



June 26, 2019

To the Williamson County Commissioners Court:

As you may be aware, the Williamson County Sheriff's Office Memorandum of Understanding with Immigration and Customs Enforcement for the 287(g) program¹ will expire on June 30, 2019. In response to growing concern due to the Administration's announcement of planned immigration raids and the increasing need to protect our loved ones who are unjustly targeted by 287(g), we urge you to immediately terminate this program in Williamson County.

Under 287(g), Williamson County Sheriff's Office delegates officers to be trained and authorized to identify and process detained immigrants for removal on behalf of Immigration and Customs Enforcement (ICE). The collaboration claims to "enhance the safety and security of communities."² In actuality, 287(g) dangerously implicates Williamson County in the business of profiling, detaining, and deporting our immigrant family members, neighbors, and loved ones. 287(g) also suffers from poor oversight and transparency, undermines public safety, and wastes county resources. This agreement increases the likelihood of permanent and painful family separation while fomenting fear and distrust in the community at taxpayer expense.

A. 287(g) was implemented with a lack of transparency, contrary to legal precedent, and suffers from poor oversight.

There was no adequate effort to educate elected officials and the Williamson County community about 287(g) prior to signing the agreement in February 2018. The lack of consideration of the 2018 agreement by Commissioners Court before it was signed by the Sheriff's Office contradicts legal guidance. Precedent from the Texas Supreme Court and analysis from the Texas Attorney General states that the Commissioners Court is the governing body and has sole authority to enter contracts for the county, absent a specific statute to the contrary. Governor and former Texas Attorney General Greg Abbott wrote in an advisory opinion in 2004 that "In the absence of a statute authorizing another county official to enter into a contract, the commissioners court has the sole authority to enter into contracts binding the county."³ A lack of transparency and

¹<https://www.ice.gov/doclib/287gMOA/287g-Williamson.pdf>

² Memorandum of Agreement between U.S. Immigration and Customs Enforcement and Williamson County Sheriff's Office <https://www.ice.gov/doclib/287gMOA/287g-Williamson.pdf>

³See Opinion No. GA-0229, August 9, 2004. Citing the Texas Supreme Court in *Anderson v. Wood*, 152 S.W.2d 1084, 1085 (Tex. 1941), the opinion stated: "It is well established in Texas law that the commissioners court, as the governing body of the county, is the general business and contracting agency of the county, and it alone has authority to make contracts binding on the county, unless otherwise specifically provided by statute." (internal quotations omitted).



public accountability is inherent to the program implementation.⁴ In 2018, the U.S. Department of Homeland Security Office of Inspector General (OIG) investigated ICE's expansion, management, and oversight of 287(g) programs nationwide, and consistently found poor compliance with the Memorandums of Agreement, inadequate training provided to the local law enforcement agencies, and a general lack of transparency and accountability.⁵ Insufficient oversight and accountability is evident in the intent and impact of 287(g), making it a dangerous policy for Williamson County.

B. 287(g) targets undocumented people, eroding public trust in law enforcement and making it less safe for everyone.

ICE attests that the goal of 287(g) is to remove undocumented persons “who are involved in violent and serious crimes.”⁶ However, a 2010 study of multiple counties found that 50% of all immigration detainers issued via 287(g) were people arrested for traffic violations or low-level misdemeanors.⁷ 287(g) targets undocumented people no matter the crime or offense instead of protecting communities from serious or violent crimes. It is well corroborated that there is no link between immigration and high rates of crime, and that immigrants have slightly lower crime rates. A 2019 analysis from Pew Research Center found undocumented immigrants are “associated with marginally lower violent crime rates” and a “statistically significant negative correlation was also shown for property crimes.”⁸

Aggressive immigration enforcement programs like 287(g) inevitably compound fear and mistrust of Williamson County police in immigrant neighborhoods, as well as communities all over the country. County residents have expressed feeling more at risk in their own home than in neighboring counties that have ended these aggressive enforcement policies.⁹ In a 2013 study, “44 percent of Latinos surveyed reported they are less likely to contact police officers if they have been the victim of a crime” when there is greater police involvement in immigration enforcement.¹⁰ This makes it harder for local police to investigate crimes and protect victims. Immigrant communities become even more vulnerable to crime because of increased distrust of

⁴<https://www.americanprogress.org/issues/immigration/reports/2018/10/09/459098/rapidly-expanding-287g-program-suffers-lack-transparency/>

⁵ <https://www.oig.dhs.gov/sites/default/files/assets/2018-09/OIG-18-77-Sep18.pdf>

⁶ <https://leitf.org/2017/09/local-law-enforcement-role-in-immigration-enforcement-%C2%A7-287g-agreements/>

⁷ <https://www.migrationpolicy.org/pubs/287g-divergence.pdf>

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<https://www.governing.com/topics/public-justice-safety/gov-undocumented-immigrants-crime-pew.html>

