

# National Council 118 - Immigration and Customs Enforcement

American Federation of Government Employees (AFL-CIO)



## VOTE OF NO CONFIDENCE



IN  
ICE DIRECTOR JOHN MORTON  
AND  
ICE ODPP ASSISTANT DIRECTOR PHYLLIS COVEN

June 25, 2010

*For Immediate Release,*

On June 11, 2010, the National Immigration and Customs Enforcement Council and its constituent local representatives from around the nation, acting on behalf of approximately 7,000 ICE officers and employees from the ICE Office of Enforcement and Removal Operations (ERO), cast a unanimous **“Vote of No Confidence”** in the Director of Immigration and Customs Enforcement (ICE), John Morton, and the Assistant Director of the ICE Office of Detention Policy and Planning (ODPP), Phyllis Coven.

This action reflects the growing dissatisfaction and concern among ICE employees and Union leaders that Director John Morton and Assistant Director Phyllis Coven have abandoned the Agency’s core mission of enforcing United States Immigration Laws and providing for public safety, and have instead directed their attention to campaigning for programs and policies related to amnesty and the creation of a special detention system for foreign nationals that exceeds the care and services provided to most United States citizens similarly incarcerated.

It is the desire of our union within ICE and our employees to publicly separate ourselves from the actions of Director Morton and Assistant Director Coven and publicly state that ICE officers and employees do not support Morton or Coven, or their misguided and reckless initiatives, which could ultimately put many in America at risk.

This **“Vote of No Confidence”** is in response to the policies and actions of Director Morton and Assistant Director Coven, some of which are listed and briefly discussed below.

- Senior ICE leadership dedicates more time to campaigning for immigration reforms aimed at large scale amnesty legislation, than advising the American public and Federal lawmakers on the severity of the illegal immigration problem, and the need for more manpower and resources within ICE ERO to address it. ICE ERO is currently overwhelmed by the massive criminal alien problem in the United States resulting in the large-scale release of criminals back into local communities.
- Criminal aliens incarcerated in local jails seek out ICE officers and volunteer for deportation to avoid prosecution, conviction and serving prison sentences. Criminal aliens openly brag to ICE officers that they are taking advantage of the broken immigration system and will be back in the United States within days to commit crimes, while United States citizens arrested for the same offenses serve prison sentences. State and local law enforcement, prosecutors and jails are equally overwhelmed by the criminal alien problem and lack the resources to prosecute and house these prisoners, resulting in the release of criminal aliens back into local communities before making contact with ICE. Thousands of other criminal aliens are released to ICE without being tried for their criminal charges. ICE senior leadership is aware that the system is broken, yet refuses to alert Congress to the severity of the situation and request additional resources to provide better enforcement and support of local agencies.
- ICE is misleading the American public with regard to the effectiveness of criminal enforcement programs like the ICE “Secure Communities Program” using it as a selling point to move forward

with amnesty related legislation. As officers in the field, we know this program will not improve enforcement or provide for public safety because ICE refuses, for political reasons, to request the additional manpower and resources needed to adequately operate the program.

- While ICE reports internally that more than 90 percent of ICE detainees are first encountered by ICE in jails after they are arrested by local police for criminal charges, ICE senior leadership misrepresents this information publicly in order to portray ICE detainees as being non-criminal in nature to support the Administration's position on amnesty and relaxed security at ICE detention facilities.
- The majority of ICE ERO Officers are prohibited from making street arrests or enforcing United States immigration laws outside of the institutional (jail) setting. This has effectively created "amnesty through policy" for anyone illegally in the United States who has not been arrested by another agency for a criminal violation.
- With only a handful of officers nationwide authorized to enforce U.S. immigration laws, and demand for these officers higher than ever before, hundreds of ICE officers nationwide perform no law enforcement duties whatsoever because of resource mismanagement within the Agency. The remaining ICE officers who do perform enforcement functions spend a majority of their time performing non-law enforcement duties because ICE ERO lacks the support staff to perform related support functions.
- ICE Detention Reforms have transformed into a detention system aimed at providing resort like living conditions to criminal aliens. Senior ICE leadership excluded ICE officers and field managers (the technical experts on ICE detention) from the development of these reforms, and instead solicited recommendations from special interest groups. The lack of technical expertise and field experience has resulted in a priority of providing bingo nights, dance lessons and hanging plants to criminals, instead of addressing safe and responsible detention reforms for non-criminal individuals and families. Unlike any other agency in the nation, ICE officers will be prevented from searching detainees housed in ICE facilities allowing weapons, drugs and other contraband into detention centers putting detainees, ICE officers and contract guards at risk.
- ICE has virtually no consistent national policies. As a result, the Agency lacks adequate direction and managerial infrastructure. Operations suffer, accountability is nonexistent, and ICE is unable to perform at its potential.
- Senior leadership ignores reports that ICE internal investigations conducted under the auspices of the ICE Office of Professional Responsibility conceal Agency and supervisor misconduct and are used to retaliate against employees who make whistleblower type disclosures or question inappropriate policies and procedures.

It is our sincere belief that the integrity of the Agency as well as public safety will be better provided for in the absence of Director Morton and Assistant Director Coven.



Chris Crane  
President  
AFGE Council 118 ICE