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Local Boundaries of “Illegality”: A Case Study of Local and Federal Police  
Collaborations on Immigration Enforcement

A Thesis submitted in partial satisfaction of the requirements for the degree  
Master of Arts

in

Latin American Studies

by

Courtney M. Tarrant

Committee in charge:

Professor David G. Gutiérrez, Chair  
Professor David FitzGerald  
Professor Natalia Molina

2017



The Thesis of Courtney M. Tarrant is approved and it is acceptable in quality and form for publication on microfilm and electronically:

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Chair

University of California, San Diego

2017

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## LIST OF ABBREVIATIONS

ACLU	American Civil Liberties Union
DACA	Deferred Action for Childhood Arrivals
DAPA	Deferred Action for Parents of Americans
DHS	Department of Homeland Security
DREAM	Development, Relief, and Education for Alien Minors
GOA	Government Accountability Office
ICE	Immigration and Customs Enforcement
IIRIRA	The Illegal Immigration Reform and Immigrant Responsibility Act
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Services
IRCA	Immigration Reform and Control Act
MOA	Memorandum of Agreement
NCITF	North County Immigration Task Force
NNIRR	National Network for Immigrant and Refugee Rights
OJE	Operation Joint Effort
PEP	Priority Enforcement Policing
PRWORA	The Personal Responsibility and Work Opportunity Reconciliation Act
SSA	Social Security Administration
USCIS	United States Citizenship and Immigration Services

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## ABSTRACT OF THE THESIS

Local Boundaries of “Illegality”: A Case Study of Local and Federal Police  
Collaborations on Immigration Enforcement

by

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Master of Arts in Latin American Studies

University of California, San Diego, 2017

Professor David G. Gutiérrez, Chair

This research explores Operation Joint Effort (OJE) as a case study of local and federal collaborations on immigration enforcement. OJE is a collective partnership between Escondido, California’s local police department and Immigration and Customs Enforcement (ICE). As individual states continue to opt into such collaborative efforts, the imperative need for a critical review is bellowing. The central concern of this thesis is of how such collaborations impact the daily routine for undocumented migrants within these

boundaries of policing and reviews such boundaries by the cultural characteristics and definitions of “illegality.” This thesis is guided by ethnographic fieldwork and 16 semi-structured qualitative interviews conducted by the ACLU and myself. Tactics of immigration enforcement not only shape how “illegality” is defined, but also how those saddled with the title of “illegal” must live within the constrained environment that “illegality” creates for human beings. This thesis hopes to be clear in its understanding of “illegality” by acknowledging its various layers; first, how it is defined through various federal, state and local legislation; second, how it is sustained through enforcement tactics such as the militarization of the southern border, and deportation, which invokes fear and criminality in the general public; and third, how it is lived and experienced through the bodies of those subjected to this every-changing notion of “illegality.” I argue that through immigration enforcement tactics, like Operation Joint Effort, the Escondido Police Department instills “deportation terror” while reinforcing and restructuring the boundaries of Mexican/Latino “illegality” within Escondido’s city limits.

## Introduction

Since 2006, state and local engagement in immigration enforcement has skyrocketed and as of 2015 more than 1,625 state and local officers have been trained to enforce immigration law (“Delegation of Immigration Authority...”). Many advocacy groups like the ACLU, NNIRR, and the DREAMers have criticized this recent phenomenon of state and local collaborations with Immigration and Customs Enforcement (ICE). These organizations claim that the engagement of local police departments in federal immigration law inhibits officers from fulfilling their main duty of protecting all citizens of the community (regardless of their immigration status), leads to racial profiling, and creates mistrust and insecurity within immigrant communities. Although many of these local collaborations with ICE have proven to be “successful” in identifying, apprehending and deporting unauthorized immigrants, the secondary consequences such as decreased crime reporting and community mistrust allude much more worrisome. To date, most research on state and local engagement have focused on the primary and secondary consequences in order to understand how Latino communities are impacted by these joint operations. Previous researchers have reviewed the ways that these collaborations impact community engagement by looking at the level in which Latino communities partake in crime reporting or seek out health-care and other state benefits like education, in communities where local police departments’ are engaging with ICE. This purpose of this thesis is to expand on the previous literature that highlights these primary and secondary consequences and to explore if and how “illegality” is

reinforced and redefined within these local settings since the commencement of local-federal collaborations on immigration enforcement.

This critical analysis of local immigration enforcement was informed by the following key research questions: How do tactics of immigration enforcement at the local level relate to the broader production of fear, criminality, and “illegality” of Latino immigrants? What are the specific tactics of enforcement that produce fear, criminality and “illegality?” How do these tactics of enforcement reinforce the historically intrinsic ideas of “otherness” and “illegality?” And in what ways do these tactics reshape new concepts of “illegality?”

This thesis explores Operation Joint Effort (OJE), a collective partnership between Escondido, California’s local police department and Immigration and Customs Enforcement (ICE). The joint operation has placed several ICE agents within the local Escondido police offices. This research uses the case of Escondido’s OJE to demonstrate how local and federal collaborations are an extension of enforcement tactics in which sustain, re-characterize, and shape Latino/migrant “illegality” within a local setting. I argue that through immigration enforcement tactics, like Operation Joint Effort, the Escondido Police Department instills “deportation terror” while reinforcing and restructuring the boundaries of Mexican/Latino “illegality” within the Escondido’s city limits.

The production of Mexican/Latino “illegality” is not the product of a single moment in U.S. history, but rather it is the continuous historical accretion of the ideologies embedded within “illegality” itself, historically rooted within U.S. immigration law. “Illegality” is thus created, sustained, and redefined through the passing

of various forms of federal and state legislation, policies, and new enforcement tactics. As such, through passing of numerous federal statutes and regulations that directly target Mexican migration, the continuing militarization of the U.S.-Mexico border, and by the policing of public spaces to maintain the ever-present “danger” that “illegality” entails, the U.S. has defined and set parameters around what constitutes “illegality.” By drawing on the work of Nicolas De Genova, Rachael Ida Buff, Daniel Kanstrrom and other scholars of migration and border enforcement, this thesis seeks to explain how “illegality” is situated in the U.S. nation state through various tactics of enforcement, with a special focus on local-federal collaborations on immigration enforcement.

This thesis begins by setting up a framework for thinking about “illegality” through the means of its production and elaboration over time. By providing a comprehensive overview to how the militarization of the borderlands, the mass deportations of Mexican migrants, and policing of immigrant communities impacts the social and political construction and maintenance of notions of “illegality,” we can conceptualize how “illegality” may take on new meanings and characteristics throughout various moments in time and newly developed enforcement tactics. This study understands and emphasizes that these tactics of enforcement contribute to the sustention of “illegality.” I first highlight this complex historical process before discussing the “creation” of “illegality” through legislation. This is done to provide a structure of thinking about the consequences of legislation, which often proposes and defines these new enforcement methods. Like a full circle, legislation and enforcement tactics work hand in hand in operating and defining Mexican/Latino “illegality.” De Genova suggests, “a viable critical scholarship is frankly unthinkable without an informed interrogation of

immigration law” (De Genova, 2004). After setting up a solid framework for understanding how enforcement tactics contribute to “illegality,” the following section focuses on decrypting immigration laws and the relationship/impact they have on “illegality.”

*Part one* of this thesis attempts to combs out U.S. immigration law, policies and practices that have been directed at controlling, policing, and defining immigration, specifically undocumented immigration. This is done in order to understand the many historical and contemporaneous repercussions that “illegality” has had on the Latino community. In order to build a foundation to talk about local policing, this thesis first examines legislation that has been specifically directed towards Mexican migration (and subsequently migrants from Latin America and the Carribbean) in the period since 1965. Part one of this thesis works its way through federal legislation, to state bills and local propositions on immigration, and finally to enforcement tactics implemented at the local level.

To begin to understand the ideological roots of “illegality” and its specificity towards Mexican migrants in the U.S., I follow the work of De Genova on the production of Mexican/migrant “illegality” to closely examine and detail how “illegality” is rooted within U.S. immigration law since 1965. This section begins by reviewing legislation leading up to the Immigration and Nationality Act Amendments of 1965. It should be noted that this analysis acknowledges Mae Ngai’s argument that the category of “illegality” was produced following the Immigration Act of 1924. Undoubtedly, the creation of the border patrol in 1924 heightened the targeting of Mexican migrants and had lasting impacts within the general public on the production and maintenance of



“illegality” in regards to undocumented Mexican immigration; and although notions of “illegals” and “wetbacks” were commonly invoked during the end of the Bracero Program, the language of “illegality” was still close to absent from legislation until the mid 1960s; thus, I place my focus on the period between 1965 onward. And although this thesis focuses on the post-1965 era, I recognize that the language of “illegal” and “wetbacks” invoked throughout the Bracero Program and Operation Wetback undeniably shaped public perceptions about Mexican Migrants. Therefore, this thesis cannot critically talk about “illegality” without an overview of these two detrimental moments in U.S. immigration history. Understanding the Bracero Program and its paradoxical counterpart, Operation Wetback provides a foundation to explain the beginning of what James Cockcroft’s calls the “revolving door” politics of immigration. Cockcroft suggests that use of labor importation or any “open door” policies on immigration is almost always countered with some form of expulsion. This becomes important when later reviewing what is considered “immigrant friendly” legislation. The purpose of this section is to build the foundations for the Immigration Act of 1965 and to form basis of understanding to how the 1965 quotas placed on the Western Hemisphere would directly produce an influx of undocumented migration from Mexico and Latin America.

After a brief review of immigration legislation prior to 1965, the following sections tease out legislation that directly and indirectly targets Mexican migrants from 1965 to present day. The first component seeks to explain how the 1965 quotas placed on the Western Hemisphere, coupled with the INS targeting of undocumented Mexican migrants, consequentially created Mexican/migrant “illegality” on a whole new scale. Using the work of De Genova, Carlos Parra, and others this section outlines how

Mexican/migrant “illegality” was a direct product of U.S. Immigration laws and received by the general public.

The next section focuses on immigration legislation passed between 1986 and 1996 and details the new approach on immigration that began to take shape at that time. This section operates to show the changing attitudes and discourses informing immigration legislation, at this time, which emphasizes the development of deeply punitive measures to control immigration, while various pro-immigrant tactics were introduced as well, demonstrating what Cockcroft suggests are “revolving door” techniques. For example, the 1986 Immigration Reform and Control Act (IRCA) essentially opened the door for a pathway to citizenship to a subset of the total unauthorized population within the United States, while at the same time redefining “illegality” to more effectively target those unauthorized Mexican persons who fell outside the process of “regularization” created by the act. The IRCA was also the first federal act to implement punitive sanctions on employers who knowingly hired undocumented workers, although subsequent events would show how weak these provisions actually proved to be. This was one of the first laws that directly impacted undocumented immigration at the local level (at the work-site), thus broadening the presence of “illegality” within the undocumented community. This was a turning point indicating a new direction in immigration control.

As the political controversy continued to swirl around the presence of unauthorized persons, new legislation including the Immigration Act of 1990 then expanded the grounds for deportation, introduce punitive sanctions on unauthorized immigrants, and undercut the right to due process in deportation hearings; all at the same

time expanding the global quota for immigration. As Cockcroft and De Genova suggest in their work, such legislation was never intended to close the border completely, but to continue the “revolving door” policies that guaranteed a manageable immigrant workforce. Subsequent passage of laws such as the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) continued this pattern. The IIRIRA established even harsher provisions for the criminalization, apprehension, detention, and deportation of undocumented migrants. The act increased the funds for new border patrol agents, new technology, and equipment; and called for new tactics of enforcement along the border. The IIRIRA also expanded punitive actions against undocumented migrants through the language of its guidelines and further cemented the link between illegality and the Mexican border, despite that a large percentage of the actually existing undocumented population were persons whom had overstayed their visas. By continuously referring to criminal activity, undocumented migration and the Mexico border as one, the IIRIRA reinforced the public’s view that “the illegal alien crisis” was essentially a crisis of migration at the southern border.

Continuing in *Part one*, the next section, *Demarcating Federal and State Autonomy on Immigration Enforcement*, seeks to bring clarification to the autonomy of rule designated to the federal government in the role of immigration enforcement. This section reviews the Supreme Court cases that established boundaries regarding states’ role in immigration enforcement. It concludes that federal government has autonomy over immigration related matters, yet through various Supreme Court rulings, the federal government has left space for the states intervene in certain areas of immigration enforcement.

The preceding section, *States' Changing Role on Immigration Enforcement*, highlights various cases where states have intervened and attempted to play the role of immigration enforcers. This section looks at the case of California Proposition 187, various subsequent pieces of legislation in Arizona and Colorado on undocumented workers, and Arizona's notorious SB1070. This section discusses the details in these state proposed bills, their ramifications for the undocumented community and the manner of which this type of legislation sought to redefine the parameters of "illegality" in different jurisdictions. These bills not only created new grounds at the state level for immigration enforcement, they also added new levels to deportation terror at the local level (within communities) and generated emotions that tapped into already existing ideological conceptions of Mexican/migrant "illegality" within the anti-immigrant community.

Shifting focus from the states role in immigration enforcement, the final section of *Part One* examines local law enforcement's place in immigration policing. This section reviews programs like E-Verify, Secure Communities and Operation Stonegarden. The purpose of this section is to highlight how these federal funded programs impact local immigrant communities and subsequently their relationships with local law enforcement. Such programs have increased the militarization and policing of the border region, resulting in the racialization of spaces within these policed regions, like Escondido, the site where this research takes place. This section draws on previous research that has looked at the impacts of local police engagement in immigration enforcement in order to create an entree for discussion of Operation Joint Effort.

