

We Are Not Arizona! ... Or Are We?

True, California and other states don't have Arizona style laws which openly make local police enforcers of immigration law. But here in Sonoma County, as in many other counties, we do have local law enforcement policies and practices that have much the same chilling effect on communities. Some of these practices have festered openly for years. But another more sinister policy is rapidly being instituted here and around the nation behind closed doors.



cooperation in each police agency is often unknown as agreements are frequently off the public record, another factor heightening community anxieties.

One thing is crystal clear. The recent federal Secure Communities program going into force in jail systems around the country has tunneled around and through any remaining

resistance. Computer firewalls are sometimes taken down even before local police chiefs have been informed. And once that firewall is removed, as it has been in our county for over a year, the effect on communities is every bit as chilling as the Arizona law.

For many years our Sheriff's Department has participated with federal immigration agents on mutual enforcement efforts, a practice that has waxed and waned along with community protests to stop it. Our local Committee for Immigrant Rights has been working to get a county resolution that no money be spent on immigration enforcement, but it may all be for naught.

Secure Communities, Behind Closed Doors

There is a more sinister and secretive change taking place in our jail systems here in Sonoma County and around the country. It's a federal immigration program called Secure Communities which backhandedly gives police much the same arbitrary latitude as the Arizona law. And it's eating away at the hard won trust that many police and immigrant communities have been working toward for years.

Secure Communities breaks down the traditional firewall between federal and local justice system computers giving immigration officials instant access to data on all arrested persons. This frequently results in rapid deportation - no matter how minor the offense, and often before there is any determination of guilt or innocence. Decisions about who and when an individual is deported appear to have no written guidelines, and are a mix of arbitrary decisions made by individual federal and local enforcement officers, a fact which only heightens community anxiety.

Nor is Secure Communities, nor the Arizona law, all that new. It's really more of a remake of then U.S. Attorney General John Ashcroft's year 2002 attempt to deputize state and local law enforcement officers as immigration law enforcers. Back then, police opposition to the idea was so loud and public (see next page) that Ashcroft's plan simply ducked below the headlines. Then little by little Justice Department pressure behind the scenes, such as tying cooperation to federal grants, brought many police agencies quietly into line. The degree of

How This Affects Us All

★ No matter a town's official policy, individual officers prejudiced against immigrants can easily take matters into their own hands. They simply make an arrest for whatever reason, knowing full well the case won't likely be adjudicated and the arrestee will be quickly handed over to federal immigration officials.

★ Crime victims and witnesses are growing more fearful of having any dealing with police, often even when they themselves are here legally. For example, a man legally in the U.S. was witness to key aspects of a rape of a child, also a U.S. citizen. This man wanted to go to police with what he knew but told us he was fearful of any contact with police because his wife and family were not documented and he had to think of them first.

★ Victims of violence against women, as well as all crime victims, are forced to choose between protection and justice on the one hand, or having their husbands, family members, juveniles, or neighbors deported. For both major and minor crimes, many choose not to report, creating an erosion of safety and stability for all.

★ Perpetrators are often picked up from our jail within days, and quickly deported from the country without any justice proceedings. Many of these perpetrators, particularly those from Mexico, quickly return to the states to commit worse crimes. We have written up two cases where the violent perpetrator returned to commit more serious crimes against the original and new victims, now knowing that the worst that will likely happen is that they'll get another free trip home.

See *Call to Action*,

http://www.justicewomen.com/cj_calltoaction.html

By Marie De Santis, Women's Justice Center,

www.justicewomen.com

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Here's what police officials around the country were saying 8 years ago in their opposition to Immigration Enforcement. Compare these to today.

Police Departments

Chicago (IL) Police Department, Tom Needham, Former General Counsel & Chief of Staff

[Noting that the mission of police is to prevent and solve crimes] "It would be virtually impossible to do that effectively if witnesses and victims, no matter what their residency status, had some reluctance to come forward for fear of being deported."

"U.S. Weighs Local Role on Immigration," Chicago Tribune, 4/14/02

Los Angeles (CA) Police Department, Sgt. John Pasquariello

"Because of our immigrant population here and our diverse communities, we don't want to alienate anybody, or give anybody fear...That's just not our policy. Hasn't been for twenty years."

"Police Want No Part in Enforcing Immigration," Los Angeles Times, 4/5/02

Austin (TX) Police Department, Assistant Chief Rudy Landeros

"Our officers will not, and let me stress this because it is very important, our officers will not stop, detain, or arrest anybody solely based on their immigration status. Period."

"Austin Police Won't Arrest People Only for Immigration Status," KEYE CBS, Austin, 4/5/02

Denver (CO) Police Department, Chief Gerry Whitman

"Communication is big in inner-city neighborhoods and the underpinning of that is trust. If a victim thinks they're going to be a suspect (in an immigration violation), they're not going to call us, and that's just going to separate us even further."

