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DC COALITION AGAINST
DOMESTIC VIOLENCE

February 25, 2010

Councilmember Phil Mendelson
Chairman, Committee on Public Safety & the Judiciary
1350 Pennsylvania Ave, NW, Suite 402
Washington, DC 20004

Dear Councilmember Mendelson:

Thank you for taking the time to speak with representatives of the domestic violence community earlier this week. On behalf of the undersigned domestic violence organizations, we write to reiterate and explain our serious concerns about the Metropolitan Police Department's (MPD) participation in the Secure Communities program, a collaboration with Immigration and Customs Enforcement. The Secure Communities program will undermine the immigrant community's relationship with MPD, and inhibit immigrant victims of domestic violence from seeking law enforcement assistance.

***The Secure Communities Program is Yet another Barrier for Immigrant Victims of Domestic Violence
Striving to Escaping Abuse***

- ❖ Immigrant victims of domestic violence face multiple barriers to seeking help from law enforcement, including: language access barriers, cultural barriers, and, in some instances, poor historical relationships and interactions with law enforcement. Despite significant efforts to reduce these barriers, many immigrant victims of domestic violence do not reach out to law enforcement.
- ❖ In a survey conducted among Latina immigrants in the Washington, D.C. area, 83% of battered immigrant women interviewed did not contact law enforcement about the abuse.ⁱ The Secure Communities program is just one more such barrier for victims in desperate need of assistance. The program puts communities at a heightened risk for domestic violence and domestic violence fatalities.
- ❖ A survey among Latina immigrants in the Washington, D.C. area found that 21.7% of the battered immigrant women survey participants listed a fear of being reported to immigration as their primary reason for remaining in an abusive relationship.ⁱⁱ

- ❖ An immigrant woman who experiences physical and/or sexual abuse often also encounters threats from her abuser of deportation, threats of refusal to file immigration papers, and threats to call the INS at over ten times the rate experienced by a psychologically abused woman. Abusers use constant threats to deport spouses and children as very powerful tools to prevent battered immigrant women from seeking help and to keep them in violent relationships.
- ❖ Like all battered women, abused immigrants report lack of access to money as the single largest barrier to leaving an abusive relationship. Battered immigrants still living with their abusers report a much higher incidence of economic barriers as compared to the general population of battered immigrant women -- lack of money (67.1% vs. 40%), lack of employment (31.8% vs. 20%), and lack of a place to go if they leave (35.3% vs. 18.3%).ⁱⁱⁱ

The Secure Communities Program Reverses MPD's Policy of Putting Public Safety above Immigration Concerns

- ❖ Research shows that abusers often use immigration status as a tool of power and control over their partners. Abusers, even when both parties are undocumented, often succeed in convincing victims not to call the police through threats of deportation or loss of child custody.
- ❖ Historically, the District has recognized citizens' public safety is paramount. Immigration status should not prevent anyone—including victims of domestic violence—from seeking police protection. MPD accordingly strictly prohibits, under a longstanding policy, officers from inquiring about an individual's immigration status. This policy that acknowledges the chilling effect such inquiries have on victims reaching out for help.
- ❖ Coupled with MPD's emphasis on community policing, this policy will dismantle the trust that immigrant communities have gained in MPD. The Secure Communities Program represents an alarming departure from MPD's historic policy of not engaging in immigration matters.

The Secure Communities Program Fails to Target the Most Dangerous Criminals

- ❖ Dual arrests frequently occur in domestic violence cases involving immigrants, particularly if the parties have limited English proficiency. However, in these cases the U.S. Attorney's Office often moves forward by prosecuting only one party (the batterer). This means that at times, officers arrest victims of domestic violence along with their abusers only to later release them without charge. While the Secure Communities Program purports to target and remove only the most dangerous criminals from the community, the reality is that many people who are arrested and subject to this program may not be dangerous criminals – they are victims of domestic violence who are wrongly arrested. Secure Communities will therefore result in undocumented victims of domestic violence being deported and being separated from their children in the process; indeed, evidence from other communities has shown that the majority of individuals deported under the Program are not high level criminal offenders.

The Secure Communities Program Should Be Eliminated; At a Minimum, MPD Has a Responsibility to Adequately Train Officers about its Implementation and Conduct Outreach to Affected Communities and should add simple assault to the list of charges excluded from the fingerprinting requirement.

- ❖ We strongly recommend MPD reject this program because it will result in the unintended consequences of heightening battered immigrant victims hesitancy to access law enforcement thus serving as another barrier keeping them in abusive situations.
- ❖ If this program is implemented, it is imperative that MPD provide adequate training and resources to its officers to ensure continued responsiveness to the needs of immigrant communities. Additionally, it is crucial that MPD, in cooperation and collaboration with community groups and organizations, including the undersigned, educate all residents of the District about the program.
- ❖ Additionally, we strongly urge MPD to add simple assault to the list of charges excluded from the fingerprinting requirement. A large portion of domestic violence charges are simple assault – which means that the pool of fingerprinted individuals will include those outside MPD’s expressed target populations. Excluding simple assault from the fingerprinting requirement is the most direct way to mitigate the unintended chilling effect this will have for immigrant victims of domestic violence.

While we are strongly opposed to the implementation of this program, at a minimum MPD should exempt simple assault from the list of charges that are included in the program to attempt to negate the harmful effects that the program will have on immigrant victims of domestic violence. Thank you for your continued leadership to support and protect victims of domestic violence.

Sincerely,

Asian/Pacific Islander Domestic Violence Resource Project

Ayuda, Inc.

DC Coalition Against Domestic Violence

Mil Mujeres

SAFE, Inc.

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ⁱ Leslye E. Orloff & Nomi Dave, *Identifying Barriers: Survey of Immigrant Women and Domestic Violence in the DC Metropolitan Area*, 6 POVERTY & RACE 9-10 (Jul/Aug 1997)

ⁱⁱ Marry Ann Dutton et al., *Characteristics of Help--Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas*, 7 *Geo. J. on Poverty L. & Policy* 245, 271 (2000)

ⁱⁱⁱ *Offering a Helping Hand: Legal Protections For Battered Immigrant Women: A History of Legislative Responses*, Leslye E. Orloff & Janice v. Kaguyutan