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"I Now Pronounce You PoliMigra": Narrative Resistance to Police-ICE Interoperability

Meghan E. Conley
University of Tennessee

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Abstract

Police-ICE interoperability, known colloquially by immigrant rights actors as *PoliMigra*, is the cooperation of state and local law enforcement with federal immigration authorities to enforce federal immigration law. Hailed by the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), and state and local authorities as a "common sense" approach to immigration enforcement, such collaboration is asserted to aid authorities in identifying and apprehending potential or proven threats to the nation. In contrast, immigrant rights actors argue that the blurring of lines between local police and federal immigration agents ultimately produces vulnerability for communities, both immigrant and native-born. In this article, I contextualize the foundations of recent police-ICE collaboration and discuss two individual programs, Secure Communities and 287(g), that exemplify interoperability. Drawing on observations from more than two years of participatory ethnographic field work in Alabama, Georgia, Tennessee, and North Carolina, I then examine one strategy that immigrant rights actors have used to resist the collaboration of local law enforcement with federal immigration authorities. This strategy, a mock PoliMigra wedding ceremony, functions as an ideological counternarrative to the common sense rationale of police-ICE interoperability as logical and beneficial for communities.

Keywords

It was, by all accounts, a picture perfect setting for a wedding. High in the green hills of East Tennessee, the Smokies, loosely haloed in mist and rolling softly in the distance, provided a breathtaking backdrop for a ceremony of staggering importance. By late afternoon, the heat of the mid-June sun had largely dissipated, and the light sprinkling of rain from earlier that morning left behind a brilliant sheen on the grass and an earthy scent in the air.

A crowd of more than a hundred guests sprawled lazily on the grass. Abuzz with excitement, we eagerly anticipated the culmination to the day's festivities. President Obama, our surprise host for the evening, emerged in a shabby gray suit coat and tattered brown pants to announce the beginning of the ceremony and a union so significant that it would have tremendous repercussions for years to come.

The guests looked on in delight and bemused horror as the bride and groom stepped forward to pledge their vows to one another. On one side stood the bride, resplendent in a navy midway cap and aviator

glasses. Across the aisle stood the groom, understated in a dark, unmarked baseball cap, wearing equally reflective glasses. Both wore simple necklaces made of string with cardboard placards, upon which their names were respectively inscribed: Police and Immigration.

The minister's monologue on the sanctity of this union, punctuated by the occasional snickering and hissing of the audience, left behind a grave impression. As the bride and groom exchanged their solemn vows – to work together from this day forward to deport workers, young people, and parents; to waste taxpayer dollars pursing programs with a proven record of failure; and to undermine years spent developing trusting relationships with the community – the newlyweds flipped their necklaces to reveal their new shared name: PoliMigra.

I have spent the last few years involved in immigrant rights struggles as both an ethnographer and an organizer, my field work nourishing my political work and vice versa. This work has taken me into communities across the US Southeast, to observe and participate as immigrants and allies organize in response to increasingly restrictionist policies and practices. On many occasions, I have documented immigrant rights activists' use of popular education methods, such as interactive plays, to explain and resist practices perceived as unjust, cruel, and oppressive. These sociodramas often featured character roles such as the unscrupulous employer, spineless legislator, racist police officer, and scheming private prison contractor, as well as the virtuous and courageous immigrant.

A particular favorite of both actors and audience was the PoliMigra Wedding, a skit that I saw performed numerous times over the course of my field work, and always with local flair. On the day described above, I witnessed a truly Beckett-inspired masterpiece, the interoperability of *la Migra* and local police personified in the union of giant papier-mâché puppet heads. The utter absurdity of the drama unfolding on the makeshift stage that evening was tempered only by the experiences of audience members. Many had shared publicly a real life story of friends, family members, neighbors – or even, perhaps, themselves – stopped by police and successively entered into removal proceedings for the heinous crimes of driving without a license, complaining of labor violations, or reporting domestic violence. On that day in June, I witnessed a transgressive retelling of the story of Police-ICE interoperability.