Part 2 of this thesis analyzes the aforementioned Operation Joint Effort, Escondido, California's unprecedented collaboration between local law enforcement and

Immigration and Customs Enforcement (ICE). This chapter provides an in-depth case study that examines the policies, methods, and consequences of the joint collaboration. The analysis finds that Operation Joint Effort racializes the spaces within the boundaries of Escondido and contributes to the re-characterization of “illegality.” I argue that through immigration enforcement tactics, like Operation Joint Effort, the Escondido Police Department instills “deportation terror” and restructures the boundaries and characteristics of Mexican/Latino “illegality” within its’ city limits.

The Afterward section briefly discusses Escondido and its future in the wake of recent passage of the Truth Act and the recent presidential election results. I discuss these recent events that occurred during the process of writing this thesis, to further understand where Escondido might be headed in the future. I urge local law enforcement to rethink its strategies on immigration enforcement and to begin to rebuild the relationships within the Latino communities.

My data includes a total of 16 interviews with local advocates and community members of Escondido, which were collected by the ACLU and myself. This thesis was guided by the concerns and experiences of Escondido community members. Because Operation Joint Effort is one of a kind, this thesis was heavily informed by an overview of previous research on the 287(g) program. Through this research, I gained a comprehensive understanding on immigration law, local-federal collaborations, and the ambiguity of immigration enforcement that undocumented individuals are often subjected to. With the help of the ACLU and members of the North County Immigration Task Force (NCITF), common methods of enforcement utilized by the Escondido Police Department were identified. These enforcement methods are what contribute to my main

argument: local-federal collaborations on immigration enforcement, like Operation Joint Effort, instills “deportation terror” and restructures the boundaries of Mexican/Latino “illegality” in a local setting.

## Theoretical Framework

In the study of “illegality,” scholars often search for a singular definition in an effort to identify the moment that “illegality” became conceptualized as a “Latino” problem. This type of research fails to address the historicity of the notion of “illegality” and the ways in which it has been shaped and changed over time. Mexican/Latino “illegality” has constantly been challenged and transformed throughout U.S. history, from states early involvement in the 1800’s, to the federal government’s full autonomy in addressing immigration, to more recent developments in which we see a return involvement of individual states and local governments, and a concomitant rise in the imposition of new, quite aggressive interventions into the arena of immigration law. These new tactics of immigration enforcement not only shape how “illegality” is defined, but also how those saddled with the title of “illegal” must live within the constrained environment that “illegality” creates for human beings. This thesis hopes to be clear in its understanding of “illegality” by acknowledging its various layers; first, how it is defined through various federal, state and local legislation; second, how it is sustained through enforcement tactics like militarization, deportation, and fear; and third, how it is lived and experienced through the bodies of those subjected to this every-changing notion of “illegality.”

As De Genova explains, “the U.S. nation-state has historically deployed a variety of different tactics to systematically create and sustain ‘illegality’” (DeGenova, 2004, p. 165). This thesis attempts to outline these various tactics deployed and focus on a case study of one local-federal operation in the city of Escondido, California. First, in order to

conceptualize “illegality” one must examine the foundations, which are rooted within U.S. immigration laws. Within these laws, sovereignty is above all of the most vital elements underpinning the ideologies of “illegality.” Sovereignty stresses security, and this entails the protection of a nation-state from outsiders. Too add to this, we cannot have a critical conversation about sovereignty and “illegality” without the talk of deportation or deportability, one of the core elements that define “illegality.” Daniel Kanstroom (2012) explains how sovereignty is the central theme of deportation, as deportation becomes legitimized by the sovereign state. De Genova explains that “illegality” does not necessarily connote a crime against anyone, but rather, migrant “illegality” or the person of “illegal alien” represent primal offenses against the sovereign authority of the nation state. Therefore, deportation is implemented by the sovereign state, which in theory is acting on behalf of its sovereign citizens, or at least a claimed “majority” of them (De Genova, 2004). It is often this defense of sovereignty that members of the general public invoke when they inveigh against the presence of “illegal aliens” within the territorial boundaries of the United States.

In turn, the militarization of the border has helped to normalize the popular association of the border and criminal activity. This theme of sovereignty, which is defended by military force and the police power of the state, has been implemented throughout the expansion and elaboration of the border enforcement regime. Joseph Nevins explains that one important outcome of the intensive (and ongoing) militarization of the border has been the further criminalization of undocumented Mexican migrants and the transformation of the southern border as a key site in which national security is defended and publicly “performed.” In his analysis of Operation Gatekeeper, Nevins



argues that one of the key elements of this massive show of force on the southern border was the lack of any real public debate over or opposition to the implementation of this set of violent tools and mechanisms. “In this regard,” he argues, “we can understand the ongoing build-up as the latest stage of a process of normalization of the boundary in a physical sense as well as an ideological one” (Nevins, 2010, p.183). Similarly, Timothy Dunn’s critical analysis on border militarization also suggests that the construction of an “enemy” was central to the implementation of the militarization of the border (Dunn, 1996, p.162). Within this expansion of border militarization, the border patrol plays a significant role in the construction of the “criminal other.” Peter Andreas’ echoes this finding in his own work, noting that, “border enforcement has never been a particularly effective or efficient deterrent against drugs and illegal immigrants. Yet, policing methods that are suboptimal from the perspective of a means-ends calculus of deterrence can be optimal from a political perspective of constructing an image of state authority and communicating moral resolve” (Andreas, 2001:9). In other words, although these measures may not be successful in meeting their publicly stated objectives, they nonetheless become agents of a symbolic power from their positions as “border maintainers” (Andreas, 2001). Andreas’ critical analysis of the symbolic power given to border agents also sheds light on this process and media’s role in amplifying its effect in demonizing unauthorized border crossers (Andreas, 2001). He argues that if the media continues to uncritically publicize the “success” of border security, rather than highlight the human rights abuses and family dislocations it has caused, over time the practices become more and more acceptable, routinized, and often times rewarded.

This acceptance from the general public is also often sustained through what James Cockcroft (1986) has called a “revolving door” policy. Throughout history, periods of immigrant harassment and/or mass deportation were almost always coupled with the simultaneous importation of migrant laborers. Thus, whether one explores the history of Chinese labor in the nineteenth century, Japanese labor at the turn of the twentieth century, or the increasing use of Mexican workers in the first half of the twentieth century, each episode has been characterized by a process in which labor importation is met with immigrant expulsion, as the Mexican American labor activist Ernesto Galarza put it in 1964. This too is a key element of Daniel Kanstroom’s important work on the function of deportation. Kanstroom argues that deportation has historically been a powerful and efficient government tool of social control, masked under rhetoric of national security. He suggests that deportation is an enforcement system, and like the routine projection of military power, it can be conceptualized as “a neutral instrument of the state,” generally accepted by the citizens, even when that instrument is guilty of widespread human rights abuses (Kanstroom, 2012, p.29). In the end, all of these scholars agree that this enforcement system relies not on the act of these interventions, but rather the cumulative ideological effect it has over time in shaping the broader public debate over immigration and citizenship policy (De Genova, 2004).

As an instrument of the state, De Genova emphasizes that it is not deportation, *per se*, but rather, *deportability* that sustains “illegality” in everyday life. As De Genova puts it:

Deportability is decisive in the legal production of Mexican/migrant “illegality” and the militarized policing of the US-Mexico border, however, only insofar as some are deported in order that most may ultimately remain (un-deported) – as

workers, whose particular migrant status has been rendered “illegal.” Thus, in the everyday life of Mexican migrants in innumerable places throughout the US, “illegality” reproduces the practical repercussions of the physical border between the US and Mexico across which undocumented migration is constituted. In this important sense, migrant “illegality” is a spatialized social condition that is inseparable from the particular ways that Mexican migrants are likewise racialized as “illegal aliens” – invasive violators of the law, incorrigible “foreigners,” subverting the integrity of “the nation” and its sovereignty from within the space of the US nation-state. Thus, as a simultaneously spatialized and racialized social condition, migrant “illegality” is also a central feature of the ways that “Mexican”-ness is thereby reconfigured in racialized relation to the hegemonic “national” identity of “American”-ness (De Genova, in press) (De Genova, 2004, p. 161).

Kathleen Ann Greisbach largely concurs with De Genova’s formulation and sees deportability as a particular technology of power that is simultaneously actively punitive and also a powerful passive tool of social control (Greisbach, 2011). Yet, since deportability can also be understood as what Kanstroom calls a “neutral instrument of the state,” these deeply punitive methods of enforcement are often left unchallenged by the general public.

Building on the work of Greisbach and Rachael Ida Buff,<sup>1</sup> I employ the notion of “deportation terror” as the fear invoked by the presence of deportability, which is felt by the communities members whom are under such surveillance. According to Buff, “one effect of the deportation terror is the creation of fear, and the resulting silencing of migrant populations” (Buff, 2008, p.543). This fear and silencing is driven through enforcement methods, such as immigration policing in local settings, which often result in deportation. Greisbach utilizes the term “deportation terror” to capture immigration enforcement practices that are not traditionally viewed as punitive. She details how these enforcement practices contribute to the deportation terror within the undocumented

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<sup>1</sup> Who builds off Abner Green

community. Buff argues that throughout time, deportation terror is imposed upon immigrant communities and is used as a crucial technique of the state (Buff, 2008; Greisbach, 2011). Notably, as De Genova suggests, is not the actual action of deportation in itself, but rather its immanence—or the ever-present reality that deportation is always plausible. This possibility renders “illegality” as an ever-present aspect of everyday life for undocumented migrants.

How does the immanence of “illegality” function at the local level? The realities of everyday “illegality” for many Latino migrants are enacted through the policing of public spaces, restricted access to state-issued documentation and official credentialing, and similarly restricted access to public services such as health care and public education at all levels. Following De Genova, this thesis analyzes how the “illegalities” of everyday life are heightened through federal and state collaborations, like Escondido’s Operation Joint Effort. In her thesis on local-federal immigration collaborations, Greisbach argues that migrants are disciplined through spatial production practices of governmentality. She continues by describing how certain counties become threats to immigrants through local-federal collaborations. Greisbach employs Foucault’s conception of governmentality to frame the different strategies, techniques and technologies of immigration enforcement and argues that practices of deportation and immigration enforcement are vital examples of the deeply punitive technologies of power. Following Greisbach, I argue that this deeply punitive technology of power, local-federal collaborations on immigration enforcement, also has serious repercussions in sustaining and redefining the boundaries of the “illegal” other.

Although this thesis will not go into detailed description, there remains an essential need to acknowledge how race and space inform certain local enforcement practices. Undoubtedly, policing practices impact many ethnic communities at disproportionate rates, like the current police brutality that is being faced within African American communities; and notably, immigration policing affects many minority groups, especially within the Muslim community post 9-11. However, this analysis is specifically concerned with how local-federal enforcement practices impact Latino communities, and how these practices further construct/define “illegality” within local settings. As such, this thesis does not seek to conflate “Latino” with the experience of all immigrants. The location of this research was also critical for this study, as Latinos make up more than half of the population of the city of Escondido, California. From 2000 to 2010, the Hispanic population of Escondido went from 38.7% to 48.9%; and the 2015 estimate is to be at around 50.9%. The white population in Escondido decreased within these years. From 2000 to 2010, the white population dropped from 51.9% to 40.4%; and the 2015 estimates are around 38.9%<sup>2</sup>.

Throughout this thesis, I utilize De Genova’s work on the production of Mexican/migrant “illegality.” Therefore, this thesis often makes references to “Mexican illegality” or “Mexican/Latino “illegality,” but the central concern is that of Latino “illegality.” This is not to suggest a conflation of the Latino experience as the Mexican experience, but to note the delterious effect that the historical demonization and racialization of Mexican immigrants has exerted on the larger population of Spanish-

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<sup>2</sup> The city census also accounts for black, Native American, Asian Hawaiian/Pacific and other, but it not necessary for discussion in this thesis.

speaking immigrants from Latin America and the Caribbean in the United States. If it seems to conflate “Mexican” as “Latino,” it does not do so uncritically. Studying the complex processes involved in the racialization of Mexicans (and subsequently Latinos) is essential when researching immigration enforcement in areas where other Latino groups reside.

For the purpose of this thesis, I will unravel the construction and criminalization of the “illegal” Latino by first reviewing how federal, state and local statutes, and regulations on immigration have intertwined to target Mexican migrants (specifically after 1965). *Part One* analyzes federal legislation since 1965 to understand how immigration and border enforcement measures have functioned in the creation and maintenance of Latino “illegality.” This review highlights the many ways changes in federal immigration policy paradoxically helped to stimulate a sharp rise in the resident unauthorized population of the United States and will explore how those developments eventually led to more state-level immigration enforcement efforts. *Part Two* builds on the foundations of the review in *Part One* and uses new research to analyze how local-federal collaborations on immigration enforcement employ deeply punitive tactics, which re-construct Mexican/Latino “illegality.” This research, drawing upon the framework discussed in *Part One*, argues that that local and federal collaborations are an extension of enforcement tactics that sustain, characterize and shape Latino/migrant “illegality” within a local setting.

## Part 1: Historical Context: Review of Federal, State and Local Legislation Since 1965

### *Setting the Stage for the Immigration and Nationality Act of 1965*

The criminalization of Latinos within the United States has been an offshoot of federal immigration and border enforcement legislation that has been debated and passed in an uneven pattern since the late nineteenth century. These policies have not only materially influenced the flow of undocumented migration from Latin America at different points in time (especially from Mexico), but have also helped to establish the public perception of the notion that migration from Mexico and other Spanish-speaking nations constitutes a threat to the U.S. nation state. Although I am primarily concerned with the production, elaboration, and maintenance of ideas linking Latino migrants with “illegality,” it is crucial to first review the parameters set by the federal government in race- and nationality-based immigration exclusion starting in 1882.

