

ASIAN  
LAW CAUCUS



MEMBER OF  
ASIAN AMERICAN CENTER  
FOR ADVANCING JUSTICE

# Community Policing in Asian American Communities

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# The Asian Law Caucus

- **Founded in 1972**
- **Nation's first nonprofit civil rights organization serving low-income Asian and Pacific Americans**
- **Located in San Francisco, California**
- **Program Areas:**
  - **Employment**
  - **Housing**
  - **Civil Rights/National Security**
  - **Immigration**
  - **Criminal Justice Reform**
- **Notable case – Korematsu Coram Nobis**

# Criminal Justice Reform Program

- Promote diversion and alternative programs, including **restorative justice**
- Improve **language access and cultural competency**
- Dismantle **school to prison pipeline**
- Overcome **barriers to immigrant communities**

# Overview of Presentation

## 1. Diversity of Asian and Pacific Islander (API) Community

- Highlight – Immigrant v. Refugee Experience

## 2. Building Trust with Immigrant Communities

- Challenges to building trust
- Language Access
- Immigration enforcement by local police

# Diversity of API Community



Asian and Pacific Islander (API) = Umbrella pan-ethnic term for a large, very diverse population:

- South Asia
- Southeast Asia
- East Asia
- Pacific Islands

Over 27 Countries

Over 2,100 Languages

# Growing API Community

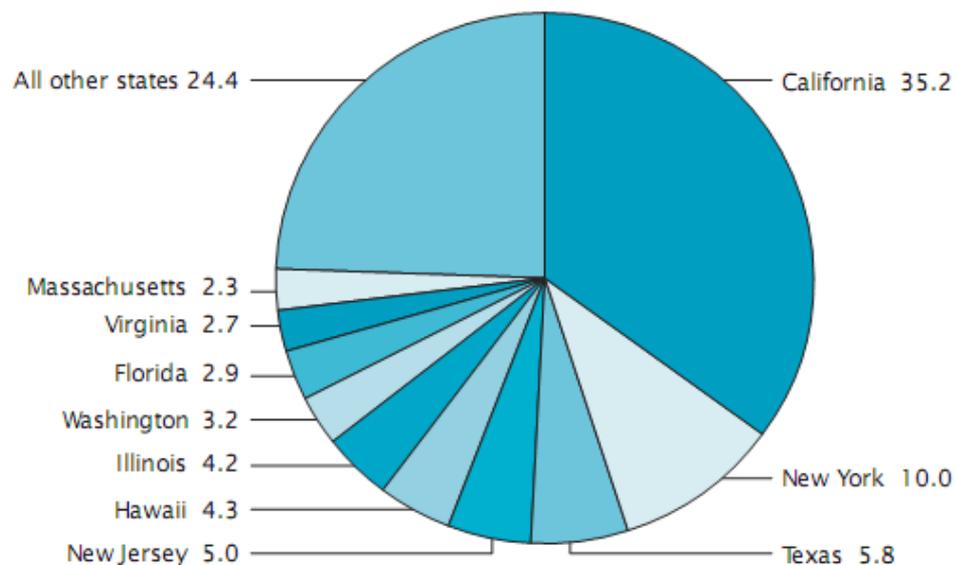
- **API population nationally – 14.7 million**
- **Fastest growing racial group - 43% increase between 2000 and 2010**

# Geographical Distribution

Figure 1.