In this article, I contextualize the foundations of police-ICE collaboration and discuss two programs, Secure Communities and 287(g), that exemplify interoperability. Drawing on observations from more than two years of participatory ethnographic field work in Alabama, Georgia, Tennessee, and North Carolina,[12] I then examine one strategy that immigrant rights actors have used to resist the partnership of

local law enforcement with federal immigration authorities. This strategy, a mock PoliMigra wedding ceremony, functions as an ideological counternarrative to the common sense rationale of police-ICE interoperability as beneficial to communities.

ORIGINS OF INTEROPERABILITY

Interoperability is the terminology used by the US Federal government to articulate the cooperation of federal agencies with local public health and safety departments through the implementation and use of extensive information sharing networks. In general, this practice is both logical and beneficial. Community-based first responders – such as police officers, fire fighters, and emergency medical providers – recognize the importance of effective inter-agency communication. When local agencies are interoperable – able to collaborate with one another – they are better equipped to organize and deploy services in a strategic manner. Ideally, interoperability promotes a rapid and effective response to community safety concerns.

In the aftermath of the 2001 World Trade Center bombings in New York and the 2004 disaster of Hurricane Katrina in New Orleans, reviews commissioned by the US Congress and the White House articulated that emergency responders were hindered by the lack of communication and coordination between federal, state, and local agencies.[3] Reports cited the lack of shared radio frequencies and access to medical records between state and local agencies, as well as the lack of intelligence sharing across government agencies at all levels, as examples of the breakdown of interoperability in a new era of risk. As the dangers to our national security have broadened and changed, the reports argued, so too must our inter-agency coordination measures and communication infrastructure.

The reviewers recommended that the US government spearhead an "information sharing revolution" across all governmental agencies as a primary form of emergency prevention and preparedness. Better information sharing, it was thought, would bolster the efficacy and efficiency of local public safety organizations in the event of a widespread emergency. Theoretically, it would also strengthen the capacity of federal agencies to identify, assess, and target potential threats to national security.

POLICE-ICE INTEROPERABILITY

The origins of interoperability are instructive for understanding the contemporary manifestation of immigration enforcement in the United States. By 2003, the Immigration and Naturalization Service (INS) – the federal agency tasked with the administration of immigration policy, and the US Customs Service – the federal agency tasked with processing goods and people at ports of entry – had been dissolved and

reorganized as Immigration and Customs Enforcement (ICE) under the Department of Homeland Security (DHS). The push toward interoperability arose alongside, and in coordination with, these federal departmental changes. Now ubiquitous across the United States, police-ICE interoperability, as it manifests today, is a relatively new phenomenon created in the aftermath of the 2001 World Trade Center bombings.

Empowered to address national security threats, ICE appeared to take seriously the "importance of intelligence analysis that can draw on all relevant sources of information," as articulated in the *9-11 Commission Report*. Previously untapped sources of information included state and local law enforcement agencies (LEAs). By institutionalizing cooperation across federal, state, and local LEAs, government at all levels would be better prepared to identify and assess potential threats to national security. According to ICE,

> Terrorism and criminal activity are most effectively combated through a multi-agency/multi-authority approach that encompasses federal, state and local resources, skills and expertise. State and local law enforcement play a critical role in protecting our homeland because they are often the first responders on the scene when there is an incident or attack against the United States. During the course of daily duties, they will often encounter foreign-born criminals and immigration violators who pose a threat to national security or public safety.[4]

Two premises underlie the restructuring of immigration matters to the Department of Homeland Security and the institutionalization of police-ICE cooperation. First, local law enforcement is more likely than ICE to have regular contact with immigrants; this assumption is reasonable, given the sheer quantity of police officers and their prominent presence in communities. The second assumption, which apparently inspires the need for police involvement in immigration enforcement, is the belief that immigrants, particularly those who are unauthorized, pose a distinct risk to national security. Immigration enforcement thus became synonymous with homeland security, and police-ICE interoperability became naturalized as a reasonable solution to a grave – if unknown – threat.