"Immigration Bill Has Police Uneasy," Denver Post, 4/22/02

San Diego (CA) Police Department, David Cohen, Spokesperson

"Our policy has been and continues to be that we are not federal immigration officers, and our department guidelines for dealing with undocumented persons are very strict and are unlikely to change."

"Police May Gain Power to Enforce Immigration," San Diego Union-Tribune, 4/3/02

Miami (FL) Police Department, Lt. Bill Schwartz, Spokesperson

"We will not function in an INS capacity. It's not our job. Our job is to solve crimes. We have way too much to do to be acting as INS agents."

"Critics Assail Plan to Have Local Police Enforce Immigration Laws," South Florida Sun-Sentinel, 4/25/02

Sacramento (CA) Police Department, Chief Arturo Venegas, Jr

"I don't think it's a good idea. We've made tremendous inroads into a lot of our immigrant communities. To get into the enforcement of immigration laws would build wedges and walls that have taken a long time to break down."

"Administration Split on Local Role in Terror Fight," New York Times, 4/29/02

Metropolitan Washington (DC) Police Department, Chief Charles H. Ramsey

"To begin in earnest checking immigration status, I can see where that could cause some tremendous strain. Unless there's some reasonable suspicion of a crime occurring, we need to be careful about the role we play."

"INS Role for Police Considered," Washington Post, 4/4/02

Putnam County (TN) Police Department, Sheriff Jerry Abston

"I wouldn't have the resources to do that...Money's tight in the state in the counties, too. It's [the INS's] job to take care of the borders, and I just think they need to do it."

"Midstate Authorities Balk at Possibly Enforcing Immigration Laws," The Tennessean, 4/15/02

Hillsboro (OR) Police Department, Chief Ron Louie

"We're trying to build bridges with people living in fear. If police officers become agents of the Immigration and Naturalization Service, their ability to deal with issues such as domestic violence and crime prevention will be severely curtailed."

"Helping People Without Papers," Portland Oregonian, 4/5/02

Lake County (FL) Sheriff's Office, Mike Brewer, Legal Advisor

"It's an unfunded mandate. Now law-enforcement officers who should be looking for burglars and robbers are going to be looking for illegal aliens, with no additional monies for deputies coming down."

"Some Police Eager to Help INS Agents," Orlando Sentinel, 4/5/02

San Antonio (TX) Police Department, Chief Albert Ortiz

"Any time we get mandates and more work without a commensurate amount of resources, something has to suffer. One of the beauties of living in San Antonio is we have a lot of diversity and we seem to pull together. If that [mandate] happens, we'd really have to think very hard about where it would be on our priority list, and if it would even be a priority...We've tried so very hard for years to build bridges to all segments of our community. This would be a setback in that regard."

"Sheriff, Top Cop Blast INS Proposal," San Antonio Express News, 4/5/02

Ventura County (CA) Sheriff's Department, Eric Nishimoto, Spokesperson

"We're not in favor of having our department being responsible for that function. The number one risk is the potential for civil rights violations. Right now we're involved in preventing any kind of racial profiling and this type of function could open us to that kind of risk...We feel our officers are not equipped to make that kind of determination of who is legal. In the 70's, one of our tasks was to round up illegals and it was very difficult to make that kind of determination. From a practical standpoint, we're not staffed to do that, especially in this time of budget reductions."

"Proposal for Police to Act as INS Agents Denounced," Ventura County Star, 4/6/02

San Joaquin County (CA) Sheriff's Office, Lt. Armando Mayoya

"If police officers start reporting to the INS, more undocumented workers could wind up as victims. Criminals soon would realize that undocumented workers would be unlikely to call police for fear of being deported and target them for attacks. Racial profiling also could intensify if police are tasked with upholding immigration laws, and it wouldn't just be Latinos targeted by police."

"U.S. May Let State, Local Authorities Enforce Federal Immigration Laws," Dallas Morning News, 4/3/02

Whatcom County (WA) Sheriff Dale Brandland

"My current policy is that if we run into an illegal alien, we detain them for the Border Patrol. We don't actively pursue illegal aliens. . . . We are underfunded as it is and to try to take on that responsibility is just unacceptable. . . . [The federal government has been trying to get us to do this] for years and quite frankly it just doesn't work. . . . It's really a sore subject for me. If there is a legitimate interest here, if there is a risk to our communities, we want to be a part of the team. What I would not do is go out and start hunting for illegal aliens just because John Ashcroft says I'm allowed to."

