

FROM THE BASE: THE HUMAN IMPACT OF 'SECURE COMMUNITIES' IN ALAMEDA COUNTY



Six months of organizing with the Immigrant Rights Campaign at Causa Justa :: Just Cause
By Irene Romulo
Bill Emerson National Hunger Fellow, 19th Class

From the Base: The Human Impact of 'Secure Communities' in Alameda County

FIVE MONTHS OF ORGANIZING WITH THE IMMIGRANT RIGHTS CAMPAIGN AT CAUSA JUSTA :: JUST CAUSE

THEY DISCRIMINATE AGAINST US BECAUSE WE ARE UNDOCUMENTED, BUT WE ARE ALL HUMAN; WE ALL HAVE BLOOD; WE ALL HAVE A HEART!

—Elizabeth, Forum on immigration reform, Berkeley, CA

In order to garner support from elected officials and communities across the country, the Secure Communities (S-Comm) program was said to be a tool for community safety based on the apprehension and deportation of individuals with serious or violent felony convictions. In just the last three years, however, it has become a mass deportation program that has removed 90,092 individuals from California alone. ² In Alameda County, 1,897 community members have been deported through S-Comm and thousands more feel the negative impact of this draconian enforcement program.

Proponents argue that S-Comm is an effective way to rid the nation of "...the most significant threats to public safety", but the numbers, and most importantly, the individuals and communities affected tell a different story. ³ In this report I hope to highlight the thoughts, feelings, and experiences of the individuals that are most directly affected by S-Comm. In order to adequately advance Causa Justa :: Just Cause's (CJJC) Immigrant Rights Campaign's (IRC) vision to promote community resistance to anti-immigrant attacks, expand the rights of immigrants, and promote an anti-imperialist and anti-racist analysis of immigration, we need to listen to our member base and document the impact that S-Comm is having. The quotes and stories that I gathered throughout our Know Your Rights trainings, S-Comm forums, and one-on-ones reflect the voices of people who were willing to come forth and share deeply traumatic and painful experiences. They did so because someone was there to listen and because by doing so they hope to prevent others from going through the same experiences. The stories included may be of just a few of our community members but they are not isolated events. They happen every single day in Oakland, in California, in the United States. We need to listen to our member base—this is what our base is saying.

Secure Communities deepens the fear and mistrust of police, leaving our communities vulnerable to crime and exploitation

The distrust and fear of police was made very apparent in conversations during our Know Your Rights trainings in schools throughout Oakland and during one-on-one meetings with potential CJJC members. This fear stems from the way that S-Comm works, aside from the already present fear of immigration policing programs in general. When local police apprehend someone their fingerprints are taken and shared with the FBI. Under Secure Communities, which was piloted during the Bush administration in 2008 and expanded dramatically under President Obama, an individual's biometric information is also shared with the Department of Homeland Security's (DHS) Automated Biometric Identification System (IDENT).⁴ If a match is found in the system and Immigration and Customs Enforcement (ICE) suspects that an individual is undocumented or deportable, they issue a detainer or hold. This hold is simply a request for local law enforcement to hold an individual for what is supposed to be a maximum of 48 hours past the point from which they would otherwise be released. The holds are issued at the point of arrest so a prior or current conviction is not necessary for the detainer to be honored. This means that contact with local police, even when one is a victim of a crime, can potentially result in an arrest and lead to an immigration hold.

This has devastating impacts in Alameda County where almost one in three residents is a foreign born immigrant.⁵ The quotes highlighted above are only a few of the sentiments expressed during our meetings. They are poignant testimony to the continued erosion of trust between communities of color and police. When folks are afraid to report crimes they become continued targets for violence, exploitation, and labor rights abuses. In our housing rights clinics we met families who are afraid to assert their right to report landlords who refuse to make necessary repairs, harass tenants, or evict them without just cause. We were also witness to the use of E-Verify at a local food chain as a tool to reprimand workers who were trying to unionize.⁶ Immigration enforcement programs in general are not solutions to a broken immigration system. Instead, they are often tools for the continued exploitation of vulnerable communities.

I FEEL LIKE I AM IN A CRISIS, SOME DAYS I CAN'T STOP CRYING. I HAVE LOST FAITH IN THIS COUNTRY AND IN THE JUSTICE SYSTEM. THE POLICE, THEY ARE THE ONES WHO ARE CAUSING HARM INSTEAD OF PROTECTING US. THEY LET ME OUT, BUT THERE WERE SO MANY PEOPLE IN THERE WHO THEY ARRESTED WITHOUT HAVING A VALID REASON AND THEM, ALL OF THEM WILL NOT BE ABLE TO STAY [IN THIS COUNTRY].