In immigration matters, interoperability refers to collaboration between the DHS, ICE, and state and local law enforcement agencies. As such, interoperability manifests in various ways, from the routine and

institutionalized sharing of biometric data across local, state and federal agencies to the delegation of immigration authority to local LEAs. Secure Communities and 287(g), two programs that have recently received national attention and public scrutiny, exemplify police-ICE interoperability.

The Secure Communities program builds upon information sharing practices currently active at the local level. Upon arrest, local jails automatically submit the fingerprints of arrestees to the Federal Bureau of Investigation to check for outstanding warrants. Under Secure Communities, the arrestee's fingerprints are also submitted to the immigration database maintained by the Department of Homeland Security. Fingerprints are automatically transmitted to the DHS at the point of booking (rather than upon conviction), regardless of the alleged crime for which the individual was arrested. If the DHS determines that the arrestee is removable due to unlawful presence or a previous criminal conviction, it may request that the local LEA detain the arrestee for ICE custody.

According to ICE, Secure Communities is a "simple and common sense"[5] method of immigration enforcement, as it requires no additional investigative work regarding the arrestee's immigration status on the part of the arresting officer or local jail. Given this, and the fact that states and localities may not "opt out" of participation, the Secure Communities program has proliferated rapidly since its inception. Beginning with just 14 activated areas in 2008, Secure Communities now functions in more than 3000 jurisdictions across the United States; DHS plans to activate the program in all law enforcement jurisdictions by 2013.

The 287(g) program, so named because of its section number in the Immigration and Nationality Act, offers a direct manifestation of police-ICE interoperability. Under 287(g), local law enforcement officers are deputized to perform certain duties related to immigration enforcement, such as identifying unauthorized immigrants or "criminal aliens" and processing them for removal (deportation). Under 287(g), immigration authority may be delegated to local officers through the task force model (in which designated officers verify the immigration status of individuals in the course of regular patrolling duties), the jail enforcement model (in which designated officers identify the immigration status of those who are already incarcerated in the local jail), or a combination of these models. Deputized local officers, though employed by the local jurisdiction, are trained and supervised by ICE.

The 287(g) "success stories"[6] detail use of the program in apprehending and processing criminal aliens with arrests related to sexual assault and abuse, possession of illicit substances with intent to sell, attempted murder, and prior removal. However, given the potentially high fiscal cost of the program to local jurisdictions, few have

implemented the 287(g) delegation of immigration authority. This program is activated in only 68 law enforcement agencies across the United States; nearly half of these agencies are concentrated in the Southeast.

Programs such as Secure Communities and 287(g) are broadly classified under the umbrella acronym of ICE ACCESS, or Agreements of Cooperation in Communities to Enhance Safety and Security. For local jurisdictions and the Department of Homeland Security, police-ICE interoperability is articulated as a common sense tool to promote community safety through increased local authority to detect, apprehend, and remove unauthorized immigrants and criminal aliens that might otherwise elude ICE detection. Though the interoperability of each ACCESS program manifests differently at the local level – as information sharing and detainer compliance under Secure Communities versus active investigation and processing for removal under 287(g) – the premise of collaboration between federal, state, and local authorities to enforce federal immigration law is fundamental.

INTERROGATING THE CLAIMS OF POLICE-ICE INTEROPERABILITY

Police-ICE interoperability, through programs such as Secure Communities and 287(g), is hailed as a "common sense" approach to immigration enforcement. Pleasant enough and seemingly benign in objective – to "provide local law enforcement agencies an opportunity to team with ICE to combat specific challenges in their communities,"[7] interoperability seems not only logical, but also advantageous. How could it be otherwise, when the key feature is to better empower authorities with the capacity to identify, apprehend, and remove real or potential security threats?