Exclusion by race and national origin is no new phenomenon to U.S. policies. Since the early 1840’s and 50’s, anti-immigrant sentiment has been a recurring trend in American nativism, first with the Irish-Catholics. The decades following the California Gold Rush saw increasing episodes of racism and xenophobia directed at the growing population of Chinese immigrants in California and eventually, throughout the West (Gutiérrez, 2016). The Chinese Exclusion Act of 1882<sup>3</sup> was the first immigration act in U.S. history to target a specific population based on race and national origin. Once this

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<sup>3</sup>Similarly to other restrictive legislation, the Chinese Exclusion Act of 1882 was passed after years of continuous Chinese labor recruitment, in response to economic fear, specifically in the West where unemployment rates were high.

precedent was established, Congress would continue to pass similar laws against undesirable migrants for decades to come.

The drift towards this increasingly restrictive immigration and naturalization policies culminated with the Immigration Act of 1924. The law did many things but among the most important of its provisions were the setting of strict national origins quotas on non-western European nations and the complete exclusion of future immigration from Asia. In addition, the law's creation of a Border Patrol for the first time in the nation's history brought new attention to the southern border and helped to sharpen a growing divide between citizens and non-citizens in American society. Although U.S. citizenship had been deeply racialized ever since the first Naturalization Act of 1790 restricted naturalization to "free white male persons," the national origins quota system established by the 1924 law codified race and national origin as the benchmarks of immigration selection. These new demarcations of citizenship placed high tensions and divisions within the nation as to what constituted "white." Many scholars, including Mae Ngai, point to the Immigration Act of 1924<sup>4</sup> and the tenure of the Quota system as the marking of what shaped American's ideas of race, citizenship and the nation state<sup>5</sup>.

Along with new quotas placed on the Eastern Hemisphere, the statute of limitations on deportations was lifted and the border patrol was created. Ngai argues that by the end of the 1920's, with the increase in deportations, and over half being of

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<sup>4</sup> The Immigration Act of 1924 also barred all Asian migration, with the exception of Filipinos who were considered U.S. nationals.

<sup>5</sup> Ngai argues that the numerical restrictions implemented from the Immigration and Nationality Act of 1924 created the category of the "illegal other," at this time focused on Asian immigrants. She also suggests that creation of the border patrol began what is the criminalization and targeting of Mexicans at the border, which constitutes a new "racialized Mexican identity" (Ngai, 2005).



Mexican nationality, the connection between “illegal” and “Mexican” was formed (Ngai, 2004). I agree that this era had definite and lasting impacts on the production of “illegality,” specifically within public perceptions by the use of terms like “wetback” and “alien.” However, the central concern of this thesis is the production of “illegality” and criminality of Latino (Mexican) migrants through federal and state/local legislation and enforcement practices. During the 1920’s, the term “illegal” was still close to absent in federal legislation (although there is some evidence that such terms were in use in communities in the border states at this time). However, this thesis acknowledges that the use of terms such as “wetback” and “alien” in federal and state legislations, especially after the implementation of the Bracero Program in 1942, had serious ramifications for the increasingly solid link between Mexican (and, to a lesser extent, other Latinos) and the notion of “illegality”.

With the creation of the Border Patrol in 1924 and its new power over the mechanics of deportation, the who, what, and how of migrant selection began; and in 1929 it became a misdemeanor to enter U.S. territory without inspection. Although migration from Mexico was essentially legally “limitless” prior to this time it was the first time that entry without inspection was deemed “illegal” and the Border Patrol officially began enforcing a selection process of “desirable” migrants. This was further regulated through the implementation of the Bracero program in 1942, which legalized contracted Mexican labor for U.S. capitalism. During this “open door” period of migration for Mexican guest workers, the U.S. also saw an increase of undocumented flows from Mexico. This influx in undocumented migration was driven by the demand for undocumented labor, often by U.S. employers’ encouragement for long-term bracero

workers to overstay their visas (as undocumented workers were preferred in order to avoid contracting fees, fixed wages, and other regulations that were in place for bracero employees). David Gutiérrez explains that although unauthorized migration was quite common, even before the Bracero Program, the striking difference was that now, this unauthorized migration was officially labeled as “illegal.” During the functioning years of the Bracero program, in what Cockcroft would describe as the “open door” period of “revolving door” politics, the U.S. launched Operation Wetback in 1954, resulting in the claimed expulsion of at least 1.9 million Mexican/migrant workers in 1953 and 1954. Cockcroft describes this tactic as “revolving door” politics, as it essentially promoted open migration (the Bracero Program) while at the same time enforcing and increasing the expulsion of undocumented (and often documented) labor workers (Operation Wetback). Although the use of the term “illegality” was still quite rare during this decade, Operation Wetback successfully targeted and criminalized Mexicans migrants and citizens throughout the West, and helped to further bind the notion that “Mexicans” and “illegal” were synonymous.

### *Understanding Migration and Enforcement Post 1965*

The demise of the Bracero Program at the end of 1964 and the passage of the Immigration and Nationality Amendments of 1965 closed the door on many migrants’ means of legal migration and consequentially paved the way that ultimately lead to a sharp rise in undocumented migration, from Mexico in particular. Prior to 1965, immigration from Mexico was essentially “unlimited,” with respects to the border patrols “discretion” in allowing substantial flows of those deemed as “desirable migrants.”

However, a new numerical immigration system was introduced in 1965. For the first time this new system formally established numerical quotas on immigration from the Western Hemisphere, placing an annual limit of 120,000 migrant visas (excluding quota exemptions) from the Hemisphere. Although the system was viewed as virtually equal, setting standard caps for all countries, the quotas failed to take into account the United States' historically unique relationship with Mexico and Mexican migration. The new system launched into effect in 1968, while estimates at the time document that nearly 200,000 migrants were legally migrating annually from Mexico alone. With limited opportunities to migrate for work due to visa restrictions and the termination of the Bracero program, a great number of Mexicans had no alternative but to come and work as undocumented.

De Genova points out that from 1968, when the quotas were enacted, the INS apprehensions of "deportable" Mexican nationals rose 40 percent that same year and by 1973 Mexicans comprised 99 percent of all "deportable aliens" (De Genova, 2004). By ignoring historical patterns of both labor demand in the United States and cyclical labor migration that had long filled that demand, the end of the Bracero program and implementation of the 1965 visa limitations essentially created an untenable situation in which the labor vacuum was increasingly filled by unauthorized workers. The result was soon seen in apprehension data released by the INS. Whereas apprehensions of persons entering the country without inspection averaged only between 30,000 and 50,000 per year between 1960 and 1965, and reached 100,000 by 1968, they shot up thereafter in the 1970s and 1980s. However, a number of scholars have raised questions about such figures, noting how they tend to focus on Spanish-speaking migrants rather than on visa

violators from all the rest of the world. As De Genova states, “these persistent enforcement practices, and the statistics they produce, have made an extraordinary contribution to the pervasive fallacy that Mexicans account for virtually all “illegal aliens” (De Genova, 2004, p. 171). The fatal outcome of these enforcement practices was the link, or casual association made between “illegal” and “Mexican.” This association would be further etched in stone by the continuous passage of federal legislation directed at Mexican migrants and the upsurge of media headlines on “illegal aliens.” Carlos Parra argues that once such a link is made within the general public, the criminalization of migrants follows (Parra, 2012, p. 134).

The passage of the 1965 Immigration and Nationality Amendments marked the beginning of a wave of federal legislation that would detail Mexican migrant “illegality” and set off the criminalization of Latinos in the U.S. The cascading adverse effects that the quota system had on Latino migrants were intensified in 1976 with further amendments to the Immigration and Nationality Act<sup>6</sup> which standardized the national visa quota for every country in the Western Hemisphere to 20,000 migrants annually (again, excluding quota exceptions<sup>7</sup>). Within a decade, Mexico went from essentially unlimited migration, sending an estimated 200,000 migrants annually to the U.S. in 1965 (towards the termination of the Bracero program), to being restricted to 20,000 migrants

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<sup>6</sup> The Immigration and Nationality Act Amendments of 1976 declared that its purpose was to make migration equal, thus placing the same numerical quotas on the Western Hemisphere that were already in place for the Eastern Hemisphere. The new amendments also placed a preference system for visas in the Western Hemisphere.

<sup>7</sup> Exempt from the quotas were visas for highly skilled workers, specialized workers and family members of U.S. citizens.

annually. The impacts seen in 1968 were only a glimpse at the start of growing tensions along the border.

Just three years prior to the 1976 amendments, the Rodino Bill<sup>8</sup> was proposed to standardize migration from the Western Hemisphere at to 20,000 immigrants per country. In his 1975 review of the bill, Ronald Bonaparte laid out what he thought would be the adverse effects if the bill passed. Bonaparte argued that the drastic reduction in immigration quotas for Mexico would likely only result in a dramatic increase in undocumented migration. A 1972 Report from the Visa Office<sup>9</sup> shows that 61,720 visas were issued to Mexican natives. Of these, 42,710 were issued from the 120,000 visas allotted to the Western Hemisphere.<sup>10</sup> By placing the national quotas at 20,000 visas per country, it would once again cut the number of available visas for Mexico over 50% from the previous year. Experts were aware that such a drastic cut in limited visas would only increase undocumented migration from Mexico; and in a Final Report on January 15, 1973, the Special Study Group on Illegal Immigration from Mexico “urged that there be no reduction in the present level of lawful immigration from Mexico” (Bonaparte, 1975, p. 11). Although the bill was unsuccessful in establishing the 20,000 per country quotas in 1973, the 1976 amendments would succeed.

Many observers have noted that one important outcome of these developments was to simultaneously increase the volume of unauthorized entries and deepen the

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<sup>8</sup> See Section on *Demarcating Federal and State Autonomy on Immigration Enforcement*

<sup>9</sup> 1972 Report of the Visa Office, Bureau of Security and Consular Affairs, United States Department of State

<sup>10</sup> The other 19,010 were immediate relatives whose visas' were exempt from the national quota.

common popular association between Mexican immigrants and “illegality”. However some of these critics further argue that there was a certain intentionality in this because the spectacle of increasing enforcement at the border made it appear that concerted action was being taken at the same time these enforcement efforts proved powerful tools of social and labor control and discipline that would be sustained and augmented through subsequent legislation and enforcement tactics. A clear example of this was passage of the so-called Immigration Reform and Control Act (IRCA) of 1986. The new law, which grew out of earlier proposals sponsored by New Jersey Congressman, Peter Rodino, had two main components that contributed to the ongoing shoring up and maintenance of “illegality.” First, it provided amnesty, or a path to “regularization” or “legalization,” for eligible undocumented people (that is, those who could prove continuous residence in the United States from a certain established date). In essence, the INS successfully “legalized” the status of many undocumented individuals, while at the same time sharpening the definition of what being “illegal” henceforth would be. “The INS persistently battled in the courts to reserve the Amnesty for those whose undocumented status began with having “entered without inspection,” rather than those who had overstayed their visas” (De Genova, 2004, p.174). Thus, the terms of eligibility established by the law and subsequent regulations had the effect of further cementing popular associations between “illegality,” and Mexican migration. As a consequence, Mexicans alone accounted for seventy percent of all individuals who applied for adjustment to their status. And through this legislation, the association between Mexicans and “illegal” became more clearly defined.

The second component of the IRCA established sanctions against employers who knowingly hired undocumented workers. The nature of this legislation was far from a new concept as states had been pressuring the federal government to enact some form of legal sanction against employers ever since the passage of California's Dixon Arnett legislation in 1971.<sup>11</sup> But, as De Genova has described, revolving door politics often function by incorporation and restriction. Under the IRCA's terms, employers would be required to follow guidelines in order to check an employee's status before hiring. Employee verification by employers brought about a whole new arena of problems dealing with the production of generated false documentation, one more aspect that would soon be woven into the threads of "illegality," by a criminalizing the use of false documents. De Genova argues that this level of enforcement over undocumented workers essentially protected the employer, as the potential undocumented employee would provide the necessary documents (which were often falsified but approved nonetheless by the routine guidelines set for employers), and therefore once again exploited the vulnerable labor source rather than taking real action against the illegal employment of alien workers.

By the 1990s, many states and localities were calling for tighter restriction policies<sup>12</sup> and placing pressure on the federal government for new legislation on immigration. In some ways, the Immigration Act of 1990 represented a policy response to this pressure by the states. Although the law increased global quotas for migration, it also imposed new burdens on and disciplinary measures against undocumented migrants.

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<sup>11</sup> See Section on *Demarcating Federal and State Autonomy on Immigration Enforcement*

<sup>12</sup> Like California's Proposition 187; see section on *States Changing Role in Immigration Enforcement*.

As De Genova notes, “this legislation expanded the grounds for the deportation of undocumented migrants, introduced new punitive sanctions, and curtailed due-process rights in deportation proceedings” (De Genova, 2004, p. 175). These punitive tactics were amplified further in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. Again, De Genova argues that “it included extensive provisions for criminalizing, apprehending, detaining, fining, deporting and also imprisoning a wide array of “infractions” that significantly broadened and elaborated the qualitative scope of the law’s production of “illegality” for undocumented migrants and others associated with them” (De Genova, 2004, p. 176). The act upped the demand for more border patrol agents, new equipment, and enhanced methods for patrolling along the border, once again- connecting the border with criminal activity and the need for control.

