



May 31, 2012

Dear Mr. Friedman,

The American Civil Liberties Union Foundation of Georgia (ACLU of Georgia), the Georgia Latino Alliance for Human Rights, Caolicion de Lideres Latinos (CLILA), and Georgia Detention Watch submit the following cases pertaining to the four counties with 287(g) agreements to your attention to urge that these agreements not be renewed. These cases have been documented through community forums held at the four counties or complaints received from community members by our offices.

Enclosed, please also find the ACLU of Georgia July 2010 complaint submitted to the Department of Homeland Security Office of Civil Rights and Civil Liberties as well as the Department of Justice Civil Rights Division pertaining to Cobb and Gwinnett as well as the ACLU of Georgia reports on Cobb and Gwinnett documenting racial profiling and discriminatory policing practices published in 2009 and 2010 respectively.

For more information, please feel free to contact Azadeh Shahshahani at ashahshani@acluga.org, 404-574-0851.

Sincerely,

A handwritten signature in black ink, appearing to read 'Azadeh Shahshahani'.

Azadeh Shahshahani
ACLU Foundation of Georgia

Adelina Nicholls
Georgia Latino Alliance for Human Rights

America Gruner
CLILA

Priscilla Padron
Georgia Detention Steering Committee

Cobb County

Driving While “Brown”: Jessica Colotl¹

Jessica Colotl was a smart hard working student at Kennesaw State who worked nights in order to pay her tuition and hoped to become a lawyer. In late March 2010, as Jessica pulled into her university parking lot, a campus police officer pulled her over, telling her that she was "impeding the flow of traffic." She could not produce a driver's license due to her undocumented status and eventually ended up at the Cobb County jail. As a result of 287(g), Jessica was placed in deportation proceedings. Before long, she found herself behind bars at the detention center in Alabama, awaiting deportation to Mexico, a country she had not lived in for over 10 years and which she hardly remembered. Jessica was only released after strongly voiced and sustained demands by the community, including her sorority sisters, and after the ACLU contacted the DHS headquarters on her behalf, as her placement in deportation proceedings was clearly out of line with 287(g) priorities. But Cobb County Sheriff Neil Warren obtained a new warrant for her arrest a few days after she was released, saying she provided incorrect information about her address when she was booked into jail following her initial arrest. Jessica has since been granted deferment from deportation three times, the latest in May 2012.²

Consequences of Calling for Help: “Jenny”³

On July 29, 2009, “Jenny” called 911 to stop her partner from assaulting her. But instead of protecting Jenny from the man who had been hitting and kicking her, the Cobb County police officers who responded to her call relied upon her abusive domestic partner's account of what prompted Jenny's 911 call, as she speaks little English. Her abuser's side of the story was, not surprisingly, far from honest.

According to attorney Erik Meder, who represented Jenny in her deportation case, as a direct consequence of seeking help from the police, Jenny was herself arrested; physically separated from her infant daughter; spent five days in the Cobb County jail; and placed in immigration removal proceedings.

Gwinnett County

Traffic Stops and Roadblocks

One example of racial profiling in Gwinnett County is the experience of Karla, who has lived in the United States for fifteen years. Karla was driving her car in a heavily Latino-populated area when she was stopped one January evening in 2010 by a police officer who had started following

¹ Rhonda Cook and Andria Simmons, *Illegal immigrant KSU student hopes to stay in U.S.*, A.J.C., May 14, 2010 (7:30 PM), <http://www.ajc.com/news/illegal-immigrant-ksu-student-526742.html>.

² Laura Diamond, *Colotl allowed to stay for another year*, A.J.C., May 7, 2012 (7:35 AM), <http://www.ajc.com/news/cobb/colotl-allowed-to-stay-1432830.html>.