Yet, a number of investigations led by independent research organizations, immigrant rights groups, and the Department of Homeland Security itself have shown that these programs have failed to achieve their stated goals. As some have found, interoperability frequently leads to the detention and deportation of individuals who have committed only minor misdemeanors (including traffic violations), as well as those who have never been convicted of any criminal activity.[8] Others suggest that police-ICE collaboration undermines the ability of local LEAs to identify and respond to tangible community threats, as unauthorized immigrants become wary of any dealings with police officers, even as witnesses or victims of crime.[9] Contrary to the common sense narrative, the merits and outcomes of police-ICE interoperability are deeply contested, even among members of law enforcement.

Underlying this debate is the acceptability of common sense as justification for police-ICE interoperability. Conveniently, and unsurprisingly, what counts as common sense fits neatly into a dominant

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narrative of villains, victims, and heroes. Thus, it is "common sense" that someone who violates civil immigration law will inevitably violate criminal law, and further that local police should be enlisted to make it easier to detect, apprehend, and remove unauthorized immigrants before they cause harm. Implicit in this narrative is the characterization of unauthorized immigrants as villains, the United States and its citizens as victims, and police (and, by extension, those who implement policies of interoperability) as heroes. As the most insidious and coercive form of ideological hegemony, common sense also conveys authority and a sense of moral imperative, such that interoperability, and the narratives upon which it is based, are broadly shielded from mainstream critical examination. As a result, the common sense narrative obscures and neutralizes the often devastating consequences of PoliMigra's impact on the lives of unauthorized immigrants and their families.

RESISTANCE THROUGH COUNTERNARRATIVE

For the most part, few people on the ground organizing against interoperability are familiar with its terminology or technical aspects. Similarly, most immigrant rights activists do not spend considerable amounts of time examining the aggregate data on Secure Communities or 287(g).[10] As I discovered during my time in the field, however, grassroots resistance to interoperability is not about presenting facts and figures to refute ICE's narrative, but about reclaiming (and retelling) the story in ways that resist the portrayal of immigrants as villains and immigration agents as heroes.

Skits like the one presented at the beginning of this article have been told in countless communities across the United States. They are not scripted by professional writers, nor are they performed by paid actors.[11] Instead, immigrant rights activists construct these performances through the lenses of their own experiences and that of their family, friends and neighbors who have been caught up in the "deportation machine." In one story, a woman is stopped at a police checkpoint for driving without a license; in another, a youth is stopped for littering when he accidentally drops a candy wrapper in a public park. Before interoperability, as the skits suggest, these incidents might have resulted in a simple fine. After the wedding of PoliMigra, however, unauthorized immigrants with even minor infractions face detention and removal. Indeed, the stories become more insidious: a migrant worker is arrested by PoliMigra at the behest of his employer, after he protests unsafe working conditions; another, after she complains of sexual harassment.

In these narratives, immigrant rights activists subvert the common sense rendition of police-ICE interoperability through the telling of an alternative story, one that points an accusatory finger at PoliMigra. Again and again, these skits tell the stories of hardworking unauthorized immigrants whose attempts to build a life of prosperity and

stability are constantly threatened and thwarted by villainous others – the xenophobic legislator, the zealous supremacist, the unscrupulous employer, and the fanatical PoliMigra. In these stories, immigrants are the victims, and PoliMigra enables their vulnerability.

Importantly, these narratives do not stop at challenging the roles of victim and villain; they also recast the role of hero, such that immigrants feature heavily. The sociodramas almost always incorporate a final act in which immigrants organize themselves in collective resistance to unjust policies and practices. In one scene, immigrants interrupt the PoliMigra wedding ceremony to "object" to the union and demand comprehensive immigration reform; in another, they organize a monitoring system to alert others of checkpoints (one of the primary ways that immigrants are caught by PoliMigra); in yet another, they organize a community hearing to testify against PoliMigra abuses. In these dramas, the audience learns that the organized community is the only community secure from the encroachment of PoliMigra. Just as these performances exist to explain enforcement practices, so too do they demonstrate methods of resistance.