The IIRIRA provided new grounds for states and local authorities to impose new restrictions on the provisions of public services, barring undocumented migrants from social security benefits, and restructured the system on educational assistance, restricting the access of undocumented students to federal financial aid opportunities. The act also opened the door for state and local police departments to enter into 287(g) agreements with Immigration and Customs Enforcement (ICE) in training local officers to enforce immigration laws and regulations,<sup>13</sup> and implemented a new pilot employee verification program, that would become known as E-Verify<sup>14</sup> (Gulasekaram & Ramakrishnan, 2015). This transfer of power and collaboration would heighten the targeting of undocumented

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<sup>13</sup> 287 (g) agreements; see section on *Local Law Enforcement on Enforcing Federal Immigration Law*

<sup>14</sup> See section on *Local Law Enforcement on Enforcing Federal Immigration Law*



bodies and “deportation terror” at the local level, making the everyday realities of “illegality” even more intrusive and burdensome.

In addition, after years of conservative calls for sweeping reform of federal welfare programs, Congress passed as the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996. This act limited essentially all federal benefits to “legal” immigrants and citizens and allowed states to enact their own restrictions on state benefit programs. Again, this had the effect of heightening control at the local level and defining new realities for those living in the shadows as unauthorized residents. Undocumented women and children were heavily impacted by the new legislation, especially by the new limitations placed on their access to federal and state health care. The 1996 IIRIRA and PRWORA were perhaps yet other examples of the federal government’s response to state demands to immigration reform. For example, many of the provisions of California’s Proposition 187<sup>15</sup> in 1994, such as the limiting of state benefits available to unauthorized persons, were subsequently added to the 1996 legislation. De Genova suggests that the language invoked in the 1996 legislation, regarding enforcement, was rife with the references to “the border.” Most notably, the legislation specified that the increase of Border Patrol agents would be deployed along the border; therefore once again referencing to the increased disciplinary actions that would be directed towards Mexican migrants in particular (De Genova, 2004).

### *Concluding Federal Legislation Post 1965*

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<sup>15</sup> See section on *States’ Changing Role in Immigration Enforcement*

Since the passage of the 1965 INA Amendments, federal immigration and border enforcement legislation has helped to produce, shape and sustain Mexican/Latino migrant “illegality.” The different legislation discussed in this section shaped the way migration from Mexico, and subsequently from the rest of Latin America is criminalized. This occurred not only with the imposition of new quotas that failed to take into account labor demand and the historical durability of migratory circuits linking Mexico to the United States but also from the discourse of border enforcement and the ongoing militarization of the southern border, which has intensified the public’s perception of Mexicans and other Spanish-speaking migrants as inherently and forever “illegal” and thus disqualified for even the potential of fully vested citizenship.

Early after the enactment of the quotas on the Western Hemisphere, states and localities began taking interest in immigration enforcement on undocumented migration. Although undocumented migration was a fact of life along the U.S.-Mexico border long before the enactment of the 1965 quotas, concerns about “illegal immigration” was not a key national concern until the early 1970s, shortly after the implementation of the quotas in 1968. However, as apprehensions along the southern border continued to rise thereafter, the issue was deftly manipulated by politicians as part of a campaign to intensify and make more comprehensive techniques of the social control and management of immigrant labor. The 1973 INS released data stated that 99% of all “deportable aliens” were Mexican nationals, all the while ignoring the arguably equally important issue of visa abusers. The constant drumbeat equating Mexicans and other Latinos with lawlessness and inherent illegality justified the need for control within the general public. The disciplinary state would drill their tactics of fear deeper through the punitive

sanctions in the Immigration Act of 1990 and the IIRIRA of 1996. Through these different tactics of enforcement and sanctions placed on undocumented migrants, implemented through federal legislation, the link between undocumented migration, or “illegality” and “Mexican,” and to a lesser extent, “Latino,” was consistently sustained. This connection had its strongest impact at the state and local level, creating an epidemic of fear within the general public and intensifying the everyday realities of “illegality” for the undocumented. States would soon have increased agency to enforce immigration by direct and indirect means, through federal legislation passed from 1986 and 1996. So what explains why was state and federal tensions so high after 1968?

### *Demarcating Federal and State Autonomy on Immigration Enforcement*

As the undocumented population continued to climb despite the investment of millions of dollars in federal border enforcement, local and state authorities began exploring ways to intervene in the immigration controversy. Although the 1952 Immigration and Nationality Act (INA) and subsequent court decisions reinforced the premise that immigration enforcement was a function under federal jurisdiction, individual states continuously sought ways to assert authority in this realm. This proved an uphill battle for most of the late nineteenth- and twentieth centuries. Chin and Miller (2014) point out that the *Chu Lung v. Freeman* (1875) and *Henderson v. Mayor of New York* (1875) established a “jurisprudential framework” which explicitly states that “control over immigration and naturalization is entrusted exclusively to the Federal Government, and a State has no power to interfere” (2014 p.174). The Supreme Court in *Chu Lung v. Freeman* struck down a California state law that required individual state

screenings before entering into the country. And similarly with *Henderson v. Mayor of New York*, the Supreme Court struck down a New York state law that required shipmasters to post a bond or commute a bond for every landed passenger (Gulasekaram & Ramakrishnan, 2015 p.23). The outcome from these two cases diminished the ability of the individual states to interfere with the entrance of any foreigner and deemed it a responsibility of the federal government. However, issues arose as the Supreme Court's language continually left wiggle room for states to intervene.<sup>16</sup>

In both the *Chu Lung* and *Henderson* cases, the Supreme Court left the back door cracked for the possibility of states to enact and enforce regulations of their own, when there was a necessity for the law. There was not much debate or action regarding states' agency on immigration regulation up until the 1970s. This trend in states' involvement accelerated in the 1970s as the unauthorized population began to expand. As early as 1971, just three years after the Western Hemisphere quotas took effect, many states began proposing bills to allow immigration regulations at the state, local, and even individual level.<sup>17</sup> Dixon Arnett, a state assemblyman from Redwood City, California, proposed a bill that would impose sanctions on employers who knowingly hired

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<sup>16</sup> In *Chu Lung*, the Supreme Court concluded: "A unified and national federal immigration law is justified because of the possibility that a state, such as California, could create a conflict with a foreign nation based upon its immigration law and subsequently lead the entire United States into war as a result. However, the Court provides one exception to this general principle. If a state law, in the absence of congressional legislation, is enacted to protect itself by necessary and proper laws against foreign criminals, it may be constitutional as long as it arises from a vital necessity. It cannot be carried beyond the scope of that necessity. The Court held that California's law greatly exceeds any permissible scope of necessity and is therefore unconstitutional and preempted (or trumped) by federal law" (*Chug Le v. Freeman.*" n.d).

<sup>17</sup> The 1986 IRCA sanctions placed on employers who hired undocumented workers. This therefore gave employers ("the individual") rights to investigating the status of any individual employee.

undocumented workers. This same rhetoric would be repeated in the proposed Rodino Bill of 1973 in U.S. Congress.<sup>18</sup> Rodino's bill proposed to amend INA section 274<sup>19</sup> to make it unlawful to knowingly employ undocumented workers. Critics immediately pointed out that Rodino's approach was problematic for several reasons, most importantly because it essentially gave employers the right to act as immigration officials, determining the status of individuals without any proper guideless to make this sort of assessment. The Dixon Arnett and Rodino Bills are a crucial turning point in U.S. immigration history, not because of their success, but rather because these were the first bills to propose that immigration enforcement be negotiated to give agency at the local level.

Although individual state bill proposals were largely unsuccessful, the content of Arnett bill and similar proposals continued on to further be discussed in federal legislation. By the mid 1990s, having already passed several punitive polices on undocumented migration at the federal level, including the IRCA of 1986, the IIRIRA and PRWORA in 1996, etc., states were gradually awarded more authority in the task of immigration enforcement. States could decide how they dealt with the distribution of state benefit programs, they could allow employers to verify Social Security Numbers through the new federal Basic Pilot Program, and at the local level, employers were now being asked to verify the immigration status of their employees. Much of language in the

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<sup>18</sup> The Rodino Bill also proposed that the quota system on Western Hemisphere be revisited to allow 20,000 per country annually.

<sup>19</sup> The 2013 updated INA details section 274 (A, B, C, and D) and outlines the penalties for knowingly hiring undocumented workers, handling document frauds, etc (See US Citizen and Immigration Services, "Immigration and Nationality Act").

new federal legislation first made its debut through unsuccessful state bill proposals, like the Arnett bill and Proposition 187 in California.

### *States' Changing Role in Immigration Enforcement*

California set the stage in state-level immigration restriction policies with its 1994 state ballot Proposition 187. Prop. 187, known officially as the “Illegal Aliens, Ineligibility for Public Services, Verification and Reporting Initiative Statute,” and unofficially as the “Save Our State—SOS Initiative” was a state ballot measure that targeted undocumented immigration in the state of California. The statute sought to limit undocumented citizens’ access to state health care, public education and other tax-supported state benefits by verifying all individuals’ documents or identification for any individual who sought access to any of the state’s benefit systems. Thus, the bill was explicitly designed to target those seeking welfare, health care, and access to public education. The bill also required all state officials to report any suspected unlawful presence. By highlighting illegal status and compelling both state officials and citizens to report suspected unauthorized persons, the initiative greatly expanded the parameters of what everyday “illegality” would entail. In short, the proposed law shifted its’ emphasis to policing bodies, rather than the monitoring suspected criminal or unlawful activity.

Although Proposition 187 passed by a significant majority in the elections of 1994, a federal district court quickly issued an injunction against the measure and the initiative was eventually struck down as an unconstitutional infringement of federal authority over immigration. Nevertheless, the court held that at least some provisions passed

constitutional muster, reasoning that aspects of the initiative including the status verification of state benefit recipients, notification, and cooperation/reporting requirements, were legitimate and appropriate areas of state concern (Gulasekaram & Ramakrishnan, 2015). Again, with their actions in the case of Proposition 187, federal courts were drawing boundaries around the extent to which states could act autonomously in enforcing certain elements of immigration law.

Encouraged by this legal and political opening, other states soon began exploring the possibility of passing similar measures. Between 1994 and 1997, six states, including California, Arizona, Texas, Florida and New Jersey, and state officials from New York, filed lawsuits against the federal government for its failure to enforce immigration laws (Gulasekaram & Ramakrishnan, 2015). Prop. 187 is still considered one of the harshest restriction policies proposed by state officials, and even after most of its provisions were declared unconstitutional, the initiative established the precedent for other states to experiment with “copy cat” policy proposals for tackling undocumented immigration (Gulasekaram & Ramakrishnan, 2015).

The late 1990s were met by both a general intensification of anti-immigrant rhetoric in politics, and increasing legislation at the state and local level. Gulasekaram & Ramakrishnan attribute most of this anti-immigrant rhetoric to the economic suffering (especially in California) caused by job cuts and military base closures after the fall of the Soviet Union and the end of the Cold War. Although undocumented migration was in no way connected to the economic restructuring of California, Gulasekaram and Ramakrishnan suggest that lawmakers and media coverage seized on the growing

population of undocumented migrants as the cause of much economic suffering (Gulasekaram & Ramakrishnan, 2015).

As we have seen, by the end of the 1990s, the federal government played its role in supporting this perception by passing several pieces of legislation, which identified and categorized unauthorized workers as a threat and granted states more authority in immigration matters. Individual states now had more control in determining guideless and restrictions as to whom received state benefits and would now play a much more central role in verifying the status of employees under the Basic Pilot Employment Eligibility Verification Program. In addition, in what would soon prove to be the most important development of this era, federal law now allowed state and local authorities to enter into agreements with ICE to train state and local officials on immigration enforcement. These initiatives, which soon became known as the 287 (g) programs, were allowed under that section of the IIRICA of 1996. This new autonomy given to states on specified issues that had almost immediate adverse impact on the nation's undocumented community.<sup>20</sup>

In the aftermath of the 9-11 incidents, state and local immigration enforcement grew dramatically and states soon began testing the limits of their own interventions. The intensification of states' individual involvement in undocumented immigration would boom between 2004 and 2012. For example, Arizona's Proposition 200, would require proof of U.S. citizenship in order to receive public benefits and to register to vote in

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<sup>20</sup> The first 287 (g) agreements was signed in 2006.



2004;<sup>21</sup> and in 2007, the Legal Arizona Workers Act (LAWA) sought to revoke business licenses from employers who hired undocumented immigrants and required all employers to use the E-Verify system to verify the immigration status of all employees. In 2006, Colorado passed HB1023 requiring proof of legal status to receive state benefits, SB 90,<sup>22</sup> which required that all state and local law enforcement report all individuals suspected to be in the country “illegally” to federal immigration officials, and SB 7, which made it a felony for undocumented persons to vote in an election. Each of these state bills set out to target undocumented immigrants’ resources within the state; for example, in receiving state and local benefits, in employment, and in voting booths. Many of these bills also implemented disciplinary action by requiring that state and local officials report all suspected undocumented individuals to federal immigration authorities.

One of the most controversial state restriction bills in the last decade, and debatably ever, is Arizona’s SB 1070, formally known as the Support Our Law Enforcement and Safe Neighborhoods Act, but more popularly known as the “Show Me Your Papers Act.” This omnibus immigration bill, which was passed by Arizona voters in 2010, once again sought to solve the problem of undocumented immigration in the state of Arizona. SB 1070’s law required state and local police to check the immigration status of anyone stopped or detained, and in some cases, called for the arrest of non-citizens, if the office could determine that he/or was most likely deportable. The law also permitted state and local law enforcement officers to stop and question anyone when “reasonable suspicion exists that a person is an alien who is unlawfully present in the United States”

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<sup>21</sup> State and local identification cards, like driver’s licenses may be denied if they cannot be verified, as a federally approved documented, the immigration status of the applicant.

<sup>22</sup> Except in the case of minor traffic offenses and domestic violence cases.