⁹ <https://www.marketplace.org/2018/02/01/texas-countryside-undocumented-immigrants-live-different-kind-fear/>

¹⁰ https://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF



local law enforcement and a reduction of reporting crime.¹¹ 287(g) has no place anywhere, especially in a county where 6% of the population does not have U.S. citizenship, 12% are immigrants, and 24% identify as Hispanic or Latino.¹²

C. 287(g) opens Williamson County to liability for racial profiling and due process violations

The program increases the risk for racial profiling and discrimination by granting local law enforcement discretionary authority to act as ICE officers. Patterns of racial profiling have led to investigation or lawsuit by the U.S. Department of Justice, and eventual termination of 287(g) agreements in Maricopa and Alamance Counties.¹³ After Williamson County's implementation of the 287(g) program in February 2018, Racial Profiling Reports show that the percentage of arrests of Hispanic people has increased by 5% compared to 2017.¹⁴ Additionally, when immigrants are transferred to ICE detention, they are, in effect, denied their right to equal protection and a day in court to defend or appeal their criminal case.¹⁵ By participating in a program that allows and encourages local law enforcement to target undocumented people, Williamson County is creating an environment that could lead to constitutional violations.

D. 287(g) is an expensive diversion of county tax dollars from local priorities.

287(g) spends the county's limited resources in a strategy that has not been independently proven to decrease crime.¹⁶ According to the Texas Commission of Jail Standards Immigration Detainer Report, in May 2019 alone, Williamson County spent \$108,832 on holding 52 people for 950 days for ICE.¹⁷ In addition, the federal government never fully reimburses state and local governments for their detention expenses.¹⁸ Taxpayer dollars, as well as the time and attention

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<https://www.americanprogress.org/issues/immigration/news/2018/05/08/450439/287g-agreements-harm-public-safety/>

¹² https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk

¹³ <https://www.acluofnorthcarolina.org/en/news/north-carolina-sheriff-known-racial-profiling-partners-ice>

¹⁴ 2017 Racial Profiling Report:

https://agenda.wilco.org/docs/2019/COM/20190226_1446/21513%5F2018%20Racial%20Profiling%20Report%2Epdf

2018 Racial Profiling Report:

https://agenda.wilco.org/docs/2018/COM/20180130_1366/18977%5F2017%20Racial%20Profiling%20Report%20%26%20Letter%2Epdf

¹⁵ <https://www.opportunityagenda.org/sites/default/files/2017-03/immigrationpolicysolutions.pdf>

¹⁶ <https://www.themarshallproject.org/2019/05/13/is-there-a-connection-between-undocumented-immigrants-and-crime>

¹⁷ <https://www.tcjs.state.tx.us/docs/ImmigrationDetainerReportCurrent.pdf>

¹⁸ <http://www.ncsl.org/research/immigration/state-criminal-alien-assistance-program.aspx>



Workers Defense Project
Proyecto Defensa Laboral



DSA
Democratic Socialists of America

of local law enforcement, should be prioritized for local needs, not spent on collaboration with an agency notorious for rights violations.

E. Williamson County can choose to end 287(g) and focus on core county functions and rebuild trust with immigrant community members.

This is a pivotal moment at which the Williamson County Commissioners Court can choose policies that benefit all its residents over those that divert public safety resources to promote fear and divisiveness. The Police Executive Research Forum, the Police Foundation, and the Major Cities Chiefs Association all support a firewall separating immigration enforcement and state or local criminal justice functions.¹⁹ The 287(g) program flies in the face of these recommendations from law enforcement leaders. Instead, it puts local police at the center of a complicated and hot-button political issue, to the detriment of all Williamson County residents. As Williamson County's immigrant residents brace for the impact of immigration raids announced by the Administration, the Commissioners Court and Sheriff's Office can take the following steps to rebuild trust:

1. End Williamson County Sheriff's Office participation in the 287(g) program by instructing the Sheriff's Office to allow it to expire at the end of this month.
2. Allow Immigration and Customs Enforcement do its own work to enforce federal immigration law. Ensure residents that the Williamson County Sheriff's Office values the safety of immigrant residents by committing not to assist ICE in any upcoming enforcement operations.

Sincerely,

Grassroots Leadership
Workers Defense Project
WilCo Indivisible
Indivisible Cedar Park
Williamson County NOW Taskforce
Texas State National Organization for Women
Austin Democratic Socialists of America Immigrant Rights Committee

¹⁹ Debra A. Hoffmaster et al., "Police and Immigration: How Chiefs Are Leading their Communities through the Challenges." (Police Executive Research Forum, 2010); Mary Malina (ed.), "The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties." (Apr. 2009); Chief J. Thomas Manger, "Examining 287(g): The Role of State and Local Law Enforcement in Immigration Law." (Mar. 2009), 4, available at <http://hsc.house.gov/SiteDocuments/20090304140934-99719.pdf>