The plays I have witnessed are a form of resistance, not just through the messages they convey, but from the audacity of their very existence. In their defiance of the common sense narrative of police-ICE collaboration as beneficial to security, the plays themselves resist taken-for-granted assumptions about the nature of unauthorized immigrants. Immigrant rights activists also provide a counternarrative to the dominant articulation of unauthorized immigrants as villains and PoliMigra as heroes. In their stories, unauthorized immigrants are both victims and heroes in the unjust union of PoliMigra. Recognizing that they bear the burden of PoliMigra's induced vulnerabilities, immigrants also demand that they occupy the front lines of collective resistance.

Endnotes

[1] For this project, field work consisted of participant observations at public demonstrations, such as marches and rallies, and at the private organizing meetings of local and regional immigrant rights groups as they planned activities such as the PoliMigra wedding skits. This piece is part of a broader ethnographic project, spanning more than two years, which includes interviews with those who participate in immigrant rights movements in the US Southeast.

[3] For more information, see *The 9-11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* (July 2004), available at http://www.gpoaccess.gov/911/Index.html and "The Federal Response to Hurricane Katrina: Lessons Learned" (Feb 2006), available at http://www.whitehouse.gov/reports/katrina-lessons-learned.pdf

[4] Excerpted from "ICE ACCESS: A Partnership Approach" under *Fact Sheet: Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, available at http://www.ice.gov/news/library/factsheets/287g.htm

[5] See "Secure Communities," available at http://www.ice.gov/secure_communities/

[6] See "287(g) Success Stories," available at http://www.ice.gov/287g/success-stories.htm

[7] Excerpted from *Fact Sheet: ICE Agreements of Cooperation in Communities to Enhance Safety and Security (ACCESS)*, available at http://www.ice.gov/news/library/factsheets/access.htm

[8] See, for example: "ICE Targets Fewer Criminals in Deportation Proceedings," available at http://trac.syr.edu/immigration/reports/268/; *The Secure Communities Program: Unanswered Questions and Continuing Concerns*, available at http://www.immigrationpolicy.org/special-reports/secure-communities-program-unanswered-questions-and-continuing-concerns; *Immigration Enforcement Off Target: Minor Offenses With Major Consequences*, available at http://www.aila.org/content/fileviewer.aspx?docid=36646&linkid=236762; "Homeland Security Advisory Council Task Force on Secure Communities Findings and Recommendations," available at http://www.dhs.gov/xlibrary/assets/hsac-task-force-on-secure-communities-findings-and-recommendations-report.pdf.

[9] See, for example: *Restoring Community: A National Community Advisory Report on ICE's Failed Secure Communities Program*, available at http://altopolimigra.com/documents/FINAL-Shadow-Report-regular-print.pdf; *Costs and Consequences: The High Price of Policing Immigrant Communities*, available at https://www.aclunc.org/docs/criminal_justice/police_practices/costs_and_consequences.pdf

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[10] I do not mean to imply that immigrant rights activists are not broadly aware of, or familiar with, such data. My experiences organizing with immigrant rights groups in the Southeast lead me to believe that many are knowledgeable of this research through their participation in trainings and workshops hosted by state, regional, and national immigrant rights organizations. Thus, grassroots activists may become aware of the data and historical context of interoperability during such conferences, but their familiarity with interoperability almost always originates through direct or indirect experience with programs such as Secure Communities and 287(g).

[11] The Southeast Immigrant Rights Network (SEIRN) has recently developed a "PoliMigra Wedding Toolkit," which offers a sample script and cast of characters for groups interested in performing a PoliMigra wedding ceremony. However, the several performances I have seen vary widely in length, treatment, and complexity, demonstrating that the telling of this story is eminently local, even as it is recounted in countless communities across the United States. The toolkit is available at http://seirn.squarespace.com/toolkits/.

Meghan Conley is the James Farmer Postdoctoral Fellow in Civil Rights and Social Justice at the University of Mary Washington. Her research interests include immigration, ideology, and grassroots organizing for social change.