

NO POLIMIGRA ORGANIZING MEETING

JUSTICIA MIGRANTE



Agenda

- ❖ 6 - 6:15 - Welcome and opening remarks from Olga Cruz
- ❖ 6:15 - 6:50 - Understanding police-ICE collaboration and the No Polimigra policy
- ❖ 6:50 - 7:30 - How to organize a local No Polimigra campaigns
- ❖ 7:30 - 7:50 - Organizing breakout sessions
- ❖ 7:50 - 8 - Reportbacks and closing

Migrant Justice / Justicia Migrante



“No Polimigra” Campaign

“Poli” = cops

“Migra” = immigration agents

“No Polimigra” = Ending the collaboration between local/state law enforcement agents and federal immigration agents

FIPP = Fair and Impartial
Policing Policies



Fair and Impartial Policing Policy (FIPP)

- ❖ FIPPs are broad policies prohibiting different forms of police discrimination (race, gender, disability, etc.)
- ❖ Strengthening immigration provisions in FIPP = No Polimigra policy



Polimigra in Vermont



No Polimigra Campaigns in Context

- ❖ Polimigra = convergence of two racist institutions
- ❖ No Polimigra = Divide and Conquer
- ❖ Strategy within movements against policing and immigration enforcement
- ❖ Campaigns must add to – not distract from – larger movement



History and Context

- ❖ Routine discrimination against immigrants by police in Vermont
- ❖ 2014 Mandatory Fair and Impartial Policing policies: Immigration status included among protections
- ❖ 2016: Legislation requires Vermont Criminal Justice Training Council to consult with Migrant Justice and other stakeholders to create model policy for state
- ❖ 2017: Threats from Trump administration cause Training Council to weaken policy, create loopholes to allow continued collaboration with federal deportation agencies
- ❖ Discrimination continues across VT: traffic stops or arrests → detention and deportation

2017 State Model FIPP

- ❖ Sharing of confidential information with immigration agents when justified on grounds of "public safety" or "law enforcement needs"
- ❖ Evades prohibitions on asking about immigration status by allowing officers to rely on suspicion of recent border crossing
- ❖ Allows for reporting of immigration status of victims and witnesses
- ❖ Grants deportation agents access to individuals in police custody

Migrant Activists Question Why Feds Were Called After Farmworker's Arrest

By JOHN DILLON • DEC 20, 2018

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VPR News



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H.518: The No Polimigra Bill

- ❖ VT law passed in May, 2019
- ❖ Clarifies that state “model policy” is floor, not ceiling
 - “... may include additional restrictions on agency members’ communication and involvement with federal immigration authorities or communications regarding immigration and citizenship status.”
- ❖ Vermont Attorney General will certify policy so long as it meets minimum of protections in model policy



No Polimigra Policy

- ❖ Drafted by Migrant Justice, combining community experience with national legal expertise
- ❖ Strongest policy of its kind in the country
- ❖ Closes FIPP loopholes: stops all police collaboration with immigration enforcement





Improvement #1: No Discrimination in Detention Discretion

“...personal characteristics and/or immigration status shall not be used as a criteria for citation, arrest, or continued custody...”

- ❖ When encountering criminal activity, officers have discretion on whether to arrest or issue court summons, and whether to release with citation or hold with bond
- ❖ Current policy allows for discrimination in these determinations based on immigration status
- ❖ Improvement makes sure determinations are based on facts, not identity



Improvement #2: Close The Border Crossing Pretext

“...members shall not make warrantless arrests or detain individuals on suspicion of ‘unlawful entry,’ unless the suspect is apprehended in the process of entering the United States without inspection.”

- ❖ Unlike being undocumented (civil infraction), “unlawful entry” is a federal misdemeanor offense
- ❖ Current policy allows officers to evade prohibitions on investigating immigration status by claiming to investigate “unlawful entry” – impact is the same
- ❖ Improvement clarifies that investigations of unlawful entry should be limited, not a priority for department



Improvement #3: Support Victims and Witnesses

“...members shall not share information about crime victims/witnesses with federal immigration authorities, unless it is with the individual’s consent.”