—MARIA, DETAINED FOR 10 DAYS BECAUSE OF MISTAKEN IDENTITY, OAKLAND

PEOPLE HERE, WE STAY QUIET ABOUT CRIMES IN OUR COMMUNITY. WE'RE AFRAID THAT THERE WILL BE REPRISALS MADE BY POLICE.

—DANIELA, OAKLAND

THE POLICE ARE SUPPOSED TO BE THERE TO PROTECT US BUT NO, THEY AREN'T DOING THAT.

—MARISELA, HAWYARD FORUM ON S-COMM

In 2008, Rafael was arrested for driving under the influence. Less than a week later he was already in Mexico, having been forced to sign a voluntary deportation. His wife and young daughter were still in the U.S. so Rafael made the decision to enter the country once again. In December 2010, Rafael's wife was making dinner when she realized she did not have enough hot peppers. She asked her husband to go and pick some up at the local store. Once he was done with his purchases he went to the car and began to strap his daughter into her car seat. It was then that he heard someone shout, "Give me your wallet or I'm going to kill you!" all while pressing a gun to his head. His daughter, visibly shaken, screamed for the individual not to kill her father. Rafael, scared and worried for his daughter's life, gave the individual his wallet and remaining money. The individual left in a waiting car and Rafael drove home, shaken, scared, and afraid to call the police for fear of possible deportation. Rafael knew that people from Alameda County were being deported through S-Comm. He feared that any interaction with police would trigger an order of detention due to his prior deportation and result in a separation from his family once again. It wasn't until about a week later that he summoned the courage to go with his wife to the police station and report the crime that had occurred. It took a lot for him to be able to go back and report the offense and although more than two years have passed his family still lives with that trauma. His daughter is only now, through hours of therapy sessions and continued reassurance from her parents, beginning to feel comfortable with leaving the house and answering the door. His wife, however, expressed the continued fear concisely when she said, "We no longer live happily. We have the continued fear that one day they [ICE/Police] will knock on the door or stop us while driving and take us away. One lives insecurely."

Secure Communities incentivizes racial profiling

THEY DON'T STOP YOU BECAUSE YOU ACTUALLY DID SOMETHING. THEY STOP YOU BECAUSE YOU LOOK LATINO AND THEN THEY MAKE UP AN EXCUSE LIKE YOU WERE DRIVING TOO SLOWLY OR YOUR LICENSE PLATE LIGHT IS TOO DIM.

—MARIA, OAKLAND

THEY SET UP MORE CHECK POINTS TO SUPPOSEDLY STOP DRUNK DRIVERS BUT THEY HAVE THE CHECK POINTS MORE IN LATINO COMMUNITIES. THEN THEY TARGET PEOPLE WITHOUT LICENSES AND THEY ARREST THEM. THEY KNOW THAT PEOPLE WITHOUT LICENSES USUALLY HAVE NO PAPERS AND THEY WANT US OUT.

—MONCE, OAKLAND

BECAUSE WE ARE LATINOS THEY LOOK AT US LIKE WE ARE ALL CRIMINALS.

—AMANDA, SAN FRANCISCO

The fingerprints of all arrestees are taken at the point of arrest and checked against the DHS's IDENT system for matches. Local law enforcement officials are given discretion to detain and honor holds for all deportable individuals without regard to S-Comm's priority levels, which range from Level 1 to Level 3 based on offense.⁷ The program's priority is to deport Level 1 offenders, which includes threats to national security, convicted criminals, and repeat immigration offenders. The reality in Alameda County, however, is that only 24 percent of the individuals who have been deported through S-Comm fall under this priority.⁸ The majority of people who have been deported had no prior criminal convictions, were likely to have been targeted based on racial appearance and

stopped on the pretense of minor traffic violations in order to check immigration status.⁹ Also, individuals are categorized as Level 1 based on the charges, not convictions, issued at the point of arrest. Some individuals classified as Level 1 are therefore individuals with no criminal convictions. It must also be noted that not all individuals classified as Level 1 present a threat to public safety, as one could be classified as an 'aggravated felon' based on the number of entries to the U.S. which also makes individuals vulnerable not just to deportations but also to long prison sentences and deprivation of freedom. Recent records indicate that ICE has used S-Comm as an indiscriminate tool to fulfill removal quotas at the expense of immigrant communities everywhere proving that S-Comm was never intended to increase community safety but was always intended to be used as a discriminatory program across the U.S.¹⁰ Daniel and Margarita's story below illustrates some of the devastating impact that S-Comm and the increased discretion of police is having on communities. Prolonged unjustified detentions and racial profiling help erode any trust in police.

