

# Drug Policy Alliance

## Criminal Justice Issues and Prisoners' Rights

<https://drugpolicy.org/resource/dpa-podcast-episode-32-insidious-impact-covid-19-immigration>

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Immigrant detention centers are bleak places in the best of times, but during a pandemic they are absolutely dangerous. And yet U.S. immigration enforcement has carried on as COVID-19 continues to spread, exacerbating the stress and anxiety that people who are non-citizens and/or undocumented already feel when dealing with a system that is unforgiving in its measures. This week activist Alejandra Pablos joins us to share her experience in one of these centers, in conversation with DPAs Director of National Affairs Maritza Perez and DPAs California State Director Jeannette Zanipatin. They examine how the drug war drives much of what's happening at the federal, state, and local levels with immigration court and ICE raids, and share the urgent need for decarceration and calls for advocacy.

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(Jazzy intro music in)

Welcome to Drugs and Stuff, a podcast from the Drug Policy Alliance.

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### **Gabriella Miyares (0:08)**

Hello everyone, and thanks so much for tuning in today to another episode of Drugs and Stuff. I'm your host, Gabriella Miyares. On our last few episodes, we've examined several issues through the lens of drug policy and COVID-19. Today, we're digging into how this pandemic is affecting immigration issues, including changes to immigration court, ICE raids, questions around decarceration and calls for advocacy. My colleagues, Maritza Perez and Jeannette Zanipatin, who work on national and California state-level issues, respectively, are joined by activist Alejandra Pablos in a conversation examining what's going on at this moment, and what we can do to help.

### **Maritza Perez (0:57)**

Hi, everybody, my name is Maritza Perez, I'm the Director of National Affairs at the Drug Policy Alliance. I'm so excited to be doing this episode on immigration issues. I just think it's so important that we talk about this, particularly in the context of drug policy and criminal justice reform. I'm especially drawn to this issue because of my own immigrant background. So I'm a daughter of Mexican immigrants who were at one point undocumented. I remember growing up as a green card holder, and my earliest memories are of my mom being very concerned about my safety when I went on trips, like school basketball trips and things of that nature. And I remember thinking how, how weird that was because I didn't, you know, then I didn't understand just how slippery my status in the US was. It wasn't until law school that I realized that even green card holders face uncertainty in this country. And my own professional experience has actually just amplified that even more. So I started after, after law school at MALDEF, the Mexican American Legal Defense and Educational Fund. And I started there as a Soros justice fellow, really working at the intersection of immigrant rights issues in the criminal justice system. And it was then that I started to really learn how non-citizens with criminal convictions were especially targeted under the previous administration, and have historically been targeted. And then I left MALDEF and went to the Center for American Progress, a progressive think tank in Washington DC, where I again saw immigrants with criminal convictions, specifically, bearing the brunt of a lot of our policy decisions. So I'm really glad that now I'm at the Drug Policy Alliance. I've been at the Drug Policy Alliance for the last few months. And I think this organization does critical work around drug policy reform and racial justice. And DPA has always said that caging and deporting immigrants is just another facet of the war on drugs. So I'm really appreciative to be here, to have this conversation with you all, on a topic that's, that's really near and dear to my heart but also so important to our movement.

### **Jeannette Zanipatin (3:03)**

Hi, my name is Jeannette Zanipatin. I am the California State Director for Drug Policy Alliance. I came to drug policy also as a MALDEF-ian; I was formerly the legislative attorney for MALDEF in the state of California for the past nine years. And so, to that end, you know, I've been able to work on several different state-level policies having to do with the intersection of immigration and police enforcement activities. During my time at MALDEF, I was able to work on really critical pieces of legislation that really attempted to delineate when ICE employees could collaborate, but prior to coming to DPA and to MALDEF, I worked as an immigration practitioner up in the state of Washington, and I worked in deportation defense and worked in an immigrant detention center up in Seattle. So you know, I was frontlines, working on some of these issues representing clients from all over the world in deportation matters, and saw firsthand the conditions that folks face when they are in detention centers, where they are lacking legal assistance and even family

members within the immediate vicinity to help them with their immigration cases, I often had to get all the evidence pulled together to represent my clients before the immigration court system and have no -- and practice for many years in front of immigration court and also at the Ninth Circuit as well. And before the Board of Immigration Appeals. So these issues are very true to my heart. I also have an immigrant background. My parents are from Ecuador and El Salvador. And you know, I've really just been drawn to this area of law, given that my family has a history of dealing with immigration issues as well. But most importantly, you know, coming to work at DPA, just really looking at the intersection of all of these components, right? As Maritza mentioned, DPA has done a phenomenal job of really calling out the unjust practices that we see within our carceral system, and in addition, to the immigrant detention systems. I really look forward to having this conversation with all of you today, as we seek to uncover some of the practices that ICE is currently engaging in and how we can move forward as a society, given that we are facing this national health crisis, this national emergency, this pandemic, because it's really important for us to, you know, hold a mirror up to ourselves as a society and figure out ways to treat people more humanely and more justly.