(State of Arizona Senate, p.1). Yet, the senate bill failed to address to what “reasonable suspicion” entailed. The language employed throughout SB 1070 constantly referred to undocumented persons as “alien” or “illegal,” once again solidifying the link between the criminal other and immigrants (specifically from Mexico).

These state proposed immigration bills directly target undocumented immigration, and specifically Mexican/Latino immigrants. By involving state and local police in determining immigration status, states like Arizona have begun to racialize its boundaries, criminalize Latino immigrants, and instill deportation terror within communities. The levels of the racialization, criminalization and terror exerted against unauthorized persons were extended to another level when local law enforcement began entering into joint collaborations with Immigration and Customs Enforcement (ICE).

#### *Local Law Enforcement on Enforcing Federal Immigration Law*

This thesis has thus far been an analysis of the historical context in which federal and state legislation passed on undocumented immigration. The passage of these bills directly impacted the operational definition of “illegality” for undocumented immigrants locally; from the restrictions of local benefit programs to requirements on public policing, local law enforcement is now more involved in immigration enforcement than ever before. Some of the first programs to impact local governments were the Basic Pilot Employee Verification program, also known as E-Verify, the 287 (g) agreements discussed in passing previously, and various grant programs like Operation Stonegarden.

Congress created the Basic Pilot Employment Eligibility Verification Program (Basic Pilot) in 1996. The initiative essentially was an electronic verification program

that allowed employers to identify employee immigration information against the United States Citizenship and Immigration Services (USCIS) and Social Security Administration (SSA) databases. This program was the predecessor to what is now known as E-Verify. E-Verify provides ICE with the ability to issue warrants and perform raids at work places and homes.

From the E-Verify system, ICE is provided with latest data on individuals' immigration status, addresses, and work place, which is often invalid and outdated. However, the system has proven problematic where ICE has executed work and home raids without verified information. In 2008, ICE conducted its largest single-site work raid in Postville, Iowa. During the raid, over 90% of almost 400 workers were criminally charged. Many employers are now volunteering to provide immigration information on their employees to avoid such work raids (Aldana, n.d). Essentially, E-Verify places the employer in a position to report immigration status and criminalizes all undocumented immigrants who enter the database, even if they have no prior convictions.

Operation Stonegarden is a federally funded grant program from the Department of Homeland Security (DHS) established in 2003 to assist border states in increasing border security with funds, personnel, equipment, etc. These funds are awarded to state and local law enforcement agents who work in conjunction with federal border enforcement. According to a San Diego news article, the program "aims to enhance cooperation and coordination between law enforcement agencies in a joint mission to secure the border region" (Urrea Moe, 2014). Operation Stonegarden has received growing participation in San Diego County since its first grant application in 2008, where

6 local agencies applied. By 2009, that number rose to 12 and by 2010, 17 local and state enforcement agencies submitted applications to receive funds (“Proof of Concept..” n.d).

Programs like Operation Stonegarden contribute to the increased militarization of the borderlands. Consequently, San Diego residents are subjected to this militarization and thus, “deportation terror” is present in many aspects of everyday life for the undocumented. The presence of military equipment, the increase in the number of border patrol, and other elements supported by the program contribute to the “deportation terror” that exists in San Diego. And again, as De Genova and others have argued, it is not simply deportation per se, but rather deportability- which is increasingly present due to programs like Operation Stonegarden. As Nevins and Dunn suggest, this militarization leads to the fabrication of the “enemy” and constructs the ideological significance of the border as a site of national security and protection. Following De Genova, Nevins, and Dunn, I argue that enforcement tactics, like federal-local collaborations also contribute to the “deportation terror” and the broader ideological effect that border enforcement has on the general public.

Another federal shared database that contributes to the criminalization of the undocumented community is Secure Communities. This federal program was implemented in 2008 and is a locally shared database that keeps records of all individuals arrested in local counties by scanning their fingerprints into the database at booking. Fingerprints are placed into the database and run by the Department of Homeland Security (DHS) to check the immigration status of all individuals booked in local jails. According to the ICE factsheets, “ICE is focused on smart, effective immigration enforcement that prioritizes efforts to identify and remove criminal aliens and others who

pose a potential threat to public safety” (“Secure Communities: Get the Facts”). According to ICE, Secure Communities uses a three point priority system in order to focus on “high threat” individuals. According to ICE, they define the three level system as follows:

**Level 1:** Individuals who have been convicted of major drug offenses, national security crimes, and violent crimes such as murder, manslaughter, rape, robbery and kidnapping;

**Level 2:** Individuals who have been convicted of minor drug and property offenses such as burglary, larceny, fraud and money laundering; and

**Level 3:** Individuals who have been convicted of other offenses.<sup>23</sup>

ICE emphasizes that it prioritizes level one offenders in the database, but statistics show that many other individuals apprehended are booked on minor offenses.

San Diego implemented Secure Communities in May of 2009, and like the statements provided by ICE, claims the program promotes the targeting of “high threat” immigrants with serious convictions. Nevertheless, in its 2010 report, data showed that 63% of those whom were identified as “undocumented” from the Secure Communities database in San Diego either had no prior criminal history or were picked up on minor offenses, such as like driving citations, public intoxication, and other small offenses (Center for Constitutional Rights, 2010; Griesbach, 2011 p. 86-7). A more recent data overview of the programs results from October 27, 2008- February 28, 2015, shows that 20% of the 16,867 individuals removed from San Diego County showed no criminal conviction and another 31.9% were listed under level three priority<sup>24</sup> (U.S. Immigration and Customs Enforcement, 2015). Programs like Secure Communities contribute to the targeting and criminalization of undocumented migrants by policing, booking, and

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<sup>23</sup> See Immigration and Customs Enforcement. “Memorandum of Agreement Between U.S. Department of Homeland Security and Customs Enforcement and [State Identification Bureau].”

<sup>24</sup> See Figure 1.1, 1.2 and 1.3 in *appendix*

processing minor offenders in the Secure Communities database. Although it publicly promotes the targeting of “high threat” criminals, many undocumented immigrants fall into the system’s trap on minor offenses. Scholars have been trying to unpack the unintended consequences that programs like Secure Communities has the civil liberties of those being targeted or those that “fit the description” as “unauthorized.”

The Priority Enforcement Program (PEP) replaced Secure Communities in 2014, but operates under much the same guidelines as Secure Communities. PEP’s stated goal is to place a stronger emphasis on the targeting of criminally convicted immigrants, but again, the program inevitably nets migrants who have committed only minor offenses.

While some states and counties have opted into more immigrant-friendly policies, some federal regulations like E-Verify and Secure Communities have placed limitations on the extent that local governments can exercise “sanctuary laws,” or “don’t ask” “don’t tell” policies. (Aldana, n.d.). Many police agencies take on these sanctuary laws to build a trusting relationship within immigrant communities. Research shows that under harsher immigration laws, individuals of Latino communities are less likely to report crimes, when they are victims or witnesses (Provine, et. al 2012). Programs like E-Verify, Secure Communities, and 287 (g) promote local law enforcement to check the immigration status of individuals at booking, even for minor offenses like traffic violations. Although many counties have an individual say, some states have implemented statewide laws, like SB1070, which requires all state and local law enforcement agents to report any suspicion of unlawful presence. These programs are an extension of “deportation terror” and have restructured the boundaries of “illegality” for many counties and municipals throughout the U.S.

## Methods

The interviews for this research were conducted in Escondido, California between April 2016-October 2016. Data was gathered using a mixed methods approach that primarily employed qualitative techniques, in addition to ethnographic observation, detailed analysis of new data, and a close review of local media publications and public records. A semi-structured qualitative questionnaire was developed to provide a skeletal framework in guiding the interviews. The interviews primarily focused on the individual experience of local immigration policing within Escondido but in some cases, events in other communities are discussed in context. Given this study's focus on local policing efforts, questions asked by the investigator tended to focus more on experiences with and thoughts about local policing efforts (which often involved federal immigration officers) rather than on opinions regarding federal immigration policies or legislation, with the intention of keeping the microscopic nature of the study intact.

Recruitment for this study was done using a snowball sampling method from interview respondents that met the criteria detailed below and by personal contact with local activists. The baseline criterion for participation in this study was residence in San Diego County. This was done in order to not limit the participation from various community members, in the case that the study should have expanded. Since this thesis's main concern is of local police engagement in immigration enforcement of Latinos in Escondido, all participants, excluding local activists, were Latino residents of Escondido. All local activists interviewed were based in San Diego and had extensive knowledge about community needs and impacts of community policing. Ten in-depth, semi-

structured interviews were gathered in total. The mean length of the interviews was 26 minutes, with some interviews lasting much longer. All but two interviews were tape recorded with given consent from the interviewee.

Ethnographic observation was carried out in various ways. By attending community meetings, volunteering at public events, and frequenting areas where policing was common, like shopping centers, I was able to gain acquaintanceship with community members and witness police encounters first hand. Ethnographic observation proved to be a critical element for this study, as I was able to listen to how members of these communities expressed their needs and demands in response to their direct or indirect experiences with Operation Joint Effort in Escondido. This thesis draws extensively on various meetings I attended that were held by a local community organization.

Along with the qualitative interviews and ethnographic fieldwork, I am analyzing new data collected by The American Civil Liberties Union (ACLU). The ACLU has been conducting qualitative and quantitative interviews in Escondido, California regarding individuals' personal experiences during police encounters that have resulted in deportations. The information from the data provided by the ACLU give detailed descriptions regarding police encounters in Escondido, California, for example, the date of arrest, the reason for the arrest and details of the incident. The ACLU has conducted a total of 6 interviews from residents of Escondido. I have used the data collected to gather a sample of methods/tactics employed by the Escondido Police Department in the apprehension of suspected undocumented immigrants who reside in Escondido, California.



All interviews were transcribed and coded to eliminate identifiers. I thoroughly listened and read each of the interviews multiple times, organized and categorized my field notes, and reviewed the data collection from the ACLU. I began coding the interviews to look for commonalities and contrasts in participants' responses. For all interviews used in this thesis, I deploy pseudonyms for all participants whom requested their identity be anonymous and changed any other potentially identifiable information in order to protect the identity of the participants.

My primary independent variable is Operation Joint Effort, the agreement between local police and Immigration Control Enforcement (ICE) to target undocumented immigration in Escondido, CA. This variable is understood as a specific technology of power of governmentality that is entrenched in daily social practices. My dependent variables are the physical practices and abstract elements of what constitutes being of Latino background and residing in Escondido. Physical practices are defined as community involvement, political participation, or precautionary driving, for example. Abstract elements can be understood as decision-making, everyday emotions and awareness of "illegality," etc. My analysis focuses on the everyday experience of Latino residents in Escondido, California and their interactions with local law enforcement. The qualitative and ethnographic methods employed in my data collection are combined and ingrained into the analysis of this research.

### *Validity and Reliability Issues*

As with most mix-method research, the validity of the research largely depends on the sample size of participants, the timeliness of when to administer the interviews,

and the questionnaire itself. Due to limited time frame and sensitive subject matter, the sample size of this research was limited to 16 participants, including the 6 interviews conducted by the ACLU. This research acknowledges that its small sample size may impact the generalizability of this research, but the findings of this research are consistent with and build upon previous literature of similar collaborations.

Internal validity was a delicate concept at the forefront of this research. Since my main research question stemmed from a cause and effect relationship, I attempted to guide the qualitative interviews in a direction that would not compromise the validity of this research. For example, this research was not concerned with the opinions of federal based laws or programs like DAPA or DACA, although these programs most likely impacted the response of the interviewees (if they were recipients). Rather, I attempted to gather opinions around and regarding Operation Joint Effort. However, this research acknowledges the possibility of other variables that may impact the findings of this research.

Due to the nature of this study, and its unique focus, external validity was a large concern of the researcher. Since this research focused its analysis of an unprecedented operation, no other locations were used as a comparison. To gauge external validity, I relied on previous research conducted on the federal 287(g) programs, arguably the most comparable local-federal collaboration on immigration enforcement. This research on 287(g) allowed me to gain a base for comprehending local-federal collaboration enforcements and the impacts that they have on the local level.

### *Research Setting*

The location of this research took place in Escondido, California, one of 18 cities located within San Diego County, in its north inland region. With an estimated population of 147, 294 in 2015, Escondido has continued to see a steady increase in population and diversity, specifically in the Hispanic community. The town's history of farming and proximity to the U.S. Mexico border has made Escondido a desirable location of settlement for migrant families for decades. The 2000 census estimated that Hispanics made up 38.7% of the population of Escondido. Hispanics became a statistical plurality in Escondido in 2010, making up 48.9%, and they have since become the majority, with their proportion of the city's population estimated to have grown to 50.9% in 2015. Despite this dramatic demographic shift, in the years between the 2000 and 2010 census, Escondido's city council became notorious for its flagrant anti-immigrant sentiment and actions.

Escondido was specifically chosen for this research, in part because of the recent tension between the city and the Latino community and its proximity to the U.S. Mexico border, but mainly because of its unique relationship to immigration enforcement in the boundaries of, what is now (to an extent), a pro-immigrant state. After being one of the harshest states on immigration restriction and enforcement in the 1990s, during the early years of the twenty-first century California shifted, taking on a more "immigrant-friendly" stance and passing some of the most monumental legislation for undocumented immigrant rights. Yet, as California shifts as a state to a more progressive outlook on undocumented immigration, San Diego's North County has become infamous for its bluntly racist restriction policies on undocumented immigration. Aside from Escondido,

the North County region implemented many of its own legislation and policing tactics like employer sanction laws for hiring undocumented immigrants in Vista and San Marcos' gang sweeps, which led to the racially profiling of male Latinos in the streets.

