

The Alexandria Sheriff's Collaboration with ICE

The Alexandria Sheriff's website claims that it "does not participate in any type of immigration enforcement in our communities."¹ This is incorrect.

The Alexandria Sheriff continues to go above and beyond what is required by law to voluntarily collaborate with ICE, facilitating transfers to ICE detention and speeding up the deportations of Alexandria residents. While it is true that as of January 1, 2023, ICE has been removed from the Alexandria Adult Detention Center's Intergovernmental Agreement (IGA)² – meaning that the Alexandria jail will no longer hold immigrants solely on the basis of civil immigration violations – removing ICE from the IGA is not enough. The Legal Aid Justice Center (LAJC) and Tenants and Workers United (TWU) call on the Alexandria Sheriff to end all forms of voluntary collaboration with ICE now.

How The Alexandria Sheriff's Office Collaborates With ICE

The Alexandria Sheriff goes beyond what is legally required to facilitate federal immigration enforcement in three ways:

- 1. "Courtesy Calls" to ICE:** When the Alexandria Sheriff is preparing to release an individual from the Alexandria Adult Detention Center who they know to be a noncitizen, they will make a "courtesy call" to ICE to advise them of the individual's release date and time. That way, ICE can be ready to arrest the individual upon release from jail.
- 2. Transfers to ICE Custody Without a Judicial Warrant:** Under the law, the Alexandria Sheriff is only required to transfer custody to another law enforcement agency pursuant to a judicial warrant (signed by a judge). However, the Alexandria Sheriff provides special treatment to ICE, voluntarily transferring custody to ICE on the basis of purely administrative documents known as I-200 warrants and I-247 detainers. These documents are printed in ICE offices and not signed by a judge. A Virginia Attorney General Advisory Opinion states that these documents do not obligate or authorize local law enforcement agencies to detain or arrest individuals for civil immigration enforcement.³
- 3. Holding Individuals Past Their Scheduled Release Times to Facilitate Transfers to ICE:** Under the law, the Alexandria Sheriff cannot hold an individual past their release date in order to facilitate transfers to ICE. However, the Alexandria Sheriff voluntarily holds individuals for hours after their scheduled release times to facilitate such transfers.

In addition to voluntarily collaborating with ICE, **the Alexandria Sheriff states on his website that the "vast majority" of immigrants transferred to ICE custody were charged with "serious crimes" and "violent felonies," and offers the public a specific list of the charges upon request.**⁴ The Sheriff does not provide any commentary on the criminal charges pending against U.S. citizens or affirmatively offer a similar list of pending charges against them. This language on the Sheriff's website plays into harmful tropes painting immigrants as criminals. In reality, research shows that immigrants tend to be more law-abiding than U.S. citizens.⁵ The Alexandria community deserves better than harmful stereotypes.

¹ "Sheriff's Office Statement on Immigration Concerns,"

<https://www.alexandriava.gov/sheriff/sheriffs-office-statement-on-immigration-concerns> (last visited March 13, 2023). See also

"Sheriff's Office FAQs," <https://www.alexandriava.gov/sheriff/sheriffs-office-faqs> (last visited March 13, 2023).

² Id.

³ Mark R. Herring, Virginia Attorney General, 2015 Ops. Va. Att'y Gen. 14-067 (Jan. 5, 2015),

https://www.oag.state.va.us/files/Opinions/2015/14-067_Stolle.pdf.

⁴ See supra note 1, "Sheriff's Office Statement on Immigration Concerns."

⁵ Michael T. Light, et. al., Comparing crime rates between undocumented immigrants, legal immigrants, and native-born U.S. citizens in Texas, in 117 PNAS 51 (2020), <https://doi.org/10.1073/pnas.2014704117>.

FREQUENTLY ASKED QUESTIONS ?

How many individuals has the Alexandria Sheriff transferred to ICE?

Since Sheriff Casey took office on January 1, 2022, the Alexandria Sheriff's Office has transferred at least 12 individuals to ICE custody.⁶

What is the impact of the Alexandria Sheriff's voluntary collaboration with ICE on the Alexandria community?

The Alexandria Sheriff Office's voluntary collaboration with ICE makes it easier for ICE to detain and deport community members. Tearing caregivers, mentors, and family members away from their loved ones makes the entire community more vulnerable. Family separation is traumatizing, with long-lasting effects on children. Impacted families are often left in severe economic distress, struggling to pay for rent, groceries, childcare, and legal fees for their loved ones in detention. Further, Alexandria residents transferred to ICE custody face deportation to countries where they fear persecution or torture.

Do neighboring sheriffs voluntarily collaborate with ICE?

No. The Fairfax County Sheriff and Arlington County Sheriff have ended all forms of voluntary collaboration with ICE. The Alexandria Sheriff's office is now an outlier within Northern Virginia, continuing to engage in practices that make our community more vulnerable.

What type of collaboration with ICE is actually required by Virginia law?

The Alexandria Sheriff is required by Va. Code § 19.2-83.2 and § 53.1-218 to inquire as to the immigration status of individuals who are arrested and brought to the Alexandria Adult Detention Center on felony charges. If the person was born outside of the United States or is a citizen of another country, the Sheriff's office is then required to share this information with ICE. Additionally, the Sheriff's office is generally required to honor signed judicial warrants to transfer custody to ICE. However, the Alexandria Sheriff's current policies of voluntary collaboration with ICE go above and beyond what is required by law, making it easier for ICE to detain and deport Alexandria community members.

How can the Alexandria Sheriff's office end their voluntary collaboration with ICE?

The Alexandria Sheriff need only do what federal, state, and local laws require – and nothing more. The Sheriff's office can end its voluntary collaboration with ICE immediately by ceasing to make "courtesy calls" when individuals are released; ceasing to transfer individuals to ICE custody without a signed judicial warrant; and ceasing to hold individuals past their scheduled release times to facilitate transfers to ICE.

⁶ See *supra* note 1, "Sheriff's Office Statement on Immigration Concerns."

⁶ *Id.*