#### **Alejandra Pablos (5:46)**

My name is Alejandra Pablos, and I'm a community organizer and storyteller, specifically, I center around reproductive justice. And I'm really excited to join this conversation on immigration because that's obviously something that's very tied to my identity and the focus of the work that I do. So yeah. So thanks for inviting me to this conversation, really honored to have y'all's expertise here and to have -- to dig deep into this conversation in this moment, this moment of pandemic, where, again, immigrants, undocumented folks are being left out of the conversation. So I'm coming to this as a person who got placed into deportation proceedings in 2011, being a legal permanent resident being a part of the mixed status family, you know, that and being in Arizona, that's what really informed me growing up. Oversentencing, right, you don't ever get pulled over without border patrol in Tucson. We're right by the border. And, you know, just really seeing the militarization of our, of our, of our communities, our neighborhoods, our streets. And then I got placed in deportation proceedings after pleading guilty and being on probation after pleading to a charge in the county, and all of a sudden I'm on probation and ICE walks in. And interrupts my meeting with the probation officer, and tells me I'm going to Mexico. And that was literally my introduction to criminalization. And to basically this really, this oppressive system that is meant to pipeline people into deportation, incarceration, and expulsion. So I ended up spending two years at Eloy Detention Center. And again, that, that experience really politicized me, I was able to use my skills of being in the community, working with kids, working after school programs, and teaching, and doing all that work, to then being inside Eloy detention center, organizing, running classes, you know, filling out paperwork, translating, and really coming home to organizing, and leading my own deportation defense campaign, which is a participatory defense campaign, and we are building pathways of protection for myself, because we already know, and for folks that don't know, you know, immigration cases are won on public opinion because all of the legal defenses have been, have been ripped away from non-citizens. So yeah, figuring out how to free myself from deportation is the first and foremost thing I do here in my community. But also, I'll talk a little bit about this later, around the work against CBP, against ICE detention centers, against prisons in general, in Arizona. So thank you, let's get to it.

#### **Maritza Perez (8:15)**

Thank you Ale, it's so great that you could join us for this, especially because, as you shared, you're currently fighting your case. And we're really excited to hear how we can be helpful, and just to learn more about your experience during the time we have here. But we did pull this podcast together, specifically, to talk about the impact of COVID-19 on immigrant communities. You know, immigrant communities are always the forgotten communities, the ones who really bear the brunt of a lot of policy decisions that we make. And I think it's -- this is especially coming to light in a time of a global pandemic. We are seeing where we have all of the gaps in, in our society that really compromise immigrant communities. And this is -- this is especially true for undocumented communities and non-citizens specifically, right? So green card holders, people who are undocumented, and just generally people who don't have the privilege of citizenship, because we know it definitely is a privilege. So we did want to pivot to talking about, just, what we've seen happening in our communities because of COVID. And we specifically wanted to talk about what this is looking like in terms of enforcement, in terms of immigrant detention, but then also, other areas of immigration that we might not always think about, like surveillance and mental health. So we'll start first by turning to Jeannette, to talk a little bit about what enforcement has looked like in the -- in the time of COVID. And what ICE's behavior and ICE's protocol has been during this time.

#### **Jeannette Zanipatin (9:49)**

So I did want to preface this part of the conversation in terms of just looking at the context, within which we look at the intersection of drug policy and immigration enforcement. You know, it's very important to acknowledge that the majority of folks that happen to be incarcerated, obviously, a high number of folks are there because of drug offenses. And so that, that dynamic plays true within the immigration context, a majority of folks that find themselves in deportation proceedings are actually there for low level drug offenses. Under immigration law, any drug offense is either deportable or inadmissible under immigration law, other than possession of marijuana of 30 grams or less. And this is even within the context of states that have legalized. Immigrants could still get cited, and then get placed into deportation proceedings because of the citation, or what have you. And so within the context of, you know, drug policy and how immigration works, our immigration laws have been very draconian for, for years, right, around the whole issue around drug policy. And so we wanted to just make sure that we acknowledge that as part of this conversation, because we will be talking later on more specifically about decarceration efforts and also efforts to call for the release of folks that are within the detention centers right now. And so, given that sort of dynamic that we have, I did want to sort of go into sort of what is happening across the country with regards to the raids. The Trump administration and the Department of Homeland Security did provide guidance as soon as the public pandemic hit, around mid-March the Department of Homeland Security released new guidance in terms of what enforcement strategies they would be engaging in over the course of this pandemic. And they pretty much said that they would focus on public safety risks and mostly individual in detention, that they would continue to carry critical criminal investigations and enforcement operations, and highlighted once again, that they would not be targeting folks at sensitive locations. And so this meant, you know, health care facilities, hospitals, doctor's offices and urgent care clinics, and that individuals should not avoid care for fear of deportation. So right after this guidance was released publicly, the day after the Secretary, Ken Cuccinelli, immediately tweeted that that this was not in fact, going to introduce an Obama-type policy in terms of enforcement strategy, but in fact that they would continue to target those folks who they felt were public safety risks. And so that sort of like kicked opened the door once again, he broadly defined what, what that meant. So in essence, the policy that they released in mid-March was rendered meaningless. And so immediately, there were calls from Congress to prioritize folks that have been convicted of serious offenses or pose significant security risks. Be even that, we, you know, we know that during a pandemic, those calls from Congress were, were not really helpful, right, because the bottom line is that folks are putting their lives at risk by either having any contact with ICE, and/or entering into detention facilities. During the first week of the pandemic, there were

