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Reprints

The dangerous failings of Secure Communities in Los Angeles

Edgar Aguilasocho is a third-year student in the Immigrant Rights Clinic at the University of California, Irvine School of Law.



Late one summer evening, "TS," a young man in his late 20s, and his family were watching television at home when an unknown man with a gun ran in through their front door and out the back of the house. Police officers followed the man in pursuit. Arriving at TS' home and believing that he was the man they had been chasing, they placed TS under arrest and took him to jail.

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As they do with every arrestee, the police sent TS' fingerprints to the FBI to see if he was who he claimed, and to check his criminal record. Realizing their error and finding a clean record, the police were

set to release TS a few days later.

Instead, the situation for TS worsened. Under a federal immigration program called Secure Communities, the FBI had passed his fingerprints to Immigration and Customs Enforcement, a subunit of the Department of Homeland Security commonly known as ICE. ICE then issued a "detainer request" to local authorities, asking them to continue holding TS until it could transfer him to an immigration detention center.

TS is undocumented. Although he spent the first three months of his life in Mexico, Los Angeles is the only home he has known. ICE now seeks to deport him because of local authorities' decision to hold and then transfer TS to ICE custody. His fiancée and four-year-old daughter await his return to their home in Los Angeles.

Because of Secure Communities, stories like this one have become more and more common in Los Angeles. Immigrants who come into any kind of contact with local law enforcement agencies - including the Los Angeles Police Department and the Los Angeles Sheriff's Department - have been whipsawed into immigration detention facilities.

This kind of policing, with dire consequences even for Los Angeles residents who have no involvement in criminal activity, is unfair, arbitrary, and can lead to racial profiling.

The Immigrant Rights Clinic at the University of California, Irvine School of Law

SPECIAL REPORT

20 Under 40

Plus: Five Associates to Watch in 2012



Wednesday, January 25, 2012

Litigation

Judge orders discovery into racial makeup of Orange County federal jury pool

A federal judge has ruled that Central District court officials must provide discovery about whether Hispanics are underrepresented on federal juries in Orange County.

U.S. Court of Appeals for the 9th Circuit 9th Circuit rules insurers wrongly excluded from bankruptcy litigation

A \$600 million trust set up to pay asbestos-related claims against a bankrupt insulation company may have to be revised, a 9th U.S. Circuit Court of Appeals panel held Tuesday.

Obituaries

Frederick Girard

1923-2012

Judges and Judiciary

Brown on par with other governors in filling judge vacancies

Gov. Jerry Brown made 15 appointments in his first year in office, with 14 of those coming in the final days of the year. He has more than 60 vacancies remaining on the state bench.

Obituaries

Gigi Gordon

1957-2012

Law Practice

What's driving mergers today

While law firm mergers are on the rise, industry watchers question whether some of the most recent deals will materialize as smoothly as planned since they've been fueled by post-recession hardship.

Securities

M&A lawsuits remained popular in 2011

For the second straight year, the number of securities class actions filed in federal court challenging corporate mergers and acquisitions

recently released a study on the local effects of the program. As part of that study, we interviewed Los Angeles residents in immigration detention. Everyone interviewed was transferred to ICE by local law enforcement in Los Angeles County. Many have no criminal convictions but were stopped by police for a traffic offense, and others have minor criminal convictions or were victims of mistaken identity. This kind of policing, with dire consequences even for Los Angeles residents who have no involvement in criminal activity, is unfair, arbitrary, and can lead to racial profiling.

It doesn't have to be this way. Localities may choose whether or not to honor ICE detainer requests, because local law enforcement has no legal duty to comply with them. City and county leaders have the power to take a stand against the harmful effects of this program.

Secure Communities carries tremendous social and financial costs. When immigrants begin to fear that any contact with the police could lead to their deportation, they are less willing to call the police when they are victims or witnesses of crime. As former LAPD Chief William Bratton said in a 2009 *Los Angeles Times* op-ed, "[c]riminals are the biggest benefactors when immigrants fear the police."

The program also costs the city and county of Los Angeles millions of dollars during a time when public funds are scarce. One recent calculation by legal and advocacy organizations found that Los Angeles County spent more than \$60 million between 2008 and 2010 to hold people on the basis of ICE detainers. That direct cost is compounded when families lose breadwinners and U.S. citizen spouses must depend on state benefits programs, or when U.S. citizen children are placed in foster care subsequent to their parents' deportation.

Alarmed by the harmful consequences of the program, localities across the country have pushed back, enacting ordinances and policies that limit their participation in various ways. Santa Clara County, for example, recently passed a resolution that forbids the enforcement of ICE detainer requests until the federal government agrees to cover the costs of additional jail time. Even if such an agreement is reached, the resolution authorizes local police to honor detainer requests only when the immigrant has been convicted of certain serious crimes. Other localities are passing similar legislation: Arlington County in Virginia, Cook County in Illinois, Washington, D.C., and San Francisco are among them.

The Los Angeles County Board of Supervisors should act to limit participation in Secure Communities. Doing so will save the county scarce resources, and it will build a relationship of legitimacy and trust with immigrant communities to better assist the police in pursuing crime reduction strategies.

Local police did not have to transfer TS to ICE. Whether or not it is too late for him to rejoin his family in Los Angeles, it is not too late for us to save the thousands of others like him who have yet to suffer dire consequences due to a misunderstanding, mistaken identity, or broken tail light.

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has continued to rise despite a drop in securities cases generally.

Intellectual Property
Oracle accepts judge's offer to revise damages report

Oracle Corp. attorneys accepted a federal judge's offer to give the company's damages expert another chance to revise his report assessing damages against Google Inc. for alleged infringement.

Government
Bill would require political spending disclosures

In the wake of a U.S. Supreme Court decision allowing virtually unlimited corporate campaign spending, state Senator Noreen Evans has introduced a bill to require companies to disclose their political expenditures.

Judges and Judiciary
Judicial Council considers juror videos

Member of the state's Judicial Council enthusiastically endorsed an idea to show all prospective jurors in California a public service video emphasizing the need to adequately fund the courts.

Family
Child custody: Should the pendulum swing back to a primary caregiver?

Recent findings in neuroscience suggest that joint physical custody may not be in the child's best interest. By **Renee Leff**

Banking
Why SB 890 is good for consumers, creditors and the courts

The Fair Debt Buyers Practices Act offers protection from unscrupulous third-party debt collectors. By **Elisa Della-Piana, Ted Mermin and Jeffrey Selbin**

Constitutional Law
Justices' GPS decision leaves many questions unanswered

The *Jones* decision fails to consider the issue of electronic surveillance capabilities in modern-day technology. By **Elaine Wallace and Michael Klepich** of Jones Day

Immigration
The dangerous failings of Secure Communities in Los Angeles

The Secure Communities program promotes a kind of policing that can lead to racial profiling. By **Edgar Aguilasocho and David Rodwin** of the University of California, Irvine School of Law

Letter to the Editor
Justices got religious case exactly right