³ Account provided to the American Civil Liberties Union Foundation of Georgia (*hereafter* ACLU of Georgia) by Attorney Erik Meder in April 2011.

her.⁴ When she asked why she was stopped, Karla was told by the officer that, “You know why, you don’t have a driver’s license. This is indicated in my system.” The officer did not explain how he could tell she did not have a driver’s license by merely following her car. Karla was given a traffic citation for driving without a license and was arrested. She was not read her Miranda rights nor was she notified of her right to contact her consular officer.

The harassment of Latino drivers in Gwinnett County is also noticeable to non-Latinos. Bonnie Horton stated that on June 26, 2011, at 9:30AM, while she and her husband were travelling on Lawrenceville Highway, she observed officers in uniform and police cars at a roadblock ahead of her.⁵ There were three lanes of traffic, and the one on the left was being used for cars being pulled over by the officers. She remembers that five cars had been stopped, and all those detained were Latino, and at least two cars contained families with young children and babies. She witnessed one individual being taken out of the car by officers, possibly being arrested; she saw that a woman and baby who had been in the car standing outside it as well. She stated that as she and her husband approached the roadblock, they had their windows down. The car next to hers had Latino individuals inside. She heard an officer say to them that they needed to provide proof of citizenship. However, when she and her husband reached the roadblock, an officer asked them only for proof of insurance and proof that she and her husband were residents of Gwinnett County. They used their driver’s licenses to provide proof of residency.

Harassed at Home: Jenny Centeno⁶

Mrs. Jenny Centeno lives with her husband in the house they own. Jenny has grown up in the United States and is undocumented. Recently they were attempting to evict certain individuals from their house to whom had been renting out a room. The people being evicted filed a suit in court against her husband. On January 19, 2012, a Gwinnett sheriff deputy arrived at the couple’s home to serve Jenny with a subpoena to appear as a witness in the case. The deputy asked her for her identification for which she only showed her high school ID. He asked her why she didn’t have any other identification, to which she responded that she just didn’t have any other. He then asked her about her immigration status and she answered she did not have legal status in the country. The deputy then proceeded to threaten her with calling ICE and having her deported. When the deputy saw her husband, he also asked him about his legal status. Her husband stated he is a legal resident but refused to answer any further questions the deputy posed.

Before leaving, the deputy continued to threaten to call ICE and have Jenny deported. The deputy was a very tall white male and so Jenny felt uncomfortable by his continued threats.

Treatment of Detainees at the Gwinnett County Jail

The Georgia Latino Alliance for Human Rights has received a number of complaints regarding treatment of immigrant detainees by the Gwinnett County Jail. For instance, one Gwinnett

⁴ In order to respect the interviewee’s wishes, only her first name is used. Interview with Karla by ACLU of Georgia (July 24, 2010).

⁵ Telephone interview with Bonnie Horton by ACLU of Georgia (Aug. 11, 2011).

⁶ Telephone interview with Jenny Centeno by ACLU of Georgia (Feb. 15, 2012).

County Jail detainee arrested in summer 2010 was not given food on his first day.⁷ This same detainee was placed in a room so cramped with other detainees they were unable to sit down; at one point an officer came to clean the room with Clorox and the detainees felt as if they might faint from the strong odor.⁸ A female detainee reported being pushed by a Gwinnett County police officer, and then being arrested for obstruction of justice.⁹ While she was being booked into jail, the business card of the officer who had pushed her was removed from her belongings.¹⁰ When she was asked to sign off for her belongings, she pointed out to officers that this business card was missing.¹¹ The officers responded by putting her in “the hole” for hours.¹²

In addition, there were several documented instances in which individuals detained at the Gwinnett County Jail were told that they could not post bond because of an immigration hold. The families of two different detainees arrested in June 2010 reported attempts to pay their bonds, but being told that immigration holds prevented their release.¹³ In one case, the detainee’s family actually submitted payment for his bond according to the instructions given to them, but four days later were told that the Gwinnett County Jail was nevertheless waiting for authorization from Immigration and Customs Enforcement before releasing him.¹⁴

Hall County

*Consequences of Calling for Help: Daniela Esquivela*¹⁵

Daniela Esquivela is a young woman who was involved in an abusive marriage. One evening, she called in a domestic violence complaint against the abuser. Instead of providing the help she had hoped for, the Gainesville police arrested her and took her to the Hall County Jail. As a result of 287(g), she ended up in ICE custody at the North Georgia Detention Center. When the ACLU of Georgia visited Daniela at the detention center in October 2011, she was visibly traumatized by the arrest and the subsequent detention.

