

# Coalition For Prisoners' Rights Newsletter

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## **SURVIVING COLUMBUS: ¡QUE VIVA LA RAZA!**

We know that our police, court and penal systems are based on racist policies and practices. In our August and September issues we had articles about how this reality is played out both in the denial of the right to vote and in the gerrymandering of census-based voting districts.

An additional way in which racism is implemented is the dangerous merger of the federal immigration systems policies and practices with individual state prison systems. In this on-going merger, non-citizens are channeled into federal immigration enforcement via charges or convictions for offenses that, although they pose no threat to public safety, rely on court and penal systems characterized by racial disparities, racial profiling and racial biased policing.

The Department of Homeland Security (or DHS--the very name sounds like a cross between Nazi Europe and a science fiction movie) immigration enforcement programs have allowed arrests for minor charges to be the gateway for immigration enforcement. They also provide an incentive to state and local police to arrest persons who look or sound "foreign" to those doing the arresting so that their immigration status may be checked.

Once non-citizens are channeled into the immigration enforcement system--regardless of guilt or innocence, severity of the offense or how long ago it occurred, rehabilitation or ties to the community--they face a detention and deportation system with few due process protections. DHS has a bad track record of failing to ensure that immigration enforcement authority is not granted to local agencies with a history of racial profiling or racially disparate enforcement.

DHS's immigration enforcement programs and tools significantly intrude on the operation of the court and penal systems. ICE detainers often prevent non-citizens (and sometimes citizens)

from release on bond or limit access to alternative sentencing or rehabilitative programs. As a result, non-citizens spend significantly more time in jail than citizens arrested on the same charges and at higher cost to localities. Those released on bond despite the detainer may be immediately taken into custody by ICE and not returned to the court and penal system in order to have the criminal charges resolved, regardless of guilt or innocence. ICE and local agencies frequently do not follow the 48-hour time limit for taking non-citizens into custody once criminal cases are completed.

As we know, available data confirm that racial disparities exist at every stage of the court and penal system. Because police know that immigration status will be checked after an arrest, police have a perverse incentive to target members of the community who look or sound foreign to them.

The merger of immigration enforcement and local law enforcement agencies is not only bad public policy, it undermines public safety by focusing the use of scarce resources on false threats from people who look or sound "foreign." Additionally, the 287(g), Secure Communities and CAP programs have contributed to an anti-immigrant environment by encouraging local politicians to wrongly equate immigration with criminality. DHS's willingness to rely on the results of state anti-immigrant laws and policies creates an incentive for their existence.

Racial disparities in the police, court and penal system are creating and perpetuating racial hierarchy in the United States. The immigration detention system remains the fastest growing prison system in the United States, acting as a profit center for private companies and communities that have overbuilt their jails. As always, detention in these jails is often

# Sus derechos en la cárcel [Know your rights in jail]

Aunque haya sido arrestado por cargos criminales y está detenido en una cárcel local, se puede rehusar a ser entrevistado por ICE (Departamento de Inmigración y Aduanas) o por agentes de la Patrulla Fronteriza.

Usted tiene el derecho de NO divulgar su estatus migratorio y/o su país de origen a NADIE mientras está en la cárcel, incluyendo a empleados de la cárcel, a las autoridades policíacas y a oficiales de inmigración.

Aunque sea entrevistado por teléfono o en persona por un agente de inmigración, tiene el derecho de mantenerse callado y NO divulgar su país de origen ni su estatus migratorio.

También tiene el derecho de hablar con su abogado de inmigración antes de contestar cualquier pregunta acerca de su país de origen y de su estatus migratorio.

No tiene que firmar ningún documento que no entienda.

Tiene el derecho a un intérprete certificado en todos los procedimientos judiciales si usted no entiende ni habla inglés.

De acuerdo con la ley, su abogado tiene la obligación de explicarle cuáles son las consecuencias de inmigración que puedan surgir al declararse culpable y/o en el momento de dictar sentencia.

## Ordenes de sujeción de ICE [ICE Holds]

(Departamento de Inmigración y Aduana)

**Solamente los agentes de Inmigración y Aduana (ICE) y la Patrulla Fronteriza pueden emitir una orden de sujeción (ICE Hold).**

Los agentes de policía municipal, el alguacil, policías de la tribu, jueces o carceleros no pueden emitir órdenes de sujeción (ICE Holds) de inmigración, aunque si pueden avisarle a los agentes de inmigración si sospechan que una persona es indocumentada.

La orden de sujeción de ICE sólo autoriza a las cárceles locales a detener a un preso por 48 horas adicionales más allá de su fecha de libertad (excluyendo los fines de semana y los días de fiesta). Si las 48 horas han pasado y un traslado de custodia de la cárcel local a agentes de inmigración no ha tomado lugar, entonces la persona debe ponerse en libertad siempre que no haya ninguna acusación criminal en su contra y si ya ha pagado su fianza.

## EXECUTION BLOCKED

On September 28, 2010, a federal judge in California canceled the execution of a prisoner stating that he didn't have enough time to decide the weighty constitutional issues that had been raised before the execution date. If a higher court doesn't reverse the decision within two days, the state will be unable to perform that execution or any other for several months because of the expiration of the state's entire supply of sodium thiopental, the sedative used to render prisoners unconscious before they are fatally injected with two other drugs. The California attorney general's office was apparently seeking dates of execution even when they knew they wouldn't have the drugs to perform them, or were unaware of that fact.

### VOICE IN SOLIDARITY

*The Florida Postconviction Journal* from  
412 E Madison St-Ste 1111, Tampa FL 33602

## Soliciting Holiday Card Design

The Coalition would like to use a prisoner's drawing for this year's holiday/new year's card. Please submit your drawings in black and white. All designs must be respectful of our diversity: We can not use any with racist, sexist, or religious symbolism. The deadline is the first week in November. Submission of a drawing will serve as your permission to use your drawing. We will credit it with your name and state on the card. If your drawing is chosen, you will receive a free copy of the *Prisoners' Self-Help Litigation Manual, fourth edition*. We also will use as many entries as possible in the 2011 Newsletters.

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This two page version of the CPR monthly newsletter will be included in all correspondence we send out. All others who would like to get it MUST send us a stamped, self-addressed envelope (up to 12 at one time) for every issue they would like to receive.

Please continue to send us address changes and renewal requests in order to stay on our mailing list and to receive the year-end holiday card/new calendar.

We remain debt free, but continue to need your financial contributions to meet our ongoing operating expenses.

Please note: the ONLY address to use to be sure to reach us continues to be:  
PO Box 1911, Santa Fe NM 87504.

Many, many thanks to the Real Cost of Prisons Project for making the newsletter available on-line at:  
<http://www.realcostofprisons.org/coalition.html> Download it and mail it inside!