people that have been picked up throughout the country. We have stories from parents that were on their way to the grocery store that were picked up by ICE. In Bell Gardens, we had significant operations conducting raids, and in, in the city of LA, and this is after both the governor had asked many of our state residents to shelter in place, and even after the mayor of LA asked folks to, to only go outside for essential activities. And so in terms of what ICE did in terms of releasing this policy, walking it back, and then operating pretty much almost as normal really flies in the face during this pandemic, which, which is to really heighten and elevate the need to preserve public safety and public health for everyone, all of our residents here in you know, with -- within the US. And so this really shows that ICE really took it upon themselves to just disregard policy that obviously needed to be elevated and prioritized. But they also continued, as I mentioned, to just, you know, pick people up for really low-level offenses, things that really did not really risk public safety. And so in Bell Gardens, we immediately saw folks getting picked up for -- for example, one gentleman was picked up for an old DUI arrest that happened in 2015. That is hardly something for which we would think would be a public safety risk. Now this gentleman is in a detention center. He is the head of household, he was on his way to work. His family is now unable to pay rent, unable to secure food. And so when you think about the enforcement activities that continue to take place in this -- in our country, it really should be alarming, right? Because we are trying to address this pandemic, trying to keep families together, helping them to shelter in place, yet we are having folks continually entering really dangerous conditions within the detention centers. And this is all within the context of you know, having ICE and ICE agents coming into the community, conducting raids, already where there's a heightened sense of anxiety and stress. And so, you know, just, just the thought of having our communities to continue to be part of this siege is really disheartening. The other component obviously, is that, you know, ICE put, placed an order for about 45,000 N95 masks, so they could release to their own regional field offices. And this is all within the context of knowing that our medical professionals don't have critical medical supplies. Yet ICE, again, is placing itself above policy and above, really, guidance and law here to provide their field officers with masks, when we know that frontline workers fighting this pandemic are facing grave shortages of critical medical supplies. And so it really worsens the shortage. It really puts more of our frontline workers in very precarious situations. But it also places a big distress, right, within public health recommendations. I mean, if we have one arm of our government saying that we need to really preserve our medical equipment for those frontline workers, we can't have an agency of the same government kind of doing their own thing, which, you know, we all know that ICE has always operated with a lot of impunity. And this is really holding up that mirror to them. I think the other component that we need to look at is, you know, what are, what other things has ICE done to sort of modify or to try to address things during the pandemic? They have at the moment canceled immigration court, but they're still requiring folks to do their check ins, right? Prior to COVID, folks were required to check in every 30 days. They're now having folks check in every 60 days. But we've seen footage of folks standing in line for these check-ins, not being able to social distance from one another. And so we're placing so many people in precarious situations because ICE continues to move forward with their enforcement policies, and completely disregarding this national emergency, I mean, we're in the middle of a national emergency. And yet we have a government agency, completely abrogating the rights of individuals and flying in the face of policies that we know are critically important to preserve the public health of all of us. And so we really need to understand, you know, that ICE has always acted with impunity. But at that at this moment, you know, there are definitely things that we can do to shift the conversation, as well as look at other alternatives for ICE to operate in whatever form they need to operate. And so, given that, that's what's happening, we want to continue to advocate that ICE change their policies, that they put the public health of all of our residents in the country first, and that they, you know, really try to address this pandemic in a more responsible way.

**Alejandra Pablos (19:11)**

Yes I'm just gonna add that, you know, during this pandemic, like you just mentioned and reflected on, it is a moment that ICE is making Trump's dreams come true about this border wall, right? It is a moment that we're recognizing that CDC has actually power over you know, Customs and Border Patrol, and ICE, and they're actually acting really counterproductive through to the needs, right, that where nobody's -- they are not flattening the curve and I think that's, that's super important to speak about, right? They've always been rogue and it's really interesting to, to see that the call for abolishing ICE has gotten quieter, right? In this moment where we need to be talking about abolishing ICE, we need to be talking about the money that they're asking for, right? And pretending that that this is for public safety, right, going after communities, talking about, you know, like you mentioned, these raids, these raids look like literally Customs, Customs and Border Patrol picking up young high school students in Tucson, Arizona, just because, literally just because our bodies are literally criminalized and illegal, and it's just really unfortunate, and I think I'm excited to again, talk about why we need to make our calls, you know, stronger than just freeing them all. But we need to abolish ICE at this moment in time because it's, it's detrimental to us. And I think we're saying that ICE is, now not holding courts, you know, this is the moment where we've got to talk about surveillance and how we're moving everything to more virtual, right, and having teleconference courts for unaccompanied children in this moment. We'll get into, into that a little bit more, but I just really appreciate the context you've brought up. Because again, ICE has always been rogue, they've been operating on their own, they're coming into our communities, not social distancing, right, putting everyone in danger, you know, and still arresting folks, some folks are coming into these detention centers where, unfortunately, because of the poor conditions that we all know our prison system, including immigration systems, have, and I know that because I've been there. Those are deathbeds, right? And not because, not because of immigrants, or because of poor people, but because of the virus and the lack of attention, the lack of, of action from our governors locally, right? So we'll talk a little bit more about what that looks like.

**Jeanette Zanipatin (21:18)**

It's really important to understand, as you mentioned, Alejandra, especially around this whole issue around abolishing ICE and that movement, is that, you know, we, we, as advocates, as members of this community, have always known that ICE has been a danger to immigrants, but they are also now making this pandemic a danger to everyone by being very thoughtless. And by continuing to, themselves, like I mentioned earlier, above the law with this inflated self of importance. You know, their main argument has been during this pandemic that they do not want to stop enforcement activities because they don't want to give folks the ability to commit more crimes. But we know that the data demonstrates, you know, immigrants are less likely to commit crimes. And so when you put all of this into context, we really do need to hold up a mirror at this moment against ICE's enforcement activities, and really call for, for significant changes. In addition to abolishing ICE, there are other things that we can do in the interim to try to address what's happening during this pandemic.