Whitfield County

*Whitfield Roadblocks: Eric Muños and His Wife Veronica*¹⁶

⁷ Complaint of Gwinnett County Jail Detainee (arrested June 2, 2010), received by Georgia Latino Alliance for Human Rights (*hereafter* GLAHR), as reviewed by ACLU of Georgia.

⁸ *Id.*

⁹ Complaint of Gwinnett County Jail Detainee (arrested December 19, 2010), received by GLAHR, as reviewed by ACLU of Georgia.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Complaint of Gwinnett County Jail Detainee (arrested June 14, 2010), received by GLAHR, as reviewed by ACLU of Georgia, *and* Complaint of Gwinnett County Jail Detainee (arrested June 21, 2010), received by GLAHR, as reviewed by ACLU of Georgia.

¹⁴ Complaint of Gwinnett County Jail Detainee (arrested January 11, 2010), received by GLAHR, as reviewed by ACLU of Georgia.

¹⁵ Interview with Daniela Esquivela conducted by ACLU of Georgia at the North Georgia Detention Center on October 21, 2011.

¹⁶ Interview with Eric Muños by ACLU of Georgia (July 28, 2011).

Eric Muños lives in Dalton where he works in the carpet industry. Most of his daily activities, such as working, volunteering, going to community events, and visiting family occur in Whitfield County. Eric, his wife Veronica, and their three children had been in the United States for over seven years.

Veronica was taking their nine-year-old to a soccer game when she found herself at a roadblock, in an area known for having many roadblocks. She received a ticket for driving without a license.

Although she was asked if she spoke English and she responded that she did not, there was no interpreter. She did not understand much of what was being said. The police officer asked her for her driver's license and her green card or other immigration documents. The police officer also asked what country she was from. Veronica showed him her Mexican driver's license and she was told she could not leave. Veronica was in the process of deportation when the ACLU of Georgia talked to her husband Eric.

Eric no longer feels safe in his community and avoids many areas all over Dalton because of police harassment. In early 2011, Eric chose to not report a stolen bicycle out of fear that he would be asked to provide immigration documents.

*Roadblocks and Racial Profiling: Mariel Quesada and Her Brothers*¹⁷

Mariel Quesada also lives in Dalton and works at a manufacturing company. She is a United States citizen and has family members who are undocumented. Both of her brothers have had run-ins with local law enforcement authorities in the area after being stopped at roadblocks. At one time period, roadblocks were set up to three times each week in their community.

One of her brothers was stopped one afternoon in 2011, at a roadblock set up on Frontier Trail by the Whitfield County Sheriff's Department. Mariel, who is fair-skinned and has green eyes, went through the roadblock first. The officers did not stop her, did not ask her any questions, and did not inspect her car. However, when her darker-skinned brother tried to go through, he was pulled over and told by the officers that they were checking for licenses and registration. Her other brother was stopped close to Glenwood Avenue by the Dalton City Police Department for being "suspicious." The officer then asked what country he was from.

Mariel also recounted an incident in July 2011 where one of her friends was pulled over by the Dalton City Police. The police officer asked for "papers," and when Mariel's friend explained that the particular section of HB 87 has been blocked, the officer replied that he could ask whatever he wanted.

¹⁷ Interview with Mariel Quesada by ACLU of Georgia (July 28, 2011).