Daniel

In early December, thirty-two year old Daniel was driving to work when police stopped him. They claimed that he ran a red light and that one of his taillights was out. When they asked him to show identification, he told police that he had mistakenly left his wallet at home that morning but that he could call someone to bring it over. The police decided to arrest Daniel, a U.S. citizen, for lack of identification and one week later he was in Tijuana, Mexico after being deported because of an ICE hold triggered through S-Comm. During the week that he was detained, Daniel tried to explain that he was a born U.S. citizen. He insisted on calling his family or attorney but he did not receive the chance to do so until he was already in Mexico. Once there, his attorney was able to demonstrate that he was in fact a U.S. citizen and ICE allowed his return trip home. They apologized for the inconvenience and explained that they had mistaken him for a known drug offender who had recently started falsifying documents, an accusation that had not been shared with Daniel during his detention.

Margarita

Margarita and her husband were driving home with their four daughters in the car. A drunk driver almost hit their car so Margarita's husband decided to call the police and report the driver. They gave the operator their location and the operator asked them to pull up on the side of the road and wait for a patrol car to get there. When the police officer got there, he began to ask Margarita and her husband questions that seemed inappropriate. Aside from asking for their names and birthdays, he also asked how long each of them had been in this county and their immigration status. Margarita became suspicious considering that the officer made no questions regarding the drunk driver for which they had called. By this time another Spanish-speaking officer had arrived. He let them know that they were going to have to take the car because her husband had been driving without a license. Margarita asked if they were going to give her family a ride home considering that they were on the side of the freeway. The English-speaking officer told her that they would have to take a taxi or a bus. A family member was finally able to pick them up. Their car was impounded and they had to pay \$2300 a month later in order to get it out. Her daughters were greatly affected by the incident. They cried for fear that their father would be taken away.

Secure Communities causes psychological harm to all members of a community

When someone is torn from the community as a result of an S-Comm hold, more people beyond that single individual are affected. Perhaps the hardest hit are the children who live in fear that one day they will return from school or from playing with friends and realize that their parents have been detained and will not be coming home. The effects that the separation of families can have on children have been well documented. From the psychological damage that results from separation to the costs, and harm, that can result from having to end up in foster care or in single parent homes.¹¹ The impact on youth and children was made very apparent during a Public Protections Committee hearing on ICE detainers that was held during our last month at CJJC. Brave high school students, some of whom were undocumented themselves, gave touching testimony that highlighted the fears that pass through their minds every single day.¹² It's not just high school students, however, that understand the constant threat that assails our immigrant communities. During at least two home visits with community members the effects that detention or arrest of a parent can have on young children was visible—they clung to the side of their parents and jumped at the sound of a siren fearing that as soon as they left the room their parents would be gone. The parents shared school

WE HAVE TO HEAL THE WOUNDS THAT WE BRING ALL THE WAY FROM OUR HOME COUNTRIES, WOUNDS CAUSED BY THE WARS AND INJUSTICES COMMITTED BY THE U.S. THERE, AND THAT ARE WORSENERED HERE BECAUSE OF PERSECUTION BY ICE IN OUR OWN COMMUNITIES. WE ARE BEING YANKED FROM OUR FAMILIES AND OUR COMMUNITIES. I KNOW THAT WE ARE SCARED AND IT'S NATURAL TO BE SCARED BUT WE SHOULD NOT LET FEAR DEFEAT US, NOT WHEN THE FIGHT IS FOR SOMETHING THAT IS JUST.

—EDUARDO, SALVADORAN MAN SPEAKING AT COMMUNITY FORUM ON IMMIGRATION REFORM, BERKELEY, CA

IT AFFECTS ME A LOT TO KNOW THAT MY FAMILY CAN BE DEPORTED. I DON'T FEEL SAFE.