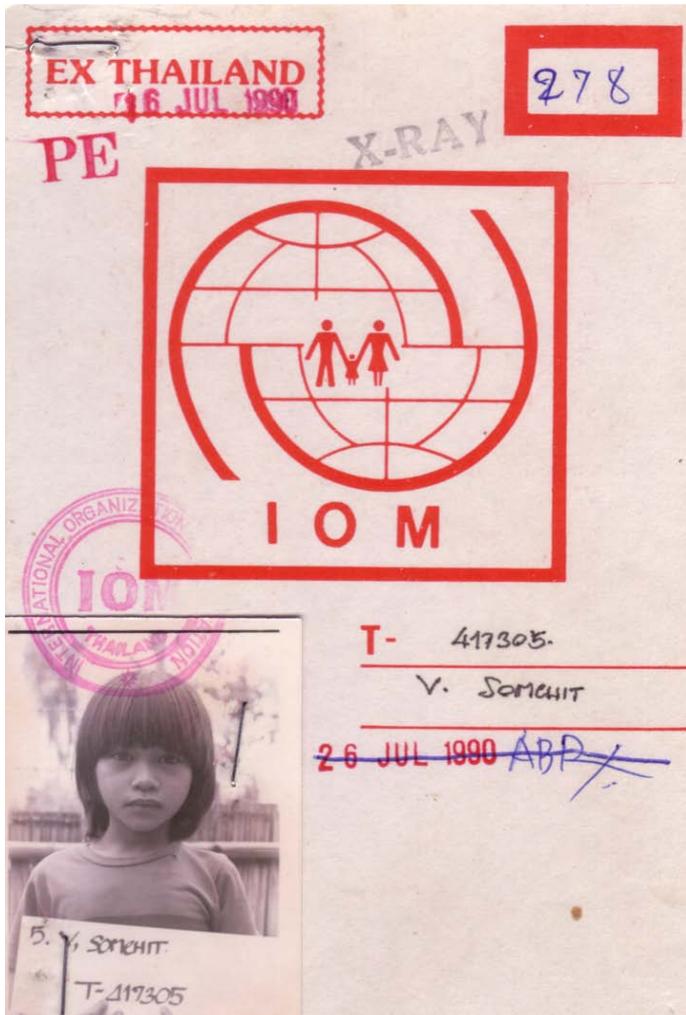
## Asian Household Population by State: 2004

(Percent distribution of Asian-alone population. Data based on sample limited to the household population and exclude the population living in institutions, college dormitories, and other group quarters. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see [http://factfinder.census.gov/home/en/datanotes/exp\\_acs2004.html](http://factfinder.census.gov/home/en/datanotes/exp_acs2004.html))



Source: U.S. Census Bureau, 2004 American Community Survey, Selected Population Profiles, S0201.

# Refugee v. Immigrant



## Who is a refugee?

### Refugee Act of 1980:

"A person outside of his or her country or nationality who is **unable or unwilling** to return because of **persecution or well-founded fear** on account of race, religion, nationality, membership in a particular social group, or political opinion."

## Who is an immigrant?

Immigrants arrive usually by **choice**, with the **intention of permanent residence**.

# Refugee Experiences

- **Impact of war** - combat and survival.
- **Death** of family members and loved ones.
- **Forced relocation** - loss of home and resettlement.
- **Deprivation** - food, water, shelter, security.
- **Torture, rape.**
- Long periods in **refugee camps.**
- **Acculturation** (language, culture, etc.)
- **Family**, gender, and youth issues
- **Discrimination**
- **Employment**
- **Mental health and well-being**
  - Trauma
  - Depression
  - Lack of familiar social support structures
  - Inadequate resources
  - Cultural competency