While other North County cities are engaging in restrictive policies within the state of California, Escondido is unique in its practices. Escondido and ICE launched Operation Joint Effort in May of 2010, placing ICE agents within the Escondido Police Department offices in an effort to control the problem of undocumented migration in the city. This thesis analyzes the ideological underpinnings of Operation Joint Effort and conceptualizes a new understanding as to how such tactics of policing contribute to deportation terror and overall maintenance of the popular notions of Latino "illegality." And by maintenance of "illegality," I am referring to the ideologies embedded within "illegality" itself, such as the ideologies of fear, national security, social order, and more.

### *A Brief History of Escondido*

Escondido, California has been prominently displayed in the media for its persistent restriction polities aimed towards undocumented immigrants, and one news source even refers to the city as "little Arizona" (Noreiga, 2015). The city, accompanied by its North County neighbors, has encouraged and drawn out new legislation, statutes, and ordinances that directly and indirectly aim at "controlling" the undocumented members of its community. This thesis situates these bills and policy proposals in relation to time and as a reaction to the changing diverse population in the city. The argument also emphasizes the correlation between these developments and the fact that Hispanics became the majority ethnic group in the city in the decade between 2000 and 2010.

During these same years, Escondido rose to become known as an “anti-immigrant” city, passing numerous statutes, ordinances, and regulations that targeted the Latino community.

Since 2006, the city of Escondido has deployed numerous tactics to “solve” the problem of undocumented migration in its city. These tactics, all of which target one specific group of individuals, contribute to the maintenance of popular notions of “illegality” by defining and placing boundaries on what constitutes “illegal” in Escondido. Monica Varsanyi (2010) describes these local practices as “back door” immigration policing through passing of city ordinances. She explains how local governments use the practices of regulating and policing of public spaces, specifically in the case of day-laborers, to tackle the “problem” of undocumented immigration due to the limited constitutional authority that sub-national governments have in passing direct immigration policies. Varsanyi argues that the controlling of and criminalizing of certain behaviors within public spaces is the policing of the persons within those spaces. Through the attempted passing of numerous city council ordinances and the implementation of Operation Joint Effort, Escondido has taken on a similar role of regulating and policing spaces, and consequentially the persons within these spaces (the undocumented community),

On October 18 of 2006 the Escondido City Council passed a rental ban ordinance that placed sanctions on landlords renting to undocumented immigrants. Like the employer sanctions that were imposed in the Immigration Control and Reform Act of 1986, this ordinance essentially granted landlords authority over what is an already vulnerable population. Just as De Genova argued that the employer sanctions of the

ICRA would lead to the exploitation of vulnerable labor, city rental ordinances would render the undocumented and their families, including children, vulnerable within their own homes. This legislation not only targets the Latino community, but it also shapes how the city views and defines “illegality.” This definition of “illegality” is no longer characterized by criminal behavior, but is rather outlined by aspects of the everyday life for these individuals. One’s “illegality” is no longer constructed by parameters of the law, like being a good law-abiding citizen and neighbor. The rental ban ordinance essentially defines the characteristics of one’s “illegality” by certain essential needs of life, such as shelter. To rent property in Escondido would now place an undocumented family as a target within their own community and home, and ultimately give landlords the opportunity to exploit renters. The city council dropped the ordinance following a lawsuit by the ACLU, but this legislation was nonetheless crucial to understand where Escondido officials stood on the topic of undocumented immigration (American Civil Liberties Union, 2006).

Coincidentally, just months after the failure of its blatantly discriminatory rental ban ordinance, the city launched its new parking permit ordinances in an effort “stop overcrowding” (Eakins, 2007). The 2007 proposed citywide ordinance would limit one car per household to overnight parking on residential streets. The city council claimed that the permits would one, reduce the problem of overcrowding the city faced; two, it would improve the city’s appearance; and three, it would reduce crime. However, the proposed parking restriction created an immediate outcry from outraged citizens and activists. Many local activists and policy makers suggest the rental ban was just another way to target undocumented households by limiting their access to parking on residential

streets. The ordinance would require residents to provide a driver's license and proper documentation to authorize a vehicle permit (Eakins, 2007). Therefore, given their tenuous status before the law, many undocumented car owners would be unable to access parking permits for their vehicles.

The 2007 city council was split, three to two, in favor of the ordinance; but since the council could not come to an agreement, the ordinance was left at a deadlock. When the city revisited the issue in 2009, the ordinance failed to pass, most notably due to the 2008 election of Olga Diaz, the first Latina to be elected to city council in the history of Escondido. Diaz defeated Ed Gallo, an outspoken conservative supporter of the rental ban, parking, and day-labor ordinances; and often cited as a "duo" with reference to now mayor Sam Abed, who is also an outspoken supporter of such ordinances against the undocumented community (Hargrove, 2008). Gallo was also a part of the major three out of five votes in favor of the 2007 parking ordinance; and with Diaz on city council, the vote now stood at three to five against the ordinance.

After the rental ban and attempted parking ordinance, members of the Escondido City Council talked about passing a day-labor ordinance, like its neighboring city Vista. Talk of this day-labor ordinance was also halted, largely because of the election of council woman Diaz in the midst of the discussion on the proposal- and the changing position of city council, three to two opposing such ordinances (Garrick, 2010). Diaz stated for a *Voice of San Diego* article:

"Just by winning I completely changed the tone of every conversation we have on council," Diaz said. "We don't talk about immigration anymore. We don't talk about day laborers. I displaced one of those three votes which I contend held the city hostage on those issues for a long time" (Florida, 2009).

Although legislation targeting undocumented immigration was halted with the defeat of Gallo, the policing of the undocumented in Escondido continued.

Since 2006, the Escondido Police Department began running DUI checkpoints 3 to 4 times a month. Many local advocates suggested the DUI checkpoints were just another tactic to police undocumented immigration in the city. Checkpoints often took place after work hours, around 5:00pm when traffic was heavy. Advocates note that these are not likely hours to hold DUI checkpoints. The checkpoints produced and continue to produce, 10 unlicensed drivers for every drunk driver, many of these unlicensed drivers being undocumented (Buiza & Yusufi, 2012; Escondido Police Department, 2016; Greisbach, 2011). Greisbach suggests that these checkpoints were yet another mechanism for extending “deportation terror” at another level. This terror is instilled through ICE agents working along side local police forces. Greisbach’s work in 2011 documents how ICE agents function at the site of DUI checkpoints. In this interview she conducted, an ICE agent explains a common situation at the checkpoints:

“[ICE AGENT]: What happens is that at the checkpoints they come across a person who it’s a DUI checkpoint, but they always check for driver’s license. So they say, ‘Have you had any thing to drink tonight?’ ‘No.’ ‘Do you have a driver’s license?’ ‘No, por favor. Perdoname.’ Go to Secondary, we’re gonna take your car, we’re gonna write you a ticket, and off you go. So they let ‘em go.

But they take this ticket to the ICE agents and they say, ‘Hey. Why don’t you go to this guy’s house. Check it out.’”

The local and federal collaborative efforts in Escondido have not only created deportation terror, but have successfully criminalized the immigrant community (Griesback, 2011). From this statement above, the ICE agent explains a situation where



the individual whom he/she is asking documentation from is Hispanic, as she asserts the individual is speaking Spanish. This example shows how ICE and community forces internalize the undocumented problem as a Latino problem. These joint force efforts have lead to increasingly racialized police tactics and again, redefined the limits and characteristics of “illegality.”

Although some tensions have been relieved within the community with the passage of the AB-60 licenses in California, community members still feel uninformed about their rights during checkpoints. Regardless of the legitimacy that an AB-60 license holds in the state of California, many are wary that the Escondido Police Department will not respect the license and that it is another way for detecting undocumented individuals, since it is a marked license.<sup>25</sup> One activist said that although it has created a sense of security while driving, since drivers are now better educated on the rules of the road, it has not made an impact in the sense of security of those living in Escondido, since the heavy presence of ICE still exists.<sup>26</sup> Another activist explained that many individuals who receive licenses are of mixed-status families who are not eligible for the license.<sup>27</sup> Therefore, although the driver may have an AB-60 license, other members in the vehicle often have no identification other than a matricula card.<sup>28</sup> Therefore families are still subjected to “deportation terror” when driving through a checkpoints. This “deportation terror” is amplified first, by the mere presence and experience of driving through a checkpoint where federal agents may be operating; and second, by the possibility that

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<sup>25</sup> Interview 05/17/16

<sup>26</sup> Interview 10/20/16

<sup>27</sup> Interview 05/15/16

<sup>28</sup> An identification card issued by the Mexican Government.

individuals (this extending to vehicle passengers as well) who can not provide documentation will be run through the database. The involvement of ICE agents in these checkpoints has expanded the presence of everyday “illegality” so far as to embody being a vehicle passenger in the city of Escondido, and North County in general where these checkpoint take place.

Escondido’s “back door” policies targeting the undocumented community have shaped new limits to what defines “illegality” within it’s city limits. Through the passing of new ordinances to regulate public and private spaces to the subjection of policing through punitive DUI checkpoints, Escondido has instilled a local variant of “deportation terror” within its community. In its most recent attempt to solve the “problem” of undocumented immigration, Escondido’s Police Department launched Operation Joint Effort (OJE). OJE is a joint policing tactic between local police and ICE to apprehend and identify undocumented immigrants within the city. The operation has created tension and mistrust between the Latino community and its local police force. The following section analyzes how OJE has contributed to “deportation terror” and the overall maintenance and restructuring of Mexican/Latino “illegality” within the boundaries of Escondido city limits.

## Part 2: Operation Joint Effort- A Case Study of Local-Federal Police Collaborations

### *Introduction*

Escondido, California, a San Diegan city brimming with stories of families that can not venture to the beach with their children because the overwhelming fear of driving, or of parents who live with heightened anxiety during their weekly trip to the grocery store, where the presence of federal agents within the community intensifies their everyday realities of being undocumented. These are just a few of the daily obstacles and concerns expressed by the community members of Escondido, California. Since 2010, Immigration and Customs Enforcement (ICE) has been in active collaboration with local law enforcement. Through its unprecedented agreement on immigration enforcement, Operation Joint Effort destroys community trust, creates insecurities in local law enforcement, and heightens the realities of “illegality” for the undocumented.

This chapter attempts to analyze Escondido’s Operation Joint Effort in its policies, its methods, and its relationship to the Latino community. I argue that through punitive tactics of enforcement, implemented through Operation Joint Effort, the Escondido Police Department instills “deportation terror” and restructures the boundaries of Mexican/Latino “illegality” within the city limits of Escondido. These tactics of enforcement shine light on the everyday visibility of Latino “illegality.” For the undocumented residents of Escondido, the presence of ICE within the community has created an environment of fear and insecurity. Moreover, as we will later discuss in detail, there is a substantial lack of transparency between the Escondido police department and

its community residents, as the operation between ICE and local law enforcement currently has no written Memorandum of Agreement (MOA). Therefore, Escondido residents have essentially written the operations guidelines and restrictions by their own narratives and experiences.

In a brief literature review on the federal 287(g) program and community policing, this chapter is built on the foundations of a comprehensive overview that analyzes the relationship between Immigration and Customs Enforcement (ICE), local police agents, and community members in cities that implement collaborative agreements versus cities that have placed their focuses on community policing. This brief literature review first analyzes the 287(g) program and the primary and secondary consequences it often produces. These consequences open the dialogue to discuss how collaborative programs such as Operation Joint Effort and 287(g) have the tendency to erode and undermine the relationship between communities and local police, a finding that is increasingly common among immigration researchers. For example, Mathema (2012) points to the lack of transparency and miscommunication between local police departments and the community as one of the main breaking points of this trust. I also highlight cases where police forces have opted out of immigration related policing in order to sustain community trust, and more importantly, crime reporting within an already vulnerable community (Mathema, 2012; Provine, et al, 2012)

Next, in order to successfully analyze Operation Joint Effort, this chapter begins by examining how ICE operates with reference to the phenomenon of creating an atmosphere of “deportation terror.” Following the work of Buff and De Genova, this section unravels the mechanisms in which ICE instills deportation terror through the

racialization and criminalization of Latino immigrants, specifically through work raids in local communities and within the border region. By analyzing how ICE functions at the community level, this chapter is provided with a framework for thinking about the layers to which ICE operates in coordination with state and local police entities.

The following section on *Policies versus Practices* is concerned with the breakdown of Escondido's unprecedented operation. This section attempts to conceptualize how the lack of transparency between local police and ICE generates an atmosphere of fear, mistrust and ambiguity between immigrant communities and the local police department. This section draws on the work of De Genova, on the policing of public spaces in the maintenance and elaboration of the popular notions of Mexican/migrant "illegality." Here, I emphasize the experiences of Escondido community members and their sentiments on Operation Joint Effort.

Next, I attempt to conceptualize how Escondido residents understand Operation Joint Effort (OJE), given the ambiguity of the operation, by contrasting the brief public statements we have from the chief of police and the limited data on apprehension and deportations. Based on a close review of these statements, I concluded that a discrepancy exists between the stated mission of OJE and the data it has produced. This section attempts to deconstruct the community narratives and data collected in this research alongside the OJE mission statements, released by the Chief of Police, in order to grasp how community members understand the guidelines to the operation—and how that understanding is often at variance with what the leadership of the Escondido Police Department has stated. The second part of this chapter then moves on to a discussion of the common tactics of enforcement (or practices) utilized by the Escondido Police

Department in the apprehension and/or deportation of suspected unauthorized individuals. This section exposes the extent to which the Escondido Police Department interacts with ICE agents, and supports the previous argument that OJE instills “deportation terror” by the substantial interaction between local police agents and ICE agents in the field.