—LUPE, OAKLAND

I WISH WE COULD LIVE WITHOUT FEAR. I WISH THAT AT LEAST THEY WOULD STOP PERSECUTING US. I DON'T FEAR RETURNING TO MY COUNTRY, I CAN GET USED TO BUT I DO FEAR FOR MY CHILDREN BECAUSE WE DON'T KNOW WHAT HAPPENS TO THEM. I HAVE A LOT OF NIGHTMARES AND STRANGE DREAMS BECAUSE OF THE PRESSURE ONE FEELS FROM ALWAYS LIVING IN FEAR.

—SANDRA, OAKLAND

IT HURTS TO FEEL LIKE YOU CAN'T DO ANYTHING. THAT FEELING OF IMPOTENCE, OF NOT BEING ABLE TO HELP THOSE FRIENDS WHO WERE ARRESTED AND DEPORTED... I WAS DEPRESSED.

—CARLOS, OAKLAND

documents detailing their children's needed therapy to begin to feel secure, safe, and trusting that their parents will not be needlessly taken away.

The psychological impact that S-Comm has also extends to parents, who like Sandra, worry about what will happen to their children and who themselves suffer from nightmares and anxiety at the constant threat of persecution. Others, like Carlos, begin to internalize feelings of helplessness, of not being able to have control over ones situation, which can then lead to feelings of depression and isolation. The threat of enforcement programs also prevents community members from reaching out to access much needed social services, such as help with health,

housing or food insecurity, making it difficult for people to meet basic needs. Our communities are

resilient and are used to treading forward despite numerable obstacles. But our communities can't thrive, can't be healthy, if we are constantly afflicted with injustices that harm our psychological well-being.

Secure Communities opens the door to human rights violations and strips us of our right to due process

Maria, a mother of four, was detained for more than ten days without probable cause. She was deprived of phone calls, and knowledge of the safety of her children. She was deprived of her constitutional right to due process and she was robbed of her freedom. Stories like hers abound¹³. Stories of people who are detained for days without ever being allowed to seek counsel or even to see a judge. Because of television shows and movies we hold the false belief that folks who are arrested have the right to one phone call but this isn't true for people arrested for civil cases. It can be days before family members find out that a person was detained and more often than not, the news will come once the person has been transferred across the country to a detention facility or already been deported.

On December 12, 2012, police interrupted a meeting to arrest Alicia Gonzalez for allegedly violating a restraining order. Maria Gonzalez told the officers that she was not Alicia. She showed them her state issued driver's license to prove it. After calling in her information, the police told Maria that they would still have to arrest her because of an unpaid parking ticket. At the police station, they took Maria's fingerprints. A few moments later she heard one of the officers say, "I found her." They told her that she was Valeria C, that she now had an immigration hold through S-Comm, and that she would be detained until ICE arrived to pick her up. Maria pleaded with the officers so that she would be allowed to call her partner and arrange care for her three-year-old son. She also said time and time again that she did not know who Valeria C was. No more than an hour later, ICE officials arrived and began to question her. They told her she would be detained in Santa Rita jail until they could determine her identity. On December 24, she was finally released after ICE determined that she was in fact Maria Gonzalez and had no prior criminal record. She is now at home and has to wear an ankle bracelet to monitor her movements. Maria fears going outside because of an increased fear of police. Her children, especially her youngest, have been greatly affected and often have nightmares about their mother's arrest.

The Immigrant Rights Campaign and Secure Communities

Aside from incurring financial costs that fall almost entirely on already strapped-for-cash municipalities S-Comm is implemented at a human cost that is not easily measured through data and statistics. ¹⁴ Because money and budgets drive many of our decisions as a society, economic arguments are often at the forefront of the debate against S-Comm. However, as an organizer with the immigrant rights campaign at Causa Justa :: Just Cause (CJJC), the human and social costs are difficult to ignore. These costs are very real and cause a lot of pain to communities that are often the targets of discriminatory policies veiled as attempts to create a more just, safer society. For the folks whose families

are being torn apart or those whose human rights, including the right to live without fear of persecution, are being violated the economic argument alone discredits and ignores the struggles that they face every single day. Currently, the IRC is pushing for local detainer policies and a statewide TRUST Act with the help of allies in the coalition Alameda United in Defense of Immigrant Rights (ACUDIR). Most importantly, however, is the continued movement building work with members and leaders from the community. We need to learn from them, listen to and document their stories, and make sure that they are the ones at the forefront of all the work we do.