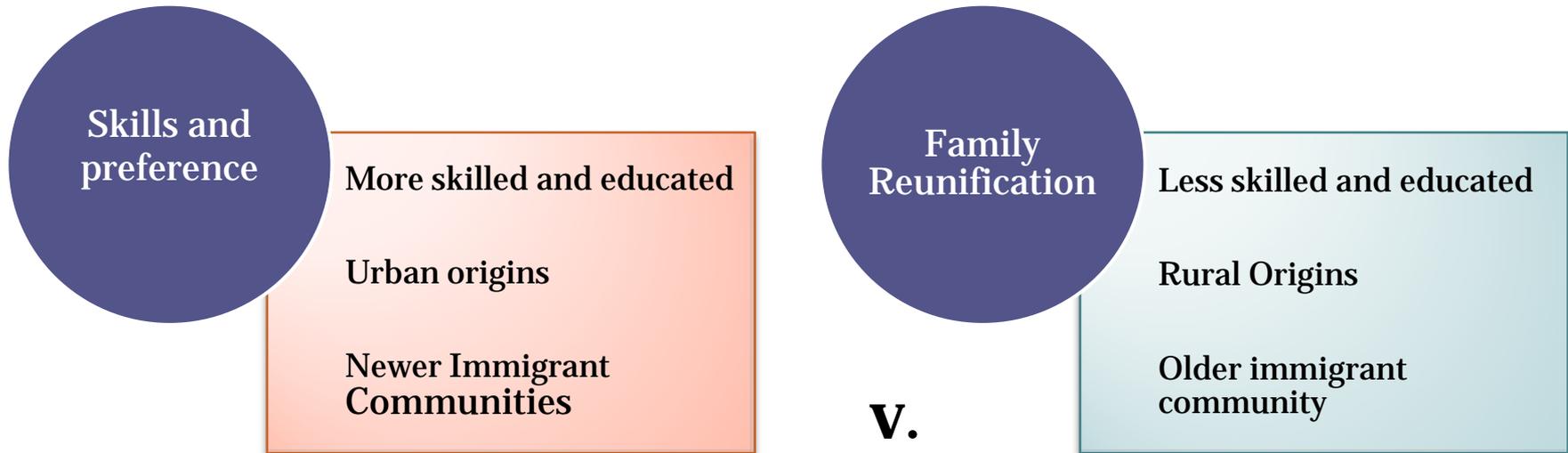
**Phanat Nikhom Refugee Camp**

VILAISOUK NANG	12
Name (Last) (First)	Age
3 N 24 Lom Avenue	F
Address	Sex
Phanat Nikhom, Chonburi	20140
City	State
(038 ) 254-7361	Zip Code
Telephone Number	T. Number
S.# 903-59-1499	Signature NANG
This card certifies bearer is an official student of the CONSORTIUM Course Cycle 71	
01L	

M-TH 1:00-6:00 PM  
FRI. 12:00-4:00 PM



# Bi-modal Distribution of Wealth and Skills - 1965 Hart Celler Act



# Law Enforcement & Immigrant Communities

- **Mistrust because of past experience with “the law” in home country**
  - Corruption
  - Few checks and balances on police powers
  - No due process
  - Traumatized by fear and intimidation
    - ❖ Some have experienced re-education camps, torture, and have witnessed torture or murder
- **Lack of knowledge of “the system” in U.S.**
  - Don't know rights
  - Don't know how to advocate for themselves
  - Don't know how to navigate complex system
  - Language barriers
- **Private culture**
  - Problems/issues kept in family first
  - “Saving face” in community
  - Communities have their own parallel conflict resolution systems
  - Seek mainstream law enforcement as a last resort

# Generation Gap - Shifts in Power Dynamics

## Between parents and children

- Filial piety traditionally expected
- Children now have knowledge, language, and skills that create inverse dependency
- Children interpret and translate for their parents and sometimes are put into position of power to represent the family

## Between authority figures and children

- When police speak directly to the youth and leave out the parents, it contributes to the shift in power and rift between parents and children

# Language Barriers

## **1. Make language access a priority – Why?**

- Lack of language access compromises accuracy of reports.
- Legal terms are already difficult enough without language barriers.
- Culture may be important, the interpreter can help.

## **2. Identify Limited English Proficient (LEP) need at the beginning.**

- Conversational English doesn't mean can understand all English.
- If possible, identify language need before get on scene (e.g., 911 call).
- If on scene, use a language card to identify language need and request an interpreter or bilingual officer asap.

## **• 3. Learn how to use an interpreter – What are basics?**

- Do not use children to interpret – why?
- Make sure you give the interpreter time to interpret. Slow down and pause at the end of every few sentences.
- Talk to the LEP person, not to the interpreter.

# Immigration Enforcement as a Barrier

- Large immigrant population in API community
- About 30% of APIs are not citizens.
- About 60% of APIs are foreign born.

Table 4. Nativity and Citizenship Status by Sex, for Asian Alone and White Alone, Not Hispanic: 2010  
(Numbers in thousands. Civilian noninstitutionalized population<sup>1</sup>)

Sex, nativity, and citizenship status <sup>3</sup>	Total		Race and Hispanic origin <sup>2</sup>					
			Asian alone		White alone, not Hispanic		Other <sup>4</sup>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Both sexes	304,280	100.0	14,011	100.0	197,436	100.0	92,833	100.0
Native	266,674	87.6	5,378	38.4	189,820	96.1	71,476	77.0
Foreign born	37,606	12.4	8,633	61.6	7,616	3.9	21,357	23.0
Naturalized citizen	16,024	5.3	4,656	33.2	4,330	2.2	7,038	7.6
Not a citizen	21,581	7.1	3,977	28.4	3,286	1.7	14,319	15.4