The final section in this chapter looks at the *Secondary Consequences* of Operation Joint Effort. This section begins by reviewing Mathema’s research on mistrust between the Hispanic community and local law enforcement. I describe how mistrust has become a central concern of the community, and following Mathema, how this mistrust may lead to other secondary consequences. One consequence discussed as a result of Operation Joint Effort is the victimization of the undocumented community. I emphasize how the undocumented community is more susceptible to be taken advantage of by their fellow community members. This section gathers its foundation from the work of De Genova and Provine, et al. (2012) on the exploitation of undocumented communities through regulations. Here, I draw on participant experiences in Escondido to illustrate how victimization can operate in an everyday local setting.

This chapter concludes with an overview of this thesis’ main argument; Operation Joint Effort has reshaped the boundaries of Mexican/Latino “illegality” within the city limits of Escondido. Through a comprehensive discussion on the policies, practices, and consequences of the operation, I conclude that through its ambiguous operation and its strategic practicing of “field-hand-off’s” with Immigration and Customs Enforcement, the Escondido Police Department instills “deportation terror” in Latino communities and has reshaped the everyday sense of “illegality” within Escondido.

This research draws on the analysis of two data collections. The first data set was collected by myself, the principle investigator, and draws on semi-structured qualitative interviews with Escondido residents and local activists. The questions from this data set focused on understanding the secondary consequences that such local-federal collaborations place on Latino communities. The second data set was collected by American Civil Liberties Union (ACLU) and local organizers in the North County Immigration Task Force (NCITF). This data draws from semi-structured qualitative and quantitative interviews conducted with Escondido residents. The researchers focused on gathering community narratives from recent police encounters that resulted in the apprehension and/or deportation of Latino residents of Escondido. Within the mixed-method questionnaire, the researchers sought to understand the history of the individual interviewee (e.g. if the individual had any previous deportations, any criminal records, etc.) and the situation that led to the apprehension or deportation. With the help of the ACLU, this chapter examines this data for the first time in order to understand the trends/tactics of local police enforcement and their engagement with ICE. By analyzing the two data sets side by side, I argue that the Escondido Police Department utilizes field-hand-offs as its principle tactic of enforcement through Operation Joint Effort, and instills “deportation terror” within the Latino community. This level of “deportation terror” has restructured the boundaries and characteristics to which “illegality” entails in Escondido.

*Literature Review on the Relationship Between the Community, Local Police Forces, and ICE on Immigration Enforcement*

Monumental research has been done to show that community policing is an effective technique of local police departments in building relationships within communities. Community policing stresses the importance of communication and trust between local police and community members in order to create a safe environment where community members feel comfortable contacting the police in any given situation (Greene, 2001; Herbert, 2006; Provine, et. al. 2012). In a comprehensive study on police chiefs' awareness and involvement in immigration federalism, researchers found that the majority of chiefs believed that undocumented immigrants are more vulnerable to theft and robbery than other residents. The chiefs also believed that undocumented immigrants are less likely to report crimes, both when they are witnesses and victims. For this reason, many local governments and municipalities opt into sanctuary or "don't ask, don't tell" policies in order to sustain trust within both immigrant and ethnic communities. More than half of the chiefs believed gaining the trust of undocumented immigrants and the Latino community was a priority (Provine, et al, 2012). On the other end of the spectrum, significant research has been done to suggest that immigration policing at the local level creates mistrust between community members and police (Provine, et al., 2012). The Obama administration acknowledged that the relationship between communities and local police needs to be rebuilt and that state and local police should not be involved in immigration enforcement (Dinan & Wolfgang, 2015).

Although many municipalities have come to recognize the importance of community policing, many state and local police forces have continued to opt into joint



agreements with ICE in order to solve the “problem” of undocumented immigration within their communities. Provine et al. (2012) argues that these relationships between local police forces and ICE in immigration enforcement breaks the trust of the undocumented community, essentially by breaking the “social membership” that these individuals once had within the community. The researchers also suggest that these new joint tactics replace the previous sense of integrated social membership with a new narrow legal definition of belonging, on the basis that those who lack legal status are a threat to the community, rather than an important, organic *component* of the community. “The framework within which communities used to think about security—street crime, lack of respect for community values, avoiding external dangers—has now become intertwined with concerns about legal status and fears of foreign people” (Provine, et. al, 2012). Following Michael Welch, such an understanding or connection of criminality to the foreign born legitimizes the state’s role in enhancing immigration control. Asformentioned, Parra explains that once such connections of “foreign born” and “criminal activity” is made within the media to the general public, the criminalization of immigrants follows (Parra, 2012). This opting into more restrictive enforcement practices constructs immigrants as crime bearers and leads to concerns and hysteria within the general public.

The past decade has also seen a rise in federal programs that integrate local and federal police forces on immigration matters. Secure Communities, is a federal initiative that operates at the local level- where local governments who participate are required to run all detained individuals through a federal database, checking for prior convictions/immigration status. Some states have implemented the program state-wide,

requiring local municipals to participate in the program.<sup>29</sup> When implemented statewide, programs like Secure Communities, leave local police with no discretion once an individual has been booked, even on a minor offense. This often results in the erosion of community trust and adds to the racialization and criminalization of undocumented immigrants by targeting the individuals for their immigration status rather than any actual criminal behavior (that is, beyond the “original sin” of unauthorized entry into the United States). Secure Communities operates in order to create stronger ties between local police and federal agents on undocumented immigration enforcement. Practices like Secure Communities may also break trust within the community, as there are no guidelines to prevent racial profiling, or stop the deportation of a minor offender once booked into the system. The program has been operating in San Diego County since 2009, until it was replaced with Priority Enforcement Policing. And as far as many critics were concerned, over half of the individuals deported in San Diego County under Secure Communities were minor offenders, with no prior criminal convictions (Greisbach, 2011; U.S. Immigration and Customs Enforcement, 2015).

Transparency and miscommunication has been at the forefront of concerns regarding local law enforcements’ engagement in immigration enforcement. In a mixed method approach, using quantitative and qualitative data, Silva Mathema (2012) tracks the intended and unintended consequences of 287 (g) programs on the Hispanic community in Charlotte-Mecklenburg, North Carolina. The 287(g) program, which was formalized by the 1996 Illegal Immigration Reform and Responsibility Act, provides a

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<sup>29</sup> In Arizona for example, SB1070 made is a statewide law that required all local law enforcement to check the immigration status of suspects who are detained (Maestas, 2012).

formal contract between local police departments and ICE. In Mathema's case study of a North Carolina community, the researchers ultimately found that the level of trust in police within the Hispanic community decreased after the implementation of the 287(g) program. The researchers noted that the decrease in trust might have resulted in secondary consequences as well, such as the reluctance to report crime or to call local law enforcement in an emergency. Mathema's research highlights three main contributors to where these unintended consequences may have stemmed from. First, the 287(g) program resulted in the processing of individuals on minor offenses, rather than criminal activity. Similar to Provine et al.'s research on Secure Communities, the deportation of individuals on minor offenses created a sense of mistrust and fear of local police within the Latino community. Second, there was a great deal of misinformation among members of the Hispanic community in regards to the program, its main objectives, and the roles and responsibilities of local law enforcement. Due to this lack of transparency on the behalf of local law enforcement, community members felt uninformed about their rights. And third, the researchers found that there had been an impact on the negative immigration climate in the community regarding mistrust, unwillingness to partake in social services and daily mobility. These secondary consequences of local-federal collaborations on immigration enforcement have created an environment of insecurity and mistrust between the Latino community and local police, which ultimately instill "deportation terror."

In order to further comprehend the working relationship between local and federal law enforcement, I draw on a 2009 review of the federal 287(g) program, which was conducted based on the concerns of local activists and community members where the program is implemented. Under the program's provisions, any local police department

that wishes to enter into a 287(g) must have a written Memorandum of Agreement (MOA), which details the scope of the agreement and any formal process for handling detainees, complaints, etc. The trained officers from the local police are to be trained and supervised by ICE agents, which is also detailed in the MOA. In a 2009 audit of the 287(g) program by the United States Government Accountability Office (GAO), it was determined that there was a substantial need for ICE to implement better control over the authorization of participating state and local agents whom are trained to enforce federal immigration law.

In its review of 29 agencies participating in the 287(g) program, the GAO concluded that there were 4 main issues in the 287(g) program. First, they found that there was a lack of documented program objectives, which created inconsistency in the program's goals and purposes across participating agencies. The GAO found that 4 out of the 29 agencies audited used the 287(g) program to detain and process individuals for minor offenses. Second, ICE failed to describe and provide proper guidelines on how participating agents may use their authority under 287(g). For example, the GAO explains that although the processing of an individual should only take place when the individual has a previous federal or state criminal conviction; yet, this information was absent in the Memorandum Of Agreement (MOA) for 7 out of the 29 reviewed agencies. Thirdly, the GAO found that ICE did not describe the extent of its supervision over participating agents. The GAO suspected that this resulted in a wide variation of the agencies understanding of ICE's supervision of the program, as 23 out of 29 reported different levels of supervision. And lastly, the GAO found that although ICE explicitly states that participating agencies are responsible for tracking and reporting this data, 20

out of 29 MOAs from the participating agencies reviewed were lacking detailed information defining what data should be collected, tracked and reported. By recording and tracking this data, the GAO suggests it would help monitor the success and the necessity of the program.

Many of the concerns, which were brought to attention in the 2009 federal audit, mirror the issues raised by activist and community members of Escondido regarding Operation Joint Effort. The first and second issues addressed by the GAO detail how unclear guidelines may impact the use of unauthorized authority and inconsistent objectives for local agents participating in the operation. Operation Joint Effort lacks any official MOA and therefore this lack of clear guidelines is of large concern to the community. Third, the GAO is concerned about the ambiguity of supervision over the program. And the final concern of the GAO highlights the importance of tracking data, which the majority of these joint operations (including Operation Joint Effort) have been failing to do. This federal audit by the GAO guides this chapter with an understanding of how local police enforce immigration law, and their collaboration and interactions with ICE.

A critical review of community impacts from the 287(g) program provides this research with a foundation for comprehending the relationship between the Latino community, local police forces and ICE as a result of immigration enforcement collaborations, like Operation Joint Effort (OJE) in Escondido. Although the 287(g) program differs from OJE, it is arguably the most comparable program. The major difference between Escondido's unprecedented operation and 287(g) is its written Memorandum of Agreement (MOA), which OJE lacks. In Mathema's research on 287(g),

he concludes that one of the largest contributors to the unintended consequences (the lack of trust and less crime report) was misinformation among the Hispanic community regarding the objectives and ramifications of program. Escondido's Latino community has shared these same concerns about a lack of information and communication with local police and ICE on OJE. With no written MOA or public statements since 2006, it is unclear to the community (and possibly to local officers as shown in GAO report) what guidelines the local police are to follow while working in the field.

### *Deconstructing ICE on Deportation Terror*

In order to understand how Operation Joint Effort functions to instill "deportation terror" and create an ever-present sense of "illegality" within Escondido, we must first dissect the mechanisms in which ICE operates in this same respect. In Buff's analysis on deportation terror, she details the way in which ICE raids and deportations instill terror within communities by racializing and criminalizing immigrants. Following Flores' analysis on the criminalization of immigrants, Buff points out that ICE continuously connects immigrants with criminal activity. These connections are often heavily internalized within the general public, such as the criminalizing of the Mexican border. For example, on the ICE webpage for Enforcement and Removal Operations, the agency states that "ICE has prioritized its limited resources on the identification and removal of criminal aliens and those apprehended at the border while attempting to unlawfully enter the United States" (U.S. Immigration and Customs Enforcement<sup>30</sup>). This connection

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<sup>30</sup> See U.S. Immigration and Customs Enforcement. "Enforcement and Removal

between “criminal aliens” and the “border” are elements that contribute not only to the criminalization, but also the racialization of the borderlands (and importantly for this research, San Diego County). These elements of language based in the media and politics are ultimately what sustain and shape Mexican/migrant “illegality” throughout time and space. As De Genova has argued in regards to the 1986 legislation, the language used throughout ICE mission statements link criminality to the border region—and thus by logical extension to Mexicans and other Latino groups. After years of this kind of negative association, this type of connection legitimizes the agencies’ authority and the continuous militarization and policing of the borderlands, including the enhancement of resources for local-federal collaborations.

Buff also argues that ICE uses deportation as a technology of the state. Similar to Flores’ analysis of the mass media portrayal of criminal Mexican migrants used to persuade self-deportation of both Mexican nationals and large numbers of their U.S.-born children in the 1930s, Buff suggests that ICE raids are the new model of self-deportation tactics by instilling “deportation terror” within immigrant communities. Work raids are often conducted on employers known to utilize undocumented labor. “The deportation terror combines with a spate of local initiatives designed to limit the already truncated rights of the undocumented” (Buff, p.530). By enforcing and conducting such raids at the local level, ICE consequentially racializes and criminalizes immigrant communities by targeting work zones known to employ Latino immigrants. This places a stain on the

employer and employee relationship, targeting undocumented workers and making it difficult for employers to hire.

