

Chairman Adrian Andrade  
Commissioner Rodger Brown  
Commissioner Robert Dickerson  
Commissioner Fred Quigley  
Commissioner Etta Waterfield  
City of Santa Maria Planning Commission  
City Clerk's Office  
110 East Cook Street, Room 3  
Santa Maria, CA 93454

CC: Assistant City Attorney, Phillip Sinco

February 4, 2014

Dear Chairman Adrian Andrade and the City of Santa Maria Planning Commission:

We, the undersigned non-governmental civil rights, civil liberties, human rights, legal services, community-based and faith-based organizations, and individuals, write to urge you not to approve the developer's permit to build a 12,700-square-foot office building to house an immigration facility for U.S. Immigration and Customs Enforcement (ICE).

In initial conversations with the Los Angeles Field Office of U.S. Immigration and Customs Enforcement (ICE), ICE described the new building as a "service processing center," a "staging center," and a "holding center." After hundreds of community members filled the Santa Maria City Council chamber on January 21, 2014,<sup>1</sup> the latest information we have received from ICE is that ICE is seeking to relocate the existing ERO personnel, who are working in temporary office space at the Federal Correctional Complex in Lompoc, to permanent office space in nearby Santa Maria. The new location will have secure space for interviewing and holding for up to 12 hours individuals who are coming into ICE custody following their release from area jails or prisons. According to ICE, it will not have overnight holding or bed space. However, as detailed in the planned development permit, the facility will have barbed wire on the perimeter fence and a six-foot-high security fence.<sup>2</sup>

Whether ICE's presence takes the form of an office building, a short-term holding facility, or a long-term immigration detention facility, we oppose the increased presence of ICE in the City of Santa Maria. For your information, we have included an overview of the U.S. immigration detention system and an overview of how the community views ICE's increased presence in Santa Maria:

**Immigration detention and mass deportation have led to countless monetary and human costs.**

Immigration detention has expanded rapidly in the last two decades due to the lobbying power of private prison corporations. The Department of Homeland Security's Immigration and Customs

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<sup>1</sup> [http://santamariatimes.com/news/local/govt-and-politics/protesters-pack-city-hall-to-argue-against-ice-facility/article\\_1055223a-8335-11e3-bbfb-001a4bcf887a.html](http://santamariatimes.com/news/local/govt-and-politics/protesters-pack-city-hall-to-argue-against-ice-facility/article_1055223a-8335-11e3-bbfb-001a4bcf887a.html)

<sup>2</sup> <http://www.cityofsantamaria.org/minutes/PlanningCommission-20131218.pdf>

Enforcement (ICE) locked up an all-time high of 477,523 individuals in immigration detention centers in 2012, deporting over 400,000 that same year. Each individual is detained at a cost of approximately 166 taxpayer dollars per day, with an immeasurable cost to the affected families

Immigration detention is entirely civil in nature, meaning that individuals are detained for civil proceedings and not criminal proceedings. Further, several laws passed in 1996<sup>3</sup> ensure that many of those detained are subject to mandatory detention. Thus, many are relegated to fighting cases—which may last weeks, months, or even years—detained. Among those caught up in immigration detention are survivors of torture, asylum seekers, victims of human trafficking, U.S. veterans, and legal permanent residents. ICE has the discretion to decide whether a person should be released, detained, or placed in an alternative-to-detention (ATD) program.<sup>4</sup> However, since 2007, congressional appropriations language related to ICE’s detention budget requires ICE to maintain and fill 34,000 beds.<sup>5</sup> This makes ICE the only law enforcement agency in the nation to have a quota for the number of people it must lock up. This practice is wasteful, as ATD programs can be implemented for as low as \$0.17 per person per day.

More importantly, such unnecessary detention is an inhumane and degrading response to immigration. Detention disrupts family structures and communities. Individuals placed in detention have often been forced away from their families without any guarantee of visitation rights, opportunities for communication, or a speedy resolution to the detention. These individuals can be left isolated from friends and family indefinitely. For example, Yu Wang entered the United States on a valid student visa, met his U.S. citizen wife, and began the process to adjust his status through his wife. However, during a routine immigration meeting, ICE handcuffed Mr. Wang in front of his wife and took him to the ICE-contracted Otay Detention Facility in San Diego. Yu Wang has no criminal history, not even a traffic violation. He spent over a year in immigration detention, including over 50 days in solitary confinement where officers denied him the ability to call his wife for several days. This family separation is hardest on children, such as Yu Wang’s U.S. citizen daughter, who asked her mom daily, “When is Daddy coming home?”<sup>6</sup>

Additionally, due to the limited independent oversight of immigration detention facilities, over 140 people have died in immigration detention, and numerous instances of abuse have been recorded. For example, Fernando Dominguez-Valivia had lived in the Los Angeles area for over 20 years before he was detained at the ICE-contracted Adelanto Detention Center in California. While at Adelanto, Mr. Dominguez contracted pneumonia and because of a lack of proper

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<sup>3</sup> Antiterrorism and Effective Death Penalty Act, Pub. L. No. 104-132, 110 Stat. 1214 (1996) (codified as amended in scattered sections of 28 U.S.C.); Illegal Immigration Reform and Immigrant Responsibility Act, Pub. L. No. 104-208, 110 Stat. 309 (1996).

<sup>4</sup> Alternative-to-detention programs include approaches such as ankle monitors or community-based supervision programs. ATD programs work. At an average cost ranging from \$0.17 to \$22 per person per day, ATD programs offer a fiscally responsible alternative to detention. More importantly, ATD programs are more humane than detention; they permit the individual to retain his or her dignity, and they offer a way for families to remain intact. That is why a large and diverse collection of groups—including the Heritage Foundation, the International Association of Chiefs of Police, the National Conference of Chief Justices, the Vera Institute of Justice, and the U.S. Conference of Catholic Bishops—have all endorsed the use of ATD programs as opposed to immigration detention centers.