# Immigration Enforcement as a Barrier

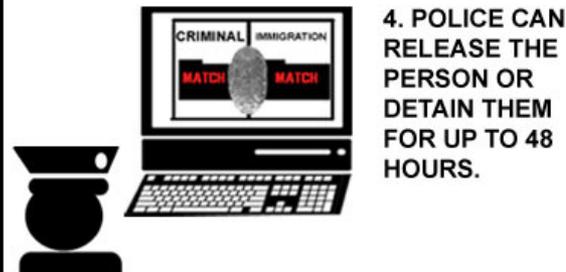


## SECURE COMMUNITIES?

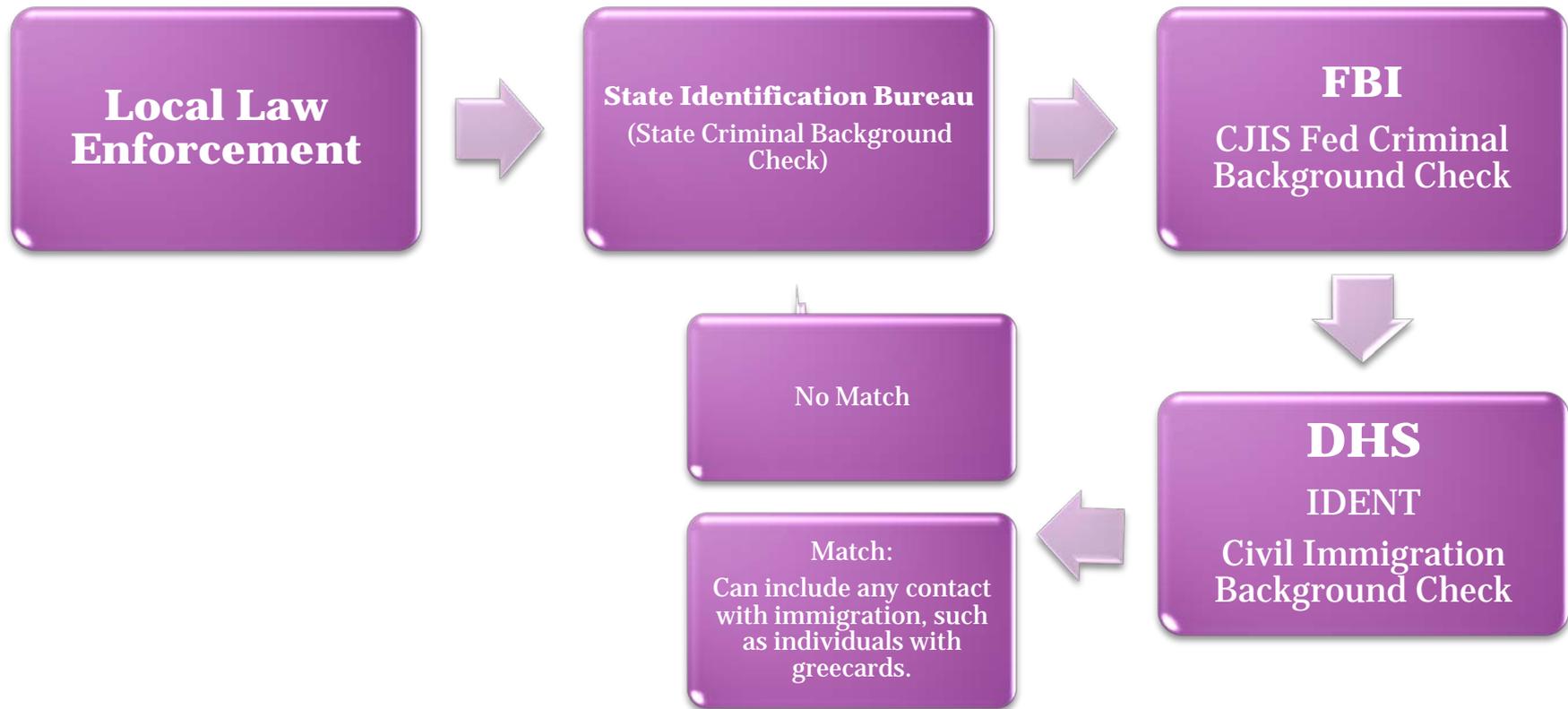
**Secure Communities** is a controversial federal program that sends booking information from local jails to a joint database shared by the FBI and the Immigration and Customs Enforcement Agency (ICE). Since 2008, Congress has spent millions for the program to target “dangerous criminal aliens.”

Deportations are at a record high, but most of those removed are innocent or low-level offenders who have served their time.

### HOW IT WORKS



# Police as “Force Multipliers” for ICE



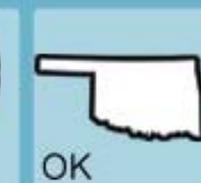
# Where is S-Comm active?

## BACKGROUND

Secure Communities began in Texas in late 2008 and is set to be fully deployed nationwide by 2013.

As of May 17, 2011, nearly 1,300 counties in 42 states were enrolled in the program. Legislation for opting-out is pending in two of them: California and Illinois. DC is the only jurisdiction that has successfully opted-out.