- ❖ Victims and witnesses often do not report crimes based on fear of being targeted due to immigration status
- ❖ Current policy allows officers to share immigration status of victims and witnesses with federal deportation agencies
- ❖ Improvement ensures protection for victims and witnesses; continues to allow for support to applicants of U and T visas



Improvement #4: Protect Confidentiality

“No information about an individual shall be shared with federal immigration authorities unless necessary to an ongoing investigation of a felony, for which there is probable cause, and the investigation is unrelated to the enforcement of federal civil immigration law.”

- ❖ Information sharing with feds diverts resources and results in disparate treatment
- ❖ Current policy places no restrictions on sharing information about immigration status, creates broad and vague carve-outs to allow for sharing other information
- ❖ Improvement protects confidentiality and restricts information sharing to serious criminal investigations



Improvement #5: Due Process for Detainees

“Unless ICE or CBP agents have a judicially-issued criminal warrant, or members have a legitimate law enforcement purpose exclusive of the enforcement of civil immigration laws, members shall not grant ICE or CBP agents access to individuals in [Agency] custody.”

- ❖ Federal deportation agents alerted to arrests may seek to interrogate and detain immigrants in police custody
- ❖ Current policy allows deportation agents free access to immigrants in custody, turning police station into de facto holding cell for ICE and Border Patrol
- ❖ Improvement protects due process and principle of innocent until proven guilty

Questions?



Local No Polimigra Campaigns

- ❖
- ❖ Campaign structure
 - Migrant Justice provides policy and framework
 - Local Organizing Committees lead municipal campaigns
 - Migrant Justice and successful campaigns provide guidance, support, and presence at key moments



Building Successful No Polimigra Campaigns

1. Create Local Organizing Committee
2. Research systems and structure of your local government
3. Study No Polimigra policy vs. State Model FIPP
4. Develop clear messaging and legal arguments
5. Build local coalition
6. Set up constituent meetings with decision-makers
7. Win adoption of the policy

Understanding Local Government

- ❖ How can policing policy get made in your jurisdiction? (Policy amendment / ordinance / town meeting / referendum)
- ❖ Who is on your legislative decision-making body? (City Council / Selectboard)
- ❖ What is the administrative structure? (Mayor / Town Manager / Police Chief)



Clear and Convincing Messaging

- ❖ Problem: Policy allows local police to work with ICE and Border Patrol to detain and deport immigrants in our community
- ❖ Solution: Strengthen policy to get police out of the business of deportations
 - Stops profiling based on immigration status
 - Supports equal treatment under the law
 - Ensures safety and security for all
 - *What works for your town?*

Messaging to Avoid

- ❖ No Polimigra campaigns are part of a larger movement that includes those working towards the abolition of police, prisons, and ICE
- ❖ Avoid messages that divide communities and legitimize policing
 - *“Police should be going after criminals, not immigrants”*
 - *“Pass this policy so immigrants can trust in the police”*
 - *“This isn’t against the police; we just want to make sure they’re able to focus on their jobs”*

Understanding federal law (8 U.S.C. 1373)

*“a Federal, State, or local government entity or official **may not prohibit, or in any way restrict,** any government entity or official from **sending to, or receiving from,** [immigration agencies] **information regarding the citizenship or immigration status, lawful or unlawful, of any individual.**”*

- ❖ On the books since the 1990's; never enforced until Trump Administration
- ❖ Trump's Department of Justice has tried to force local jurisdictions to certify compliance with 1373 in order to receive certain federal law enforcement grants
- ❖ Most courts have rejected this move, ruling 1373 “unconstitutional on its face” and prohibiting its connection to grant funding
- ❖ Courts have sided with California, Philadelphia, Chicago, etc.
- ❖ Vermont Attorney General believes 1373 is unconstitutional but won't challenge in court

Building your local coalition

- ❖ Who is already organized around similar issues?
- ❖ Who has had success winning social justice and human rights policies?
- ❖ Who has the ear of the Selectboard / City Council?



Strategy and Action

- ❖ Determine your strategy (policy, ordinance, referendum, etc.)
- ❖ Power map your local government:
 - Likely allies vs. Likely opponents
 - Existing voting blocks
 - Influencers
- ❖ Set up constituent meetings with decision-makers
- ❖ Use mobilization and publicity as tools to decision-makers
- ❖ Once you have the support, bring the issue to a vote

Questions?







No Mas

Polimigra!