**Maritza Perez (22:28)**

Yeah, that was a really good breakdown of what we're seeing related to ICE's actions at the state and local level. My scope is focused on the federal level. So our Office of National Affairs follows federal legislation really closely, and follows federal actors really closely. One thing that we immediately started to engage on, and call attention to as soon as this global pandemic hit US shores, was the fact that the US has the highest incarceration rate in the world. Including everyone who is in jails, prisons, immigrant detention centers, we have

more than 2 million people behind bars. And as Ale said, something that we said from the very beginning is that these places are not places that are conducive for people to do anything that the CDC recommends, right? So there is no such thing as social distancing in detention because of overcrowding, because you're locked in a cell. Not to mention that we know that these facilities lack medical care. They're notorious for lacking medical care, especially in private detention facilities that hold non-citizens. Those are particularly notorious for that. And then we also know that there's no access to sanitation products like soap. So these facilities are lacking very, very basic things that, that are necessary to save lives. We've been pushing Congress to depopulate jails, prisons, and immigrant detention centers. We've been ringing the alarm, for who knows how many weeks as of today, about what will happen if we don't start to urgently depopulate populations. And unfortunately, we've already seen this play out in facilities. As of Tuesday of this week, at least 14 individuals have died in Federal Bureau of Prisons custody, because of COVID-19. Many of these individuals were locked up on drug charges. All of them had underlying medical conditions that should have been considered as reasons for their release. As of today, we know that more than 400 incarcerated individuals in federal custody have tested positive for COVID-19 including about 250 staff -- Bureau of Prisons staff. Despite this, we're still not seeing any mass decarceration efforts from the Bureau of Prisons or from the Department of Justice. And you know, these concerns are also really relevant in ICE facilities, right? So we know that a lot of ICE facilities are located in rural areas. Any breakout in a rural area could easily overwhelm any hospital. That -- not only does that put the individuals who are incarcerated at heightened risk, but it puts the staff at risk. It puts the surrounding communities at risk. And people who are incarcerated know this, right? They, they, despite their limited access to the outside world, people know when they're, when they're not being treated with the dignity that they deserve. We've seen reports of people in ICE detention who have been protesting, and they've been met with resistance every step of the way. In response to their protests, ICE has been violent with them, ICE has tried to shut them down. ICE has shut down any form of resistance. It's gotten so bad that we've also heard reports of people asking to be deported rather than stay locked up and face, what's at this point is inevitable, the spread of this virus. And what else do we know? We know that ICE is still arresting people for civil violations, despite -- despite claiming it would stop as, as Jeannette explained. We know that ICE is denying people being released, or for civil immigration violations, even though they have the discretion to do just that. It is within their discretion to release people who are just locked up for violating, quote unquote, our immigration laws, right. These are just civil violations. And I think, you know, what's worse is that if you think about people who are held in immigrant detention facilities with criminal convictions, their odds of being released are, are even worse, because whether or not the criminal conviction was violent or nonviolent, whether or not the criminal conviction was from a decade ago or you know, two weeks ago, ICE is always going to look at this as a quote unquote, public safety risk, but we know that's just another way to put people in the system and deport people, and ICE is actively deporting people. And they're deporting people without first testing people. ICE has reported that they're just visually screening individuals before they board planes. So that doesn't mean that they're being officially tested. It means that ICE is literally just looking at somebody and trying to assess whether or not they're sick. In addition to that, they're also saying that they're doing basic temperature checks on people before they board planes, but we know that with this virus, sometimes, well, a couple of things, right? People can be asymptomatic. So these tests may not capture those people. And we also know that people sometimes show symptoms way later down the road. So ICE is still keeping this revolving door of people in and out of the country, and in and out of facilities, without proper testing protocol. In fact, just this week on Tuesday, Guatemala's health minister said that people being deported from the, from the United States, were driving up the country's COVID-19 caseload. He added that in one flight alone, 75% of the deportees on that flight tested positive for the virus. Mexico, Guatemala, El Salvador, Honduras, they've all asked this administration to stop deporting people, each of those countries has far lower rates of infections than the US does. It's also important to note that their infrastructure, it can't support the weight of infection to the extent that the US can, the US is better equipped to do that. And we already know we're doing a poor job. So you can only imagine how that type of pressure on these countries would also stress out the system. And instead of heeding these calls, this administration is actually threatening sanctions against any country that doesn't accept removals, instead of taking this pandemic seriously and saying, yes, we should do what's in our power to stop the spread. They're telling these countries if you don't take these individuals, we will punish you. And I do want to note that I talked about the BOP rates. We've also seen high infection rates in immigrant detention facilities. We know that at least, at least 77 migrants in ICE custody have tested positive for COVID-19. And we also know that more than 100 staff at ICE detention facilities have tested positive for COVID-19. I think it's important to highlight with these numbers that they're not doing mass testing. So I don't know how accurate this is. I imagine that the, that the numbers are probably worse than this. According to these numbers, there are more cases of staff being affected, but I think that's probably just because staff has more access to testing than people who are incarcerated in these facilities. You know, ICE did say this week that it would temporarily release 693 people who were deemed low risk to public safety. But it's not enough. It's simply not enough. Especially when we're talking about people who are incarcerated for, for civil violations. People who should have the dignity of access to safety right now, who should be able to be at home to be in a safe environment. Especially at a time when, when there's so much stress, anxiety, in an actual global, you know, pandemic that could affect an individual's health. Ale, I know that you've been doing some work on the ground in Arizona. Did you want to talk a little bit about what you've been seeing on the ground there?