Officials cite concerns with public safety, oversight and transparency, and ICE's failure to target people convicted of serious criminal offenses.



8

states have more than 40 percent of counties enrolled in Secure Communities.



11 states are 100 percent enrolled in the program.

# Who is detained by S-Comm?



## WHO IS DETAINED?

Secure Communities is mandated to target “dangerous criminal aliens.” Individuals identified through the program include noncitizens, legal permanent residents, and visa holders. ICE places them in three categories:

### LEVEL 1

Charged with “aggravated felonies,” as defined in 101(a)(43) in the Immigration and Nationality Act, or two or more crimes each punishable by more than one year, commonly referred to as “felonies.”

### LEVEL 2

Charged with any felony or three or more crimes each punishable by less than one year, commonly referred to as “misdemeanors.”

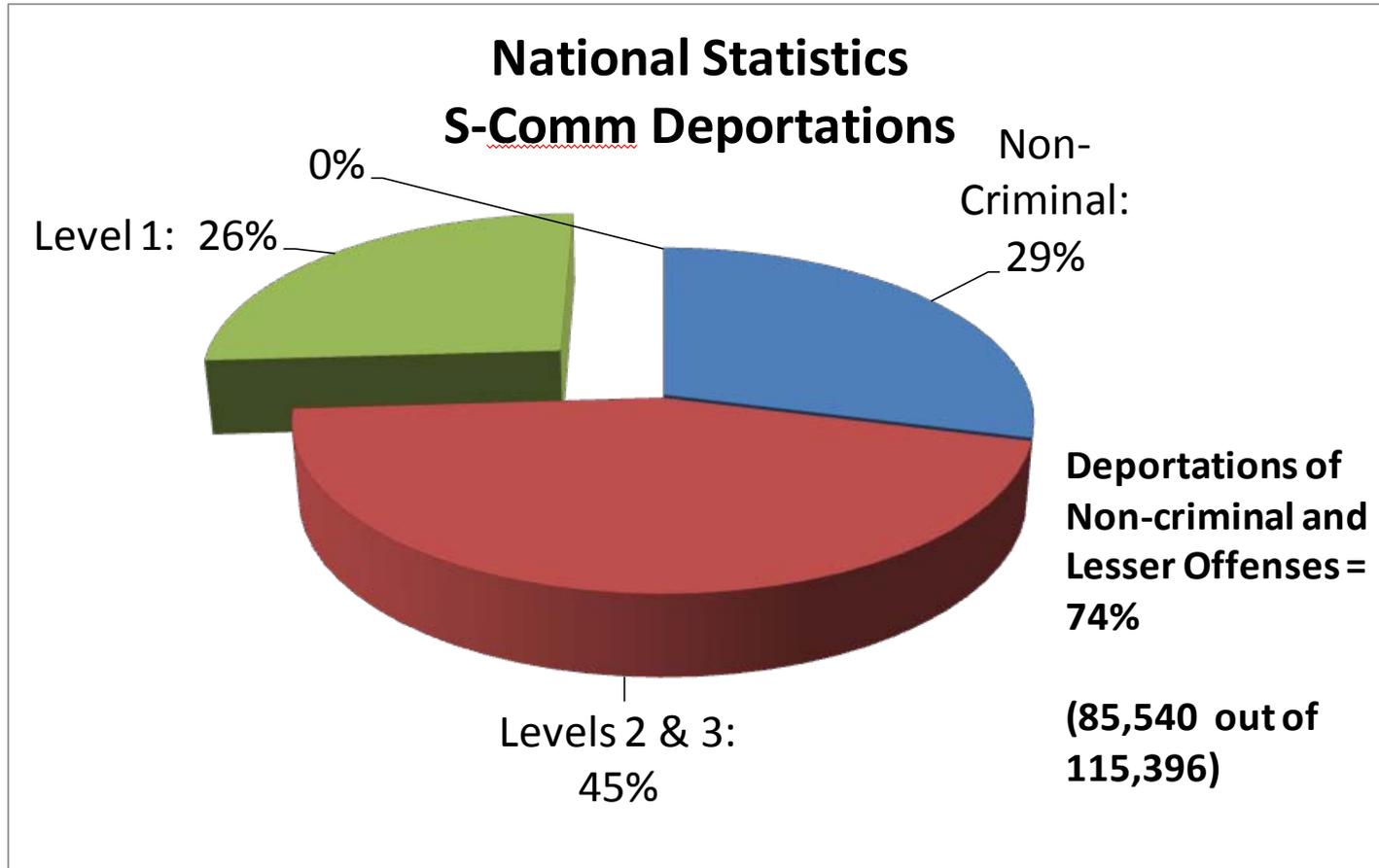
### LEVEL 3

Charged with crimes punishable by less than one year.

