Senator Bill Nelson
716 Hart Senate Office Building
Washington, D.C. 20515

Dear Senator Nelson,

We write on behalf of the undersigned organizations and the signatories of the enclosed petition to request a meeting to discuss the 287(g) immigration program in Collier County and Jacksonville, Florida.

As you are no doubt aware, the Department of Homeland Security (“DHS”) is currently undertaking a review of its 287(g) agreements with 57 law enforcement agencies in 21 states, including Collier County and Jacksonville.1 The agreements were set to expire on or around September 30, 2012, but DHS temporarily extended them for an additional 90 days pending completion of its review.2 The extension expires in January 2013 for Collier County and Jacksonville. We urge you to take this unique opportunity to help bring an end to the 287(g) program in the state of Florida.

The program allows state and local law enforcement agencies to enter into an agreement with Immigration and Customs Enforcement (“ICE”) in order to enforce immigration laws within their jurisdictions. In effect, it turns local law enforcement officers into immigration agents who act as decisionmakers about whom to detain and place in deportation proceedings, albeit decisionmakers with minimal training and virtually no oversight or accountability.3 287(g) “task force” models use roving police officers as immigration agents, while “jail enforcement” models involve police officers screening people arrested and booked into local jails.

Collier County has participated in the federal 287(g) program since 2007 and Jacksonville since 2008.4 Collier County’s 287(g) agreement includes both task force and jail enforcement models, and Jacksonville’s agreement is limited to jail enforcement. Collier County’s participation in the program has resulted in 4,316 deportations, one of the highest rates

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2 Id.


of deportation among all of the jurisdictions participating in 287(g) across the country. Since its inception, the program has produced countless complaints about abusive police practices, racial and ethnic profiling, and the deterioration of relationships between police and the communities they serve.

Collier County’s Sheriff Kevin Rambosk has touted the 287(g) program as an effective mechanism to remove criminals from neighborhoods and make the community safer. Jacksonville’s Sheriff John Rutherford similarly claims that participation in the 287(g) program is about taking criminals off the streets and not to prosecute individuals arrested for minor offenses.

However, the facts show precisely the contrary: minor offenders are being targeted under the program. According to an in-depth study, in the first ten months of 2010, half of the detainers issued by 287(g) officers nationwide were placed on people apprehended for misdemeanors, traffic violations, and noncriminal immigration offenses. And the significant number of arrests for low level violations resulting in immigration enforcement consequences raises concerns about racial profiling.

In addition to racial profiling, the program undermines community trust in the police and therefore harms law enforcement objectives. Police chiefs across the country, including former Miami Police Chief John Timoney, have criticized local police enforcement of federal immigration law for undermining public safety. As Chief Timoney said, “All our citizens are

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9 See MPI Report at 2, 18-21.

directly affected, whether they are immigrants or not, by these policies. Immigrant victims and witnesses of violent crimes will not come forward if they fear their ‘local police’ will deport them. This affects everyone, as it hampers law enforcement efforts to thwart criminal activity in our neighborhoods.”11 The most tangible effect of the program has been generating fear and a marked mistrust of police among both documented and undocumented individuals in the Latino community.12

Florida has historically been a state that welcomes immigrants, and its immigrant population has increased significantly over the past decade.13 Immigrants contribute to Florida’s economy and to its culture. Floridians do not endorse programs that alienate, racially profile, and harass Latino and immigrant communities. Florida’s defeat of an Arizona-style show-me-your-papers bill in the 2010 Legislature confirms that Floridians wish to live in a state that treats all of its residents with equal dignity and respect. The 287(g) program is fundamentally at odds with this approach and does not belong anywhere in Florida.

At this critical moment in the history of the 287(g) program, we urge you to request the Secretary of Homeland Security to put an end to its 287(g) agreements in Collier County and Jacksonville, Florida. In order to further discuss this matter, we request a meeting with your office sometime in the following week. You can reach us by contacting Ron Bilbao at 786-363-1680 or Shalini Goel Agarwal at 786-363-2708.

Sincerely,

Howard L. Simon, Executive Director
Ron Bilbao, Senior Legislative Associate
Shalini Goel Agarwal, Staff Attorney
American Civil Liberties Union of Florida

11 Bastien, supra n.8.

12 See Immokalee protesters against renewal of 287g, supra n.6; Masinter, supra n.6; MPI Report at 38.

Maria Rodriguez, Executive Director
Florida Immigrant Coalition

On behalf of:
The ACLU of Florida
Florida Immigration Coalition
[Other organizations]