- ¹ Hayward Community Forum on Secure Communities, November 2012, photo credit: Lillian Galledo
- ² United States Immigration and Customs Enforcement. (2012). *Secure Communities, Monthly Statistics through December 31, 2012*. Retrieved from http://www.ice.gov/doclib/foia/sc-stats/nationwide_interop_stats-fy2013-to-date.pdf
- ³ Secure Communities. Retrieved from http://www.ice.gov/secure_communities/
- ⁴ Chavez, L., Kohli, A. & Markowitz, P.L. (October 2011). *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*. Retrieved from http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf
- ⁵ United States Census Bureau. (2010). *Foreign Born Population*. Retrieved from http://factfinder2.census.gov/faces/nav/jsf/pages/community_facts.xhtml#none
- ⁶ Immigration Policy Center. (Feb. 10, 2011). *Mandatory E-Verify without Legalization*. Retrieved from <http://www.immigrationpolicy.org/just-facts/mandatory-e-verify-without-legalization>; Romney, L. & Chang, C. (2012, Sep. 17). Latino Food Chain's Participation in E-Verify Leaves a Bad Taste. *Los Angeles Times*. Retrieved from <http://articles.latimes.com/2012/sep/17/local/la-me-mi-pueblo-20120917>; Wozniacka, Gosia. (2012, Oct. 27). Mi Pueblo Food Center, California Latino Grocery Chain, Feels Pressure from Federal Immigration Audit. *The Huffington Post*. Retrieved from http://www.huffingtonpost.com/2012/10/28/mi-pueblo-food-center-immigration-audit_n_2030500.html#slide=more232319
- ⁷ Frieland, J. & Keaney, M. (July, 2011). *DHS Proposes Fantasy Remedies to Cure Fundamental Flaws in the Secure Communities Program*. Retrieved from <http://v2011.nilc.org/immlawpolicy/LocalLaw/DHS-6-17-11-memos-QA-2011-07.pdf>
- ⁸ Memorandum from John Morton, Dir. of US Immigration and Customs Enforcement, to all Field Office Directors, et al. (June 17, 2011). Retrieved from <http://www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf>; United States Immigration and Customs Enforcement. (2012). *Secure Communities, Monthly Statistics through December 31, 2012*. Retrieved from http://www.ice.gov/doclib/foia/sc-stats/nationwide_interop_stats-fy2013-to-date.pdf
- ⁹ Delgado, A. G. & Mass, J.H. (February 2011). *Cost and Consequences: The High Price of Policing Immigrant Communities*. Retrieved from https://www.aclunc.org/docs/criminal_justice/police_practices/costs_and_consequences.pdf; National Network for Immigrant and Refugee rights. (December 2010). *Injustice for all: The Rise of the U.S. Immigration Policing Regime*. Retrieved from http://173.236.53.234/~nnir/org/drupal/sites/default/files/injustice_for_all_-_web_report.pdf
- ¹⁰ Heath, Brad. (2013, February 17). Immigration Tactics Aimed at Boosting Deportations. *USA Today*. Retrieved from <http://www.usatoday.com/story/news/nation/2013/02/14/immigration-criminal-deportation-targets/1919737/>
- ¹¹ Dreby, Joanna. (August 2012). *How Today's Immigration Enforcement Policies Impact Children, Families, and Communities, A View from the Ground*. Retrieved from <http://www.americanprogress.org/wp->

content/uploads/2012/08/DrebyImmigrationFamiliesFINAL.pdf; Wessler, Seth F. (December 17, 2012). *Nearly 205K Deportations of Parents of U.S. Citizens in Just Over Two Years*. Retrieved from http://colorlines.com/archives/2012/12/us_deports_more_than_200k_parents.html

¹² Arana, Jarymar. (January 12, 2013). Hearing on ICE Detainers: Community Shares Powerful Stories, Testimonies and Truth. Retrieved from <http://www.cjic.org/en/news/50-immigrant-rights/390-hearing-on-ice-detainers-community-shares-powerful-stories-testimonies-and-truth>;
Piden 'alto' al program Comunidades Seguras [Video file]. Retrieved from <http://univision14.univision.com/videos/video/2013-01-10/alto-programa-gobierno-comunidades-seguras-cambio-deportacion>

¹³ American Civil Liberties Union of Massachusetts. (December 2008). *Detention and Deportation in the Age of ICE: Immigrants and Human Rights in Massachusetts*. Retrieved from http://www.aclum.org/sites/all/files/education/aclu_ice_detention_report.pdf

¹⁴ For information on financial costs see, *Cost and Consequences: The High Price of Policing Immigrant Communities*