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ICE Agents Go From Friend to Foe

Trump's Voice program will publicize crimes by undocumented immigrants.

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Over the past decade, Rudy Bustamante spent a lot of time driving around Phoenix, meeting immigrants anywhere they felt comfortable—schools, churches, coffee shops. As a community relations officer for U.S. Immigration and Customs Enforcement, he's had the difficult task of trying to build trust between immigrants and the federal agency in charge of deporting those who are here illegally.

Part of Bustamante's job has been to persuade immigrants to help ICE find serious criminals while assuring them that they and their families won't face deportation for traffic violations or other minor offenses. Building that trust hasn't always been easy, as in 2010, when Arizona passed a law requiring immigrants to carry registration documents and giving police broad leeway to question people. "Rudy Bustamante met with all the different immigrant groups," says Michael Nowakowski, a Phoenix city councilman. "That dialogue really helped during those crises moments."

Bustamante's job is about to change. On Jan. 25, President Trump signed an executive order calling for the creation of a department within ICE, the Victims of Immigration Crime Engagement, or Voice, office. The almost two dozen ICE community relations officers across the U.S. will now be responsible for highlighting crimes committed by members of the community they've spent years trying to strengthen.

This is all part of Trump's broader strategy to focus on criminal aliens, or "bad hombres" as he's called them since he first announced his presidential bid in June 2015. Throughout the campaign, he made cracking down on undocumented immigrants who commit crimes a key part of his platform, despite research showing that undocumented immigrants are less prone to crime than U.S.-born citizens. A new analysis of census data by the Cato Institute estimates an incarceration rate among undocumented immigrants of 0.85 percent, compared with 1.53 percent for U.S.-born citizens.

By focusing on acts of crime, the Voice program could undo years of work building relationships between ICE and immigrant communities, says John Sandweg, former acting director of ICE

under Obama. “When you now task these guys with going around trying to scare the general public, all you’re doing is reinforcing the message to those groups, ‘Don’t you dare call ICE,’ because they think they’re going to deport you,” Sandweg says. “All it’s going to do is amp up the chilling effect and make it that much harder for ICE agents to do their job.”

Although Voice hasn’t been rolled out yet, the broader shift in tone has already started. In March, ICE began releasing its first weekly list of crimes committed by undocumented immigrants and the “sanctuary” jurisdictions that refused to detain them on immigration charges. Voice will eventually provide quarterly reports about “the effects” of crime by the undocumented.

In a report released on March 20, the Department of Homeland Security listed the 10 largest sanctuary jurisdictions, including Los Angeles, New York, and San Diego, along with the names of undocumented immigrants released and their “notable criminal activity,” such as domestic violence and burglary.

To ensure victims are notified when an offender is deported or released into the community, DHS is planning to put into operation a system designed under Obama but never formally launched, called the Victim Information and Notification Exchange, which will send victims of immigrant crime updates via text message and email.

Until now, victims had no way of knowing whether ICE had deported a perpetrator or released him into the community. Part of the problem has been a lack of funding, says Sandweg, who says he backed the creation of a notification program while at ICE. The other issue has been complexities with privacy laws that limit interaction between certain state and federal databases. As part of Voice, the Trump administration will no longer extend privacy rights to undocumented immigrants, breaking with past interpretations of the 1974 Privacy Act.

ICE declined to say how much the program will cost or where the funding will come from. In a Feb. 20 memo, DHS Secretary John Kelly directed that “any and all resources that are currently used to advocate on behalf of illegal aliens” be reallocated to Voice.

Obama set up an English and Spanish toll-free hotline for detained immigrants and established the position of “public advocate” within ICE to serve as an access point for people in immigration proceedings and for immigrant advocacy groups. Immigration hardliners, such as Diane Black, a Republican representative from Tennessee, criticized the public advocate as an “illegal alien lobbyist.” Texas Republican Representative Lamar Smith said it was “further proof that the Obama administration puts the interests of illegal immigrants ahead of the interests of Americans.” Congress eliminated the public advocate position in April 2013.

Jessica Vaughan, director of policy studies at the Center for Immigration Studies, which advocates for less immigration, thinks eliminating these types of services could free up funds for Voice. “These resources were being used almost exclusively on behalf of people in this country illegally,” she says. “Whereas people harmed by the actions of people in the country illegally were getting almost no help.”

Jacinta Gonzalez, field director at advocacy group Mijente, worries that Voice will mean that community relations officers will no longer be a “point of contact” for people detained. “If

they're not even going to be pretending to talk to the community, it just goes to show that they don't really care at all about the impacts their enforcement is going to have," she says.

Nowakowski, the Phoenix councilman, holds out hope that the new role for community officers like Bustamante will still involve finding common ground. "That's where Rudy could be that mediator to help somebody who may have lost a loved one and thinks all Mexicans are murderers," he says. "It's having a person there who's level-headed who can actually tell both sides of the story and help people heal."