"Police balk at watching for illegal immigrants," Seattle Post-Intelligencer, 5/2/02

Metropolitan Nashville (TN) Police Department, Don Aron, Spokesperson

"We don't have any desire for all 1,300 members of the Police Department to be quasi-INS agents."
"Midstate Authorities Balk at Possibly Enforcing Immigration Laws," The Tennessean, 4/15/02

Stockton (CA) Police Department, Chief Edward Chavez

"To be quite honest, if people are law-abiding and are here to earn a productive life and be a contributing member of society...they should be allowed to live their lives."
"S.J. Officials Blast INS Role for Police," Stockton Record, 4/4/02

Waco (TX) Police Department, Chief Alberto Melis

"I worry that there are people who don't ask for help because they have fear of the police."
"Waco Police Chief Asks Immigrants Not to be Afraid to Report Crimes," Waco Tribune-Herald , 4/15/02

Anaheim (CA) Police Department, Mike Hildalgo, Spokesperson

"We have enough problems just doing our routine calls and investigating the everyday things. This would put additional burden on us that we probably wouldn't be able to handle."
"Immigrants Worried, Coe Pleased," Orange County Register , 4/4/02

Glenwood Springs (CO) Police Department, Chief Terry Wilson

"That's a whole different area of law that we have to come up to speed on. We have enough on our plates right now. It's not as if we're out looking for extra things to do."
"Immigration Bill Has Police Uneasy," Denver Post, 4/22/02

Newark (CA) Police Department, Chief John R. Robertson

"This is a democracy, based on freedom, and people have a right to basic human dignity. That means they're not going to be questioned just because of their appearance."
"Administration Split on Local Role in Terror Fight," New York Times, 4/29/02

Arlington (TX) Police Department, Chief Theron Bowman

"We can't and won't throw our scarce resources at quasi-political, vaguely criminal, constitutionally questionable, not any other evolving issues or unfunded mandates that aren't high priorities with our citizenry."
(Dallas Morning News, 4/5/02

Hillsdale (NJ) Police Department, Sgt. Robert Francaviglia

"We've been trying to get the immigrants in our town to believe that we're not like many of the governments in their old countries, governments that were corrupt and wanted to railroad them, not serve them."
"Policing Immigration," Bergen Record, 4/22/02

Palisades Park (NJ) Police Department, Chief Michael Vietri

"If the Justice Department deputizes us and we make an arrest, then what do we do? Send them to the county jail? Now I'd be paying my officers to go to the county courthouse or jail, or worse, farther away to Newark? Who's going to reimburse us? There are so many people who could get arrested in Palisades Park alone, you're talking maybe having to deal with county and federal courts. The could take days, or more...the point about doing this to fight terrorism sounds like a decent idea, but when you go deeper, you see the possible effects."
"Policing Immigration," Bergen Record, 4/22/02

New York Police Department, Chief Michael Collins

[A New York City executive order forbids the police department from checking the immigration status of

crime victims, persons seeking assistance, or coming forward as witnesses] "This will not change. The most important thing is that people should not be afraid to come to us for help."

"INS Work Improper for NYPD," New York Daily News, 5/6/02

Police Associations

California Police Chiefs Association, Chief Bob McConnell, President

"[I]t is the strong opinion of the California Police Chiefs Association leadership that in order for local and state law enforcement organizations to continue to be effective partners with their communities, it is imperative that they not be placed in the role of detaining and arresting individuals based solely on a change in their immigration status."

(Letter to Attorney General John Ashcroft, 4/10/02

Police Foundation, Hubert Williams, President

"The nature of the police role is to establish the trust and confidence of people living in a community. That is a vital link for police for information on criminal activity...Where does this fit in the context of priorities? Would it go ahead of robbery, homicide, drug offenses, any of those things?"

"U.S. Weighs Local Role on Immigration," Chicago Tribune, 4/14/02

National Latino Peace Officers Association, Jose Carlos Marmots, President

"If this means that we have to stop Mexicans and ask them for their documents, we certainly won't support this. That's called racial profiling, and we don't condone that type of action. We have other more pressing priorities that are more important to ensuring the safety of our community."

"US May Let State, Local Authorities Enforce Federal Immigration Laws," Dallas Morning News, 4/3/02

Dallas Police Association, Senior Cpl. Glenn White, President

"The strain on local police already is enormous, and to ask us to arrest and detain immigrants is something the federal government needs to address by funding the INS some more and hiring additional personnel."

"U.S. May Let State, Local Authorities Enforce Federal Immigration Laws," Dallas Morning News, 4/3/02

Washington Association of Sheriffs and Police Chiefs, Larry Erickson, Executive Director

"We don't have enough people to do what we are supposed to do --without taking on jobs that the federal government is supposed to do."

"Police balk at watching for illegal immigrants," Seattle Post-Intelligencer, 5/2/02