**There’s another important category:**

**“Non-criminals”:** Individuals without criminal records.

# What has been the impact of S-Comm?



Data from ICE for October 27, 2008 through May 31, 2011

[http://www.ice.gov/doclib/foia/sc-stats/nationwide\\_interoperability\\_stats-fy2011-to-date.pdf](http://www.ice.gov/doclib/foia/sc-stats/nationwide_interoperability_stats-fy2011-to-date.pdf)

# Impact of S-Comm on Immigrant Domestic Violence Survivors

- In Lodi, two young children are without their mother because she was deported under S-Comm after a call for help regarding domestic violence.<sup>1</sup>
- In SF, Norma called the police for help when her partner was beating her, ended up in jail for 5 days.
- In LA, Isuara, 20 years old, called police for help. Transferred from hospital to jail because of S-Comm.
- In Maryland, Maria was taken into ICE custody after she called the police in DV case.



Undocumented immigrant Maria Bolanos protests in Washington, D.C., November 2010.

*Credit: National Day Laborer Organizing Network.*

1. "Deported Mexicans leave two small kids in Lodi," *Sacramento Bee*, Nov. 2, 2010.

<http://www.sacbee.com/2010/11/02/v-print/3151148/deported-mexicans-leave-two-small.html>

# Errors in S-Comm Database: Perla's Story

## PERLA'S STORY



On a Friday evening, California Highway Patrol officers stopped 22-year-old naturalized U.S. citizen and university student, Perla, for making an incomplete stop. The officers asked where she was born and then arrested her for driving under the influence of alcohol. At the county jail, officers fingerprinted Perla, took a blood alcohol test, and told her she would be released in a few hours.

However, after a few hours, Perla was informed she could not be released due to an "ICE hold." Perla's sister presented Perla's U.S. passport to the jail officials two times that weekend, but the officers refused to release her.

Finally, Perla's sister spoke to an ICE officer Monday afternoon who said that the new DHS fingerprinting system showed her status as "pending." Upon presentation of Perla's passport to the ICE officer, Perla was released—nearly three days after she would have been released from the traffic-related arrest. The Department of Motor Vehicles returned her license a few weeks later indicating that she had been driving within the legal blood-alcohol limit.

# Illinois, NY and Mass. – States Pushback

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May 5, 2011

## States Resisting Program Central to Obama's Immigration Strategy

By JULIA PRESTON

A program that is central to President Obama's strategy to toughen enforcement laws is facing growing resistance from state governments and police officials.

Late Wednesday, Gov. Pat Quinn of Illinois said he was pulling his state out of the Secure Communities program, the first time a state has sought to withdraw entirely from the program. In Maryland, the Legislature is considering a bill that would allow counties or police agencies to choose whether to participate.

In Massachusetts, Gov. Deval Patrick has held a series of heavily attended meetings on the program in an effort to vent criticism and build support for a more flexible approach. In Maryland, Montgomery County considered withdrawing, the first time that it had to take part.

Under the program, the fingerprints of every person booked by the police are compared to the Department of Homeland Security databases for immigration violations. That is in addition to routine checks against the F.B.I.'s criminal databases.

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June 1, 2011

## Cuomo Ends State's Role in Checking Immigrants

By KIRK SEMPLE

Gov. Andrew M. Cuomo said on Wednesday that he was suspending New York's participation in a federal immigration enforcement plan that has drawn fire from immigrant advocates, civil liberties lawyers and elected officials in the state and around the country.

A statement from Mr. Cuomo's office said there was "mounting evidence" that the program, called Secure Communities, had not only failed to meet its goal of deporting the most serious immigrant criminals but was also undermining law enforcement and compromising public safety.

"There are concerns about the implementation of the program as well as its impact on families, immigrant communities and law enforcement in New York," Mr. Cuomo said. Unless those concerns are eased, the statement said, New York will not take part.

Mr. Cuomo's decision makes New York the second state to announce its intention to withdraw from the program, and sets up a confrontation with the Obama administration, which has made Secure Communities a cornerstone of immigration enforcement strategy. Gov. Pat Quinn of Illinois said in May that he was canceling his state's participation.

# What's next?

- **The U.S. Office of Inspector General will begin its investigation into S-comm.**

# Questions?

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