**Alejandra Pablos (30:36)**

Mm hmm. Yeah, absolutely. I think you, I think I wanted to also on some of the things that you were sharing around ICE facilities and incarceration, and especially as we have a lot of COVID tested folks inside right. And a lot of communities doing car protests, right, trying to stay social distancing, but still trying to fight for, for the people that are inside, and the most impacted, and, you know, folks inside are you know, also fighting for their own rights and speaking up and getting pepper sprayed, right? In this moment also, where people want to stay safe? The answer is to pepper spray. Right? And this, and at the same time, you know, I know that Detention Watch Network is doing a lot of work around the money that ICE and CBP is asking for, right, to build quarantine -- quarantine facilities, right? -- instead of releasing folks, like you just said, on what most people have civil infractions, right? And when we talk about the other 11 million that, that we've ignored and criminalized, right. Also that are, that have been seen as people that we can dispose of and that can, that ICE is also saying we're not releasing them because of mandatory detention, because they're labeled mandatory detention. Right? We have heard a little bit about the '96 immigration laws, and how those sets of legislation have just expanded who can be deported, expanded the categories of folks that are labeled mandatory detention and deportation. Like myself, I am a I, you know, I because of the '96 laws I'm seen as mandatory deportation, and that lets ICE hold people, keeping, keeping them because of legislation that, that needs to be repealed. So I think that's also important, where like legislation's intersecting with, with the violence that you know, ICE is bringing. And I think also when we're just talking about from, you know, for me, I come to this as, again, non-citizens who, who do, who have been criminalized, right, and we have to see our stories, as, you know, post-war on drugs, you know, all of these drug-related convictions are because of the war on drugs, right? Because we want you to understand that this, the context of overpolicing, and especially in border communities, and I think, you know, that the fact that non-citizens go through this double punishment is just really important to say, right, most of these folks have already, you know, gone through the penal system, right, have gone through all that and

they still have to go face immigration. And I think it was really powerful, I don't know if y'all saw that video. I think it was folks in California, in Ota -- in Ota? -- where folks made a video, right, of who they were, what was happening inside, really put their lives on the line. And these folks are facing political retaliation, right? And we, and there's so much we can do to protect these folks. So just wanted to talk about what's happening inside. And again, we don't have access to these folks when, when, you know, when, when they do get retaliated against inside. But yeah, let's pivot a little bit into the local work, at least that, that myself and comrades are doing in Arizona. You know, again, in Arizona, it's, it's oversentencing. We mentioned how a lot of folks are, are being deported and incarcerated for, for marijuana, for weed charges. Just you know, the home of Joe Arpaio's legacy, right? We have a new sheriff who's continuing, continuing that kind of harassment and terrorism in our community. So the, the, the organizing there around the border, it's just super important at this moment in time, where Customs Border Patrol is actually, you know, there's an expulsion happening right now, expulsions are happening where people are not having any due process. And we've heard a lot about courts, have our own streamline in Arizona, where people are not having due process, I think right now, when folks are coming to the border, to ask for asylum legally, right? They're literally using this pandemic to reject folks without even getting fingerprints or interviewing, folks, right. So that's super important to talk about right now. See, Customs Border Patrol only has like 100 people custody versus the thousands and thousands daily that they have. So at the same time, they're using that to expul-- to, to reject people at the border, right. And folks, that that, that need support and not rejection. So I think that's important to talk about, how the CDC and Customs Border Patrol is just, again, not being productive, and actually put us in harm's way and putting our communities in harm's way because folks are still coming, you know, to work. The staff, the COs without protective equipment and, right, putting people in, in danger. And I think that's, that's exactly what we're organizing against locally. I think another thing that's important to talk about is, when we mentioned that, that, that some of the courts are still going on for detained folks, that looks like, you know, expanding to teleconference, right, to video teleconference. The Trump administration just in March announced that that it's going to be forcing children to undergo deportation proceedings via teleconference, right. Instead of just really figuring out how to, to reconnect folks back to community. So yeah, they're saying that this is just like a pilot program, and it's gonna impact 1500 children, but you know, obviously we are worried that this is going to be a permanent, a permanent way to just have dockets video teleconferenced, and keep streamlining folks into deportation proceedings, or into expulsion, basically, right, to actually deporting folks, because I think what's happening also is, immigration courts at just this moment, they're just a witness to deportation. There is no legal to defend, the way we were fighting deportation cases before this administration was a little bit more different, there was more discretion. There was more power for us to get these, you know, folks freed from deportation, but right now with, with Trump again, with, with his cleansing, you know, his agenda, his white supremacist agenda, it just makes it really hard for folks to get any any, any identity in these courts. One more thing that I think is important is just again, the surveillance, right, that we're, that we're going to -- that we are facing right now in the name of the Center for Disease Control and Prevention, right? They're working with CBP. They're expanding data. They're figuring out how to really, quote unquote and for the public safety, surveil folks and expand, expand data and surveillance through this, this pandemic. So we're now, we're seeing that new devices are being built, right? Facial recognition tracking is being built. Body, body temperature and health tracking devices are being built that are later going to probably be used, you know, to go into grocery stores, to go anywhere, right? They're using biometric detection technology in this moment in time, that's, that we fear is going to be expanded into like other just daily activities. So I think that's just really important for us to think about. And they're already doing that, right. Like folks right now already are, because of, because of CDC asking employers, people are getting their temp, their temperature taken, right, before they're going to work or coming in anywhere. So it's just really scary to see that there's no limitation to data use, right. We already have been seeing the fight against, you know, tech and Amazon and how they're doing all that work and criminalizing black and brown immigrants, right, for facial recognition. But I think it's just a moment where, where in the face in the face of like public safety surveillance is gonna expand so much, to where it's only, it's only going to be detrimental to our communities, and they're going to be able to, to later be tracked and criminalized and incarcerated and deported. Every day it's the new policies stemming from COVID-19, are making it far easier for government and private companies to collect and share vast amounts of personal and private health information. Right? And again, we've mentioned it before, CDC is not our friend right now, they're actually really counterproductive and we must be aware and, and be informed in this moment of time. Where again, the rhetoric is just public safety, and it's actually, we're actually not safe at all. But right now, you know, ICE is just deporting people. Literally, they don't care about the spread of this pandemic because why? They're able to protect themselves, right. Yeah, I think it's just unfortunate, um, you know, no PPE equipment, even though they're asking for all this money for it. That's not, that's not what's happening at the detention centers.

