

FORT WORTH Weekly

ICE'd Out?

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The spread of COVID-19 has added a new sense of urgency to reforming how U.S. Immigration and Customs Enforcement (ICE) handles immigrant detentions. Lawyers for 11 immigrants currently being held in Prairieland Detention Center in Alvarado recently said the spread of the coronavirus inside the facility has placed the prisoners' lives in jeopardy. The lawyers are suing ICE to compel the federal agency to release the detainees.

Last March, Maria Celeste Ochoa Yoc de Ramirez, a Guatemalan woman who was seeking asylum, died in ICE custody while in a Fort Worth hospital. Recent investigative reporting from the *Dallas Morning News*, *Buzzfeed*, and other prominent publications has found that Ramirez' case is not unique. Medical abuse of jailed immigrants at the hands of ICE agents is widespread, the reporting found.

ICE states that its agents have removed 350,000 at-large fugitives from this country since 2003. There's no shortage of criticism of the agency that separates families and stokes fear in many communities, but a 2018 *Politico* poll found that only one in four voters believes the agency should be outright abolished.

One local supporter of ICE, Sheriff Bill Waybourn, brought Tarrant County into a voluntary pact with the agency through an agreement shortly after taking office in 2017. The 287(g) program allows members of his sheriff's office to act as local ICE agents after they undergo specialized training. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as it's formally known, is currently active with 79 U.S. law enforcement agencies, according to ICE's website.

In an email, Waybourn told me that ICE "has worked with the Tarrant County Sheriff's Office for the last 30 years. The 287(g) program allows for the sheriff's office to review immigration status on inmates 24 hours a day, seven days a week. Further, the average recidivism rate of illegal aliens is higher than 70%. This has a direct effect on the crime in the Tarrant County area. It is clear, if released, there is a seven in 10 chance these people will reoffend. Program 287(g)

and cooperation with ICE allows Tarrant County Sheriff's Office to make sure these repeat offenders be held fully accountable.”

However, Waybourn's numbers do not jibe with some recent data. A 2019 study published by the libertarian think tank the Cato Institute found that illegal immigrants are 32% less likely than native Texans to be convicted of a crime. A study by *Justice Quarterly* that same year found that, from a sample pool of 192,556 former inmates, “19% of immigrant offenders were reconvicted for a felony offense within three years of their release compared to 32% for nonimmigrant offenders.”

On Wednesday, May 27, 287(g) will be at the center of a virtual town hall meeting organized by New Sheriff Now Tarrant County, a new coalition of civic-minded groups and volunteers. The online meeting, which can be viewed via the Facebook page New Sheriff Now Tarrant County, “will be a call to the Tarrant County community to join its effort in electing a new sheriff and demanding real change,” the event organizers said in a statement.

Jessica Ramirez remembers being blindsided by news of the 287(g) agreement, which required consent from Tarrant County's five governing commissioners. It was 2017, and she was busy speaking out publicly against SB4, the so-called “show me your papers” bill that is the law of the land in Texas.

“We were so busy fighting SB4 that we were not paying attention to 287(g),” she said.

Ramirez was joined by Sindy Mata, an organizer for RAICES, a 34-year-old immigrant and refugee nonprofit.

Mata's group sees 287(g) as an ideological effort to entangle local government with federal immigration responsibilities. The biggest fear with regard to the expansion of federal immigration at the local level, she said, is public safety.

“There is a distrust with local law enforcement,” she said. “People don't feel comfortable reporting crimes, and it has an immediate connection with the collaboration with ICE.”

To take on the work of abolishing all local agreements with ICE, volunteers with multiracial- and civil rights-minded groups like United Fort Worth, RAICES, Indivisible Fort Worth, and Faith in Texas began asking questions about the program and speaking with county officials. In 2018, those volunteers formed a coalition called ICE Out Of Tarrant County.

The grassroots group began with house meetings to teach Hispanic communities about the 287(g) agreement. Peaceful protests are another hallmark of ICE Out Of Tarrant County's efforts. If there's a large public event that's hosting Waybourn, there's a good chance the coalition's members will be there, Mata said. The group has expanded its programming to providing workshops on Deferred Action for Childhood Arrivals (DACA) and advocating for protections for DACA recipients and undocumented students at Tarrant County College.

To this day, and despite numerous open records requests, Ramirez and Mata said they have not received data related to 287(g). The sheriff's office, however, provided me with some 287(g) detainer numbers. Of the 237 Tarrant County inmates who currently have ICE detainees, meaning they are non-citizens who will be handed over to ICE upon release, nine have been charged with homicide, 71 charged with sexual assault (including cases involving minors), nine listed as escaped fugitives, and 17 have been charged with burglary. A total of 16 criminal categories were included in the county data. The sheriff's office could not tell me how many illegal immigrants in total are in custody or for what crimes.

“Currently, all prisoners that are being held on an ICE detainer must have Class B offense charges or higher,” Waybourn said. “That is our policy. The majority of those detained are being held on felony charges. Seventy percent of those held in our jail have detainees issued by agencies other than Tarrant County Sheriff's Office.”

Vance Keys sees the 287(g) agreement as damaging to the work that local law enforcement does. The 20-year Fort Worth police department veteran is running against Waybourn, whose elected position is up for grabs this November.

“There is no evidence 287(g) has a positive impact on crime,” Keys said in an email. “It does, however, fragment the people of Tarrant County and contradict the tenets of community-oriented policing. Immigration is an emotionally charged hot-button topic. Rather than exploit the fears and biases of people, criminal justice leaders are responsible for being transparent.”

The Democratic candidate said local law enforcement should focus on priority threats to public safety — not expanding the powers of ICE.

“If elected as Tarrant County Sheriff,” he said, “I will discontinue the agreement.”

Last June, despite vocal opposition from Tarrant County residents, three of five Tarrant County Commissioners voted to renew the voluntary agreement with ICE. The anti-ICE coalition will be supporting candidates who have a stated interest in building relationships with communities that continue to feel threatened by local law enforcement.

The 2019 mass shooting in El Paso, which is now being tried as a hate crime, and the death of 24 inmates in ICE custody since Trump took office point toward a climate where asking for change is no longer an option, Mata said.

“We are transitioning from raising concerns to demanding change,” Mata said. “The upcoming election offers an opportunity to redefine what a sheriff looks like. We will be supporting someone who is advocating for the things that are being violated right now, which is human rights.”