DHS) to engage in steering committee meetings and reach out to individuals and organizations interested in the program. These requirements were added after the DHS's own inspector general criticized the 287(g) program for inadequate community oversight and involvement.

In more than two years the sheriff's office held only one steering committee meeting, last June, which consisted of a slideshow presentation by sheriff's office employees and ICE agents. The meeting was held at the county jail with little public notice, and attendees were required to register ahead of time. ICE officers took limited questions from attendees, and neither impacted community members nor advocates were given a seat at the table.

287(G) ENABLES ICE CRUELTY AND IS DIVIDING RENSSELAER COUNTY.

The Rensselaer County sheriff's deal with ICE means that his office is in league with an agency widely condemned for unconscionably separating families, seizing children in the dead of night, and using fear tactics to terrorize communities. The sheriff's office's close collaboration with ICE has been a point of controversy, drawing protests and criticism from state and local lawmakers, and putting the county at the center of national debates over immigration law.

Divisions within the community distract public officials from local matters and undermine the effectiveness of local law enforcement. Rensselaer County reaps no tangible benefit from 287(g), yet remains tainted by the association with ICE and mired in controversy so long as the program remains in place.

287(G) UNDERMINES PUBLIC HEALTH DURING THE PANDEMIC.

The 287(g) program means needlessly enabling ICE arrests and swelling the number of people who will be detained for months or even years in local jails and immigration detention facilities in New York. Physical distancing in detention is all but impossible, and sanitation products and masks are in short supply. That's why the virus has erupted in jails and prisons across the country and become a transmission risk to communities outside facility walls.

No one deserves to have their life put at risk for a civil immigration violation. At a time when corrections officials across the country are reducing the numbers of people held for the sake of public health, 287(g) is a major step in the opposite direction.

The time has come for Rensselaer County to restore trust in local law enforcement and end its 287(g) agreement.

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