**Maritza Perez (39:12)**

Yeah, so I did want to harp on something that you said about the CDC. So we've also been really disappointed with the CDC's response to COVID. And its impact on vulnerable communities, specifically incarcerated populations. They did put out interim guidance related to detained populations, but it was wholly insufficient. In fact, it lacked the most obvious recommendation, which would be depopulate, your -- depopulate jails, prisons and immersive detention centers. And so last week, DPA worked to get public health experts to endorse a sign on letter that went up to the CDC, asking that they include two things as part of those recommendations. One is decarcerating people from facilities, and then two was ensuring that people have adequate access to healthcare in those facilities. And that that healthcare be seamless when they leave facilities. So those are just two common sense recommendations that we thought were, were lacking and that just showed a huge knowledge gap to us.

**Alejandra Pablos (40:11)**

Exactly. I think that's why a push to actually start targeting, you know, health, health actors and start to really, really recognize that, that correlation and how we can also pressure those, those individuals alongside governors, right, alongside ICE directors and sheriffs and Department of Corrections and so forth.

**Maritza Perez (40:33)**

You know, if we can pull like, some positive, like, highlights from all, all of what's happening right now it's the fact that the movement to move people out of facilities is being more and more connected with public health officials which is really great, and totally, um, you know, it's, it's something that should have happened before and I'm glad it's happening now. Although it's, it's very unfortunate that it took something like this for, for that synergy to happen. And, you know, related, related to public health, I do think it's important to talk about mental health. I'm often shocked about how we just really don't address mental health issues in the immigrant community to the extent that I think we should be. At the beginning of this year, maybe a couple months ago, a study was released in the International Journal of Drug Policy that I thought was very eye-opening. The study showed that US citizen Latinx people who know someone or have a family member who has been detained or deported are significantly more likely to report hazardous drinking and drug use. In other words, people are self medicating after experiencing very traumatic things in their lives, such as detention or deportation or seeing a

loved one go through that. And I just think that's something that we don't talk about enough. We don't talk about lack of access to mental health. We don't talk about the fact that Latinas in the US have the highest rate of attempted suicides, they carry this heavy weight, you know, that I don't think we discuss enough in our communities, not to mention the fact that, you know, if you're undocumented there are all of these barriers to you actually having insurance and getting the, the professional help that you may want or need.

**Alejandra Pablos (42:25)**

Yeah, I agree. I'm really thankful that in this moment, too, there are, you know, those conversations are rising up, right? A lot of this mutual aid is around sharing and offering to one another. And I think I, you know, just wanted to shout out all the healers out there, the Latinx, especially Latinx therapist, and consejeras and yeah, curanderas that are reaching out to, especially folks that have been in the deportation pipeline that have been, you know, incarcerated and that are organizing against those systems, and that they're also showing up and seeing how they can, they can support folks. But I think it's very, I think it's very true. There's a lot of stigma. And again, there's a lot of PTSD that folks have been, you know, growing and evolving with, and that, that's super important to talk about, especially when there is no mental health, you know, support, right, we've shut those down and we shut out, shut, shut that kind of support, and just created more and more prisons, right, and cages to address those, those issues instead of really caring for and supporting folks.

**Jeannette Zanipatin (43:34)**

Right, Maritza, I'm glad you mentioned that study. You know, I have been thinking a little bit more about sort of how the deportation context plays within the mental, mental health status of communities, or folks that either have a family member that's in detention, or a friend that's in detention, and what are the mental health impacts for those individuals. You know, it's really important to also acknowledge that, I'm not saying one system is better than the other, but at least within the criminal justice system, we sort of know like what to expect, right. You know, that once arrested, potentially, there's, obviously there's an arraignment, and there's this process. Right. But in the deportation context, I really feel that, as mentioned earlier, how, how the agency just it self-operates under this, this rogue model. You know, we have to say the same thing about the immigration court process as well, right? Or the detention process as well, that, you know, the process is really unknown for folks. And so once people get into the deportation pipeline, I think the fear and anxiety elevates to an extreme level because we just don't know what happens to our family member or our friend that's in deportation, because oftentimes, the agency itself is not really trying to get you to have a hearing. It's not really trying to get you to a place where you actually want to fight your case. They actually encourage people to sign voluntary orders of deportation or not request critically important hearings. And so those unknowns within the whole deportation context, I think, also, the fact that, we know as coming from immigrant communities, that oftentimes getting caught up within the deportation dragnet means the end result could be complete banishment from everything you know, right, your family, your friends, your community, and how, you know, that immigration itself is a major double whammy within the criminal justice system. You know, a lot of times we talk about the school to prison pipeline, but for our community, it could be, it's often the school to prison to deportation pipeline. And so how are we looking at these issues? How are we looking at the interconnectedness of these issues, and the impact? You know, we do know that the whole issue around immigrant detention affects adults, but we also know it affects children in a significant way. And so looking at what, what is available for our children, it is phenomenal that we do have, as Alejandra mentioned, advocates on the front line really spearheading the work of mental health, but as you mentioned, Maritza, you know, having the highest suicide rate among young Latinas is not something that we should overlook. But obviously, it's something that we need to address at all levels. And understanding that the immigration process is very stressful. It's very anxiety inducing. It has so many ramifications for youth and adults and the entire family and community structure. And so I am glad to see that more people are advocating around this issue. Because it's, it's such a heightened need. And now more than ever, we really start, as a community, we really need to start addressing these issues and destigmatizing the need to access these services, but also just to have this conversation. So I think this is a great first step to having that conversation.