<sup>5</sup> <http://www.bloomberg.com/news/2013-09-24/congress-fuels-private-jails-detaining-34-000-immigrants.html>

<sup>6</sup> <http://www.endisolation.org/bring-yu-wang-home/>

medical care at the detention center, he was transferred to Victor Valley. He died of cardiac arrest on March 4, 2012, permanently separating him from his family.<sup>7</sup>

Allowing ICE to build a facility—even a short-term processing facility—in Santa Maria will make our city a gateway city for the U.S. immigration detention system. People picked up in Santa Maria will be transported away from their friends, families, and communities. Bringing an ICE facility to Santa Maria would mean overwhelming fear for this city’s immigrant community, including legal permanent residents. We are concerned that an increase in ICE’s presence in Santa Maria will mean that more residents from Santa Maria will be filling the lock up quota each day.

**Strengthening the relationship with ICE runs counter to strengthening the relationship with the Community.**

Increasing ICE’s presence in Santa Maria will only result in strengthening collaboration with ICE, while eroding public safety and community trust. Building a processing facility sends a clear message to the community that local government’s relationship with ICE is growing. The proposed ICE facility will be built at the intersection of McCoy Lane and Depot Street, less than three miles or a five-minute drive from the location of the proposed county jail on the southwest corner of Black Rd. and W. Betteravia Rd. Once built, ICE will be able to engage in interviews in the processing center and possibly in the new jail as well. This is particularly concerning because since immigration proceedings are civil, they do not carry the same procedural protections as criminal proceedings. As a result, interviews—which often lead to detention and deportation—are conducted without *Miranda* warnings and without any attorneys present. Thus, immigrants often unknowingly waive their right to see an immigration judge or fight their immigration case during these interviews. Further, strengthening the City of Santa Maria’s relationship with ICE will make contact with local law enforcement tantamount to contact with ICE. This is a dangerous precedent to set when community policy is such a strong component of public safety.

This strengthened collaboration with ICE further runs counter to the TRUST Act, AB 4, which was signed by Governor Brown October 2013 and went into effect January 1, 2014. The TRUST Act recognizes that increased cooperation with ICE can “harm community policing efforts because immigrant residents who are victims of or witnesses to crime, including domestic violence, are less likely to report crime or cooperate with law enforcement when any contact with law enforcement could result in deportation.”<sup>8</sup> Thus, while the State of California is moving toward less cooperation with ICE in the interest of public safety and community policing, this proposed permit runs directly counter.

**The proposed ICE facility in Santa Maria will differ from ICE’s presence in Lompoc.**

ICE has informed the community that its proposed building in Santa Maria will have secure space for interviewing and briefly holding individuals who are coming into ICE custody

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<sup>7</sup> <http://www.ice.gov/doclib/foia/reports/detaineddeaths2003-present.pdf>; see also [http://www.huffingtonpost.com/fernando-romero/post\\_3140\\_b\\_1354810.html](http://www.huffingtonpost.com/fernando-romero/post_3140_b_1354810.html).

<sup>8</sup> “TRUST Act,” AB 4, Ammiano, State Government: Federal Immigration Policy Enforcement (2013-2014), available <http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml;jsessionid=aaa0cc989309745cb5a55894039d>.

*following their release from area jails or prisons.* We are concerned with the accuracy of ICE's statement. ICE does not just detain people who are coming directly from jails and prisons. We believe ICE's increased presence in Santa Maria will have a devastating effect in that many more families in Santa Maria will be split apart and detained.

Additionally, even if ICE does not plan right now on expanding its enforcement efforts in the Central Coast, it is clear that the immigration detention population in California is shifting. ICE recently ended its contract with Corrections Corporation of America (CCA) to house people in long-term immigration detention at the California City Correctional Center. That Center was housing around 380 men and 100 women each day. People detained at this facility spent weeks, months, and sometimes years locked up while they fought for the right to remain in the United States. ICE has transferred these individuals to Northern California and to other detention facilities across the Pacific Northwest.

History shows that once ICE has created a presence in a community, it quickly expands and the town can change. For example, the ICE detention center in Adelanto, California, started out as a 650-bed facility in 2011, but as is the case with many ICE detention facilities, ICE quickly expanded beyond the original limits. Today, it detains up to 1300 people each day. Initially, ICE and the private prison corporation, GEO Group, that runs the Adelanto Detention Center, promised more jobs for the people of Adelanto.<sup>9</sup>

However, the reality is that as ICE expanded its presence in Adelanto, the community has not improved. There are no high schools in the City of Adelanto, the elementary schools are failing, and there are no after-school programs. Children drive by the detention center on their way to school in the neighboring town, looking at the barbed-wire fences instead of a park or recreation facility. The City of Adelanto is now known for its detention facility, especially after the death of Fernando Dominguez-Valivia in ICE custody in 2012.<sup>10</sup> We do not want to see this fate for the City of Santa Maria.

We respectfully request that you not approve the developer's permit to build a 12,700-square-foot office building to house an immigration facility for U.S. Immigration and Customs Enforcement (ICE).

Sincerely,

Signatories

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<sup>9</sup> <http://www.pe.com/local-news/local-news-headlines/20110829-immigration-first-inland-detention-center-opening.ece>

<sup>10</sup> <http://www.ice.gov/doclib/foia/reports/detaineedeaths2003-present.pdf>