**Jeannette Zanipatin (47:31)**

As I'm talking to more and more organizers in deportation proceedings, and, and, yeah, having these conversations around, what are the next steps for us, you know, post detention, right, because we see a lot of people winning folks, and getting them free from detention, but we really don't see folks like actually winning right. The deportation cases and stuff. And I think the biggest thing that I'm seeing with everybody that's organizing against deportation is, you're right, it's like the whole family, the toll it's taken on the whole family. And when y'all were mentioning about, about that trauma, it just I just wanted to shout out my mom too, you know, my mom and -- actually both of my parents are actually naturalized citizens, and for them this has been the most detrimental, like, interruption of their lives, you know? And to this day when people knock on the door and I'm, I'm home, my mom literally jumps and doesn't want to open, and, you know, goes and looks at the peephole. Like that's like a daily thing, that I trigger my mom every day, you know, and it's just really, again, it really really hurts my heart that I'm like, I can't do anything about like, how my, you know, how that affects my mother, you know? So really looking into, you know, trauma-informed therapy for her as well because it has like changed my life and I've had that opportunity, and like, but as I see her now getting more and more PTSD because of, again, that heightened surveillance, hyper intimidation, right hyper policing in Tucson where we're from. Yeah, I just really think it is, it is, it is important for us to talk about that more and to really support all the families that are affected by deportation, not just the person in proceedings.

**Maritza Perez (49:10)**

Yeah, I think that's such an excellent point. And I think that's, you know, that's one thing I really thought was unique about the study that I mentioned was that it did look at the people who stay behind, the people who don't, who we often don't think of when, when all of the activity is hyper focused on the, the person in deportation proceedings, and all of that. Thank you for sharing all of that Ale, Ale that was really powerful. With the time that we have left, I did want to give people an opportunity to talk about one or two things that folks listening to this can do to help the cause, or anything that you all want to share out, share out that we haven't talked about.

**Alejandra Pablos (49:53)**

It's Alejandra, I can go first. The first thing that came to my mind was like oh, stimulus checks just came, just came into people's banks. And just again, we mentioned at the beginning of the, of the, of the episode, how a lot of you know, non citizen communities, undocumented communities are left out of conversations about relief. And I think, you know, I think an important thing is to really, yeah, check, check, check that stimulus check, you might not need it, there might be opportunities for you to give it back to undocumented workers, undocumented families, people in proceedings. I know [inaudible] CRIS is doing some of that work. I know I'm connected to a lot of people in deportation proceedings and, and have offered through my social media platforms to, to connect folks, you know, with those stimulus checks, I think that's, that's something that we're not hearing enough about, right. A lot of people that are locked up in prisons also don't do taxes, because, you know, again, poor people and there's no incentive for people to obviously do taxes and so those

folks are not getting relief. I'm talking to one of, to Michael Madre inside of a women's prison in Arizona and that's what they're demanding, that support, right? Also because they have to pay for toilet paper, they have to pay for soap in there, right? And they also want some relief inside. So yeah, just really to, I wanted to just talk about those folks that are also fighting, I guess the Department of Corrections and making sure that calls are being free, that folks are getting some support. But thinking about the folks that are left out, when folks may not have had folks on their call list approved, right, or didn't even have money originally to have people on their phone calls. And now that they have the free calls, you know, they're not getting those calls, right. So it's just a lot of people inside are not, they don't know what's happening to their family. So imagine if we're worried out here with our loved ones and social distancing, imagine the stress of the folks inside who, already, you know, are doing their time and don't need this daily punishment right, from, from community. And I think the other thing that I think is just obviously important to highlight and support in this moment of pandemic, is the Free Them All call to action, which I think has been just, you know, everywhere, which I'm super proud to see that folks are just really talking about freeing them all not only from immigration detention centers, right, from but from all prisons that are, just, you know over, overcrowded, just gonna, they're not flattening the curve and I think it's just a really, a really dope moment to just jump on that and be able to do local work, federal work, right? They have the Detention Watch Network, I know of some folks that are leading on that work. There's a very comprehensive, amazing toolkit, different buckets of work that people can do to demand to release folks, to get folks home. A lot of resources I encourage folks to, to really, you know, get involved and look at those resources and share them. I think that's, that's one thing that's, that's really connecting folks, connecting folks who really understand that folks need to be home, that there are folks who have families, right, we do, we are ready to take care of people that are in detention centers. So yeah, I think I can, I can, I can definitely pass with that.

**Jeannette Zanipatin (52:54)**

Right. I think all those things are great suggestions. I definitely have been following Free Them All Movement. And I think folks should definitely get involved with all of those campaigns. I think as I mentioned earlier, you know, this is a moment where we are holding a mirror up to ourselves in terms of a society, and we really need to look at the inequities and the unjustness that ICE and its policies has created in our country, and really call for changes. You know, at the DPA, we've really looked at sort of policies that have been changing during during this pandemic, and really looking at ways to not only change policies during the pandemic, but for the long game strategy, right, for the long term. If we could do it for this moment, we are seeing how, how easy it is to be able to transition in some spaces, but also how unessential these policies really are. When you look at things like the sanctity of people's human rights and the call to action around public health, especially at this moment. And so, when we look at the bigger, broader long term game, I think it's really important for us to acknowledge that these incremental changes that we make now could also be made for the long term, and really exposing the inequities and unjust policies that we have in place. I think the other component is, you know, looking at those stimulus checks, definitely supporting those organizations that are doing the frontline work and the individuals that are, that are in the process, as Alejandra mentioned, I think those are great suggestions. On the other component, also just wanting to acknowledge that there are some folks out there, some policy makers that are trying to make fundamental changes. There is, you know, obviously, the mayor in Chicago, who on a broader scale, has stated quite clearly that her city will be offering services to all of our city's residents, regardless of immigration status. And given this moment, I think we need to look at ensuring that we're integrating, you know, not only the folks in detention, but their families that are facing this pandemic as well, as folks have mentioned, I also think in California, you know, our governor has just released his plan for a relief package for undocumented immigrants, while at the same time that I am praising our governor for doing that I still want to call upon him to release as many folks from detention centers as possible. You know, as mentioned earlier, a lot of our detention centers in California are in rural communities and when you look at the healthcare infrastructure in those communities, they are, we are able to flatten the curve, but I don't know how long we'll be able to sustain that, when we have so many folks that are literally sitting in detention, in tinderboxes, facing this, this pandemic, and so, really looking towards calling upon leadership and continuing to have folks advocate for these issues, because they're critically important during this period, but also beyond.

**Maritza Perez (56:29)**

And I did want to uplift one piece of legislation that is pretty recent, and that would address a lot of the issues that we're talking about. And so, Representative Jayapal and Senator Booker recently introduced a bill called the Federal Immigrant Release for Safety and Security Together Act, otherwise known as the FIRST Act. This Act requires the release of individuals from detention who are at a heightened risk of contracting COVID-19. So we're talking about people who are medically vulnerable, individuals over 50 years, 50 years old and people under 21 years old. The bill mandates that DHS do individual reviews of everyone in custody with a presumption of release for most people. In addition to that, in addition to those components, this bill will also ensure that DHS provides basic health and sanitary supplies and telephonic access to those individuals who remain in custody. And finally, it puts a limit on ICE enforcement activities for the length of this national, national emergency. And I wanted to bring that bill up, because, you know, DHS and ICE operate at the federal level, they get their mandate from the federal government. So I think it's important to have something addressing that in Congress. And this bill is, is a bill that would be helpful to alleviating all of the things that we've talked about during the length of this podcast. And I will hopefully be able to share out with listeners ways that listeners can engage. Just today, more than 200 organizations signed on to a letter in support of this bill, including, including the Drug Policy Alliance. And this letter went up to House leadership and Senate leadership asking that it be considered immediately. And, you know, I'll try to keep listeners informed on what's happening with that bill and, and at least list out ways that people who are interested can let their members of Congress know that this is something that they support and something that they'd like to see Congress pass through.

**Alejandra Pablos (58:31)**

Yeah, on that note, I was just gonna share also, kind of like the last call to action, is that I work really closely with the Immigration Legal Resource Center. And they just released an advisory called Responsible Releases, which is really, really addressing the fact that, you know, we have a call to action to free them all, right, to decarcerate and bring folks home, but also, we want to do that safely, and for folks not to get placed into deportation proceedings right after that, right. So we're asking that all communication with ICE, you know, and coordinations to transfer people there, stop immediately, right? And just, they put an advisory, which I think is super important for folks to, to take a look at. There's conversations there around legal support, and even like from folks coming out of juvenile facilities, and I just think it's a really, in the moment where we're asking to free them all, you know, and we know how ICE works and ICE holds. And that's still happening, right? We need to be thinking about how to make that transition to into our communities and not back into another prison. So I think follow the Immigration Legal Resource Center for that and check it out.

**Maritza Perez (59:33)**

Thank you to everybody on this podcast today for this incredible conversation. It was great being in this space with powerful Latinas



who are leading the charge to free our people. And thank you all, to all who listened today and engaged on this very important conversation.

**Gabriella Miyares (59:54)**

Huge thanks to Maritza, Jeannette, and Ale for that conversation around a crucial issue at a pivotal moment. To learn more about Ale's activism you can visit [keepalefree.org](http://keepalefree.org). We've also put together a list of immigration related resources for our listeners. Visit [drugpolicy.org/podcast](http://drugpolicy.org/podcast) and click on this week's episode link to find a list of those resources alongside the episode description. Thanks so much for listening. We'd love your thoughts and feedback on this episode, along with any ideas for future episodes. You can tweet us [@drugsnstuffDPA](https://twitter.com/drugsnstuffDPA). Until next time, stay safe and stay well.

(Jazzy outro music in)

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(Jazzy outro music out)

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