A more recently debated topic is the degree to which ICE has been operating directly within local law enforcement agencies. As previously noted, the Illegal Immigration Reform and Responsibility Act of 1996 passed and within it was a new clause, the 287(g) section, which allowed local police departments and ICE to enter into formal contracts on tackling undocumented immigration within local communities. The first contract began in 2006, and since then ICE has entered into agreements with 32 law enforcement agencies within 16 states, training more than 1,675 state and local officers to enforce immigration law (U.S Immigration and Customs Enforcement<sup>31</sup>). Each state or local department must have a specific MOA that details the focus of their local operation. Raquel Aldana outlines eight essential categories of immigration enforcement that are implemented through these 287(g) MOA's:

1. The power and authority to interrogate any person believed to be an alien as to his right to be or remain in the United States (INA § 287(a)(1) and 8 C.F.R. § 287.5(a)(1)) and to process for immigration violations those individuals who are convicted of state and federal felony offenses;
2. The power to arrest without warrant any alien entering or attempting to unlawfully enter the United States, or any alien in the United States, if the officer has reason to believe that the alien to be arrested is in the United States in violation of the law and is likely to escape before warrant can be obtained. INA § 287(a)(2) and 8 C.F.R. 287.5(c)(1);
3. The power and authority to arrest without warrant for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if there are reasons to believe that the person so arrested has committed such felony and if there is likelihood of the person escaping before a warrant can be obtained. INA § 287(a)(4) and 8 C.F.R. § 287.5(c)(2). 2). Notification of such arrest must be

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<sup>31</sup> See U.S. Immigration and Customs Enforcement. "Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act." Retrieved from <https://www.ice.gov/factsheets/287g#>



- made to ICE within twenty-four (24) hours;
4. The power and authority to serve warrants of arrest for immigration violations pursuant to 8 C.F.R. § 287.5(e)(3);
  5. The power and authority to administer oath and to take and consider evidence (INA §287(b) and 8 C.F.R. § 287(a)(2)), to complete required criminal alien processing, including fingerprinting, photographing, and interviewing of aliens, as well as the preparation of affidavits and the taking of sworn statements for ICE supervisory review;
  6. The power and authority to prepare charging documents (INA Section 239, 8 C.F.R. § 239.1; INA Section 238; 8 C.F.R. § 238.1; INA Section 241(a)(5), 8 C.F.R. § 241. INA Section 235 (b)(1), 8 C.F.R. § 235.3), including the preparation of a Notice to Appear (NTA), application or other charging document, as appropriate, for the signature of an ICE officer for aliens in categories established by ICE supervisors;
  7. The power and authority to issue immigration detainers (8 C.F.R. § 287.7) and I-213 Record of Deportable/Inadmissible Alien, for processing aliens in categories established by ICE supervisors; and
  8. The power and authority to detain and transport (8 C.F.R. § 287.5(c)(6)) arrested aliens to ICE-approved detention facilities.<sup>32</sup>

Essentially, these trained state and local law enforcement agents have the ability to enforce federal immigration laws within state and local boundaries. But as Mathema's work showed in the Charlotte-Mecklenburg, North Carolina metropolitan area, these programs often result in adverse secondary consequences for members of the Latino community (Mathema, 2012).

By deconstructing the mechanisms in which ICE operates at the federal and local level, this research gained the understanding that ICE contributes to the presence of "illegality" through the criminalization of the undocumented community and by the racialization of spaces, through the constant policing of Mexican/Latino immigrants in communities around the country, and of course, is especially heavy-handed in the U.S.

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<sup>32</sup> Aldana, R. (n.d). "Making Civil Liberties Matter in Local Immigration Enforcement" in *The Role of Local Police: Striking a Balance Between Immigration Enforcement & Civil Liberties*. Retrieved from <http://www.policefoundation.org/projects/local-police-immigration-enforcement/>

Mexico borderlands, San Diego included. This following section draws upon this understanding of ICE to inform my analysis on Operation Joint Effort in Escondido.

*Policies versus Practices:*

In order to gather a critical understanding of the impacts of Operation Joint Effort, there must be a comprehensive discussion of its policies, practices, and its two agents, the Escondido Police Department and Immigration and Customs Enforcement (ICE). The next sections attempt to outline these policies, practices, and outcomes in order to analyze how Operation Joint Effort reshapes the boundaries of “illegality” for the Latino community.

*The Ambiguous Knowing: How Operation Joint Effort’s Lack of Transparency Creates Insecurity*

In March of 2010 the Escondido Police Department (EPD) implemented Operation Joint Effort (OJE), an unprecedented agreement with Immigration and Customs Enforcement (ICE). The operation initially placed two ICE agents in the local police department to partner together on getting “criminal undocumented aliens” out of the community (Buiza and Yusufi, 2012). The latest follow-up with the ACLU, the chief of police revealed that there were 12 ICE agents working within in the Escondido Police Department with multiple cubicles and a separate office dedicated to the agents inside the police department.<sup>33</sup> Similar to the language used in ICE mission statements, one news report on OJE states that its goals are to target “criminal undocumented aliens.” Through

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<sup>33</sup> Interview 10/20/16

the media, OJE utilizes yet another instrument, reinforcing popular linkages between the link between immigrants and criminality, within an already powerful racialized setting.

The Operation was to be “tested” for a year and then re-evaluated, but since the operation has no written MOA, it makes it distinct from any other 287(g) agreements. The main concern is transparency. With the absence of any formal MOA, activists and community members remained largely in the dark with regard to their understanding of the guidelines and details of the operation. Mathema’s work on 287(g) programs shows that even with written guidelines (the MOA), the Latino community showed a higher sense mistrust and less tendency to call the police when local police began its coordination with ICE. And Provine’s et. al. work confirms this as police chiefs from across the nation agree that Latinos are more probable to be victims of crime and less likely to report crime. The chiefs also agreed that trust within the Latino community was a priority for successful community policing. The lack of transparency and communication between the community and local police in Operation Joint Effort has criminalized the undocumented (and subsequently Latino) community.

When the operation commenced, ICE agents were placed in patrol vehicles alongside Escondido police personnel and on call during DUI checkpoints. During these checkpoints, anyone whom could not provide a driver’s license, or other government issued identification, were subjected to a criminal background check. As detailed above, these DUI checkpoints often resulted in the passing of information along to ICE agents.<sup>34</sup> “The terror caused by raids and deportations in foreign-born communities in the present

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<sup>34</sup> See section on *A Brief History of Escondido*

day constitutes not-so-gentle persuasion to those lucky enough to escape the sweep, this time” (Buff, p.531). Again, this is to say nothing of the adverse effect such sweeps have on Latinos who are either U.S. citizens or are bona fide legal residents living within the boundaries of these racialized spaces. The DUI checkpoints resemble ICE raids not only in that they instill fear as a new tactic to encourage self-deportation, but they also successfully refine limits of “illegality” in Escondido. With the involvement of ICE agents in these checkpoints, the sense of everyday “illegality” has been expanded to even such prosaic activities: such as driving (even with an AB-60 license) or even to being a vehicle passenger in the city of Escondido. Although drivers may not be targeted based on their AB-60 license and passengers may refuse to identify themselves in DUI checkpoints where the officer has no reasonable suspicion to believe the passenger has committed criminal activity, the experience of the checkpoints is traumatizing in its own, as residents are aware of the ongoing relationship between local police and ICE (*Hiibel v. Nevada*, 2004). Again, here the relationship between local police and ICE is defined not by targeting “criminal aliens,” but rather the mere suspicion of the presence of undocumented bodies. Although statements from Robin Baker, the field director for the San Diego regional office of ICE, have since been released to suggest that ICE agents no longer work directly alongside the local police, with no written MOA and lack of communication, community members are subjected to this “ambiguous knowing” regarding their rights (The San Diego Union-Tribune Editorial Board, 2010).

In order to conceptualize this “ambiguous knowing,” I follow in the footsteps of De Genova to analyze the ways in which Mexican/migrant “illegality” is generated and sustained through enforcement practices like Operation Joint Effort (OJE). “The policing

of public spaces outside of the workplace, likewise, serves to discipline Mexican/migrant workers by surveilling their “illegality,” and exacerbating their sense of ever-present vulnerability” (De Genova, 2004, p.178). OJE exercises various tactics that enhance the surveillance of “illegality” within Escondido, beyond the scope of public policing. Through the operation’s lack of transparency and consistent reporting of interaction with ICE agents in the field, I argue that Operation Joint Effort sustains Mexican/migrant “illegality” and instills deportation terror among the undocumented (and Latino) community. Without any written MOA, the undocumented members of Escondido remain in the dark about their rights and their “illegality” continues to be subjugated to the policing of public spaces and every-day activities. The ambiguity of the operation is possibly the most terrifying.

This lack of transparency between local police and the community has created this atmosphere of ambiguity and “deportation terror” in Escondido. “Juan Gabriel” was subjected to this ambiguity and intimidation by local officers and ICE when his brother was detained during a routine traffic stop. After receiving a call from his brother that he had been detained, Juan went to the Escondido Police Department to find out what happened. On arrival, police questioned Juan about who he was and the relationship to the individual. The police asked Juan if he wished to speak to the arresting officer, to which he replied yes. When the officer arrived, they asked to see his identification and notified him that they detained his brother because ICE agents were present and he could not provide proper documentation. The officers passed Juan’s identification card (consular card) around, intimidating Juan to not ask any further questions. Juan was accompanied by his daughter, a minor and U.S. citizen and feared anything should

happen to him in front of her. Juan left the police department after waiting in the bathroom until agents from the parking lot were gone. This example provides a fairly clear example that the fear that Juan felt was partially because the “deportation terror” instilled in the community of Escondido, but also the ambiguity of his rights in the situation, as he was standing in front of an ICE agent.

Other Escondido community members have expressed their sense of insecurity due to the lack of knowledge and transparency by the Escondido Police Department. In a local advocate meeting, community members agreed that the need for transparency and a written MOA between local police and ICE is at the top-most concern of Escondido residents. Many members expressed concern that their children would not call the police in an emergency due to fear that it could result in the deportation of a family member.<sup>35</sup> Community members also felt unsure if they would contact the police if they witnessed a crime against another Latino resident, in fear that the victim of the crime may be undocumented.<sup>36</sup> Both Mathema and Provine’s research supports this, as they found Latino communities less likely to report crimes, both as witnesses and victims. Community members have opted out of partaking in community actions due to the ambiguity of the operation, which has left them in the shadows of their own rights.

*Ambiguity and Data: How Community Narratives Define Operation Joint Effort*

Transparency may be the key to communication and trust building between community members and local police agents. In 2012 the former Chief of Police in Escondido, Jim Maher, stated that there was no written policy between ICE and

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<sup>35</sup> Fieldnotes 05/11/16

<sup>36</sup> Fieldnotes 05/11/16

Escondido, but that he was working on it (Sifuentes, 2012). Four years later, the current Chief of Police, Craig Carter, has also suggested that a written agreement is in the works. With substantially slim statements and reports on the details of Operation Joint Effort, it is unclear as to how officers detect undocumented immigrants, what the protocol is in detaining undocumented immigrants, and how this information is documented and handled within the Escondido Police Department. Although Operation Joint Effort differs from the 287(g) program, it also has many similarities in that it trains local officers to enforce federal immigration laws. The GAO's 2009 audit of the 287(g) program raises many of the same concerns that activists have raised around Operation Joint Effort. If the joint operation operates with no written agreement, how do local officers identify, detain and track data on the "success" or "necessity" of OJE? In a 2012 interview by the San Diego Tribune, Chief Maher gave a list of guidelines for determining if an individual is unlawfully in the country...

- The individual admits to being in the country illegally;
- An individual is recognized by the officer as an illegal immigrant from previous encounters;
- The officer discovers in a computer check that the person has an immigration record;
- The person has no government-issued ID card or record of it in any government database<sup>37</sup>

The chief also stated in this interview that only those who have been stopped or detained may be questioned, and not individuals whom call to report crime. Yet, out of the 6 interviews conducted by the ACLU and NCITF, one individual, out of the 6 interviewed,

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<sup>37</sup> Sifuentes, E. (2012, May 18). "Escondido: Police-ICE Partnership Will Have Written Guidelines, Chief Says." *The San Diego Union Tribune*. Retrieved from <http://www.sandiegouniontribune.com/sdut-escondido-police-ice-partnership-will-have-2012may18-story.html> on November 2, 2016.

was detained and turned over to ICE after calling the police to retrieve items from the house of his former wife.<sup>38</sup> The Escondido PD has no to-date documentations on individuals who have been detained and released to ICE. Since Chief Carter has been in office in 2013, there has been no data released or statements about the Operation and no forum provided to address the concerns of the community.

Without a clear written agreement stating the relationship or guidelines of the operation, the undocumented community of Escondido is subjected to deportation terror through the stories and narratives of fellow community members. As Buff argues, ICE works as a technology of the state, conducting raids to install terror while racializing and criminalizing immigrants. Operation Joint Effort can be seen as another technology of the state, one without clear boundaries, but rather defined by the testimonies of the immigrant community whom write its manuscript by their experiences and encounters with local police.

Given the data collected by the ACLU and NCITF, it can be suggested that Operation Joint Effort not only target criminal activity, but rather the constructed characteristics of “illegality” itself. Although Chief Carters early statements (dating back to 2012) suggest that the goals of the operation were to identify and detain “criminal aliens” in the community, 50% of the our data set had no previous criminal convictions; the other 50% included a DUI conviction (which the individual served 3 months in jail), a misdemeanor for false identification, and possession of marijuana for personal use.<sup>39</sup> This data may begin to explain why the undocumented community feels subjected to

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<sup>38</sup> Interview 05/29/2016

<sup>39</sup> ACLU data set



“deportation terror,” as individuals are being targeted based on their presence rather than unlawful actions. By policing bodies, rather than criminal activity, the ever-present sense of “illegality” is lived through daily activities for the undocumented. 83% of our interviewee’s were performing daily activities, like driving<sup>40</sup> or walking home when they were stopped. How can a community hold police accountable for their actions within an obscure operation?

Operation Joint Effort has heightened the every-day sense of “illegality” for many Escondido residents. A neighboring community member explained that she would not go to the grocery in Escondido in fear that she might be questioned by the police regarding her status. This is one of the realities of “illegality” within the boundaries of Escondido.<sup>41</sup> “Illegality” is no longer defined by unlawful actions, but rather by the daily presence of being. In a intensive study conducted in four small cities (including Escondido), researches analyzed more than 45 hours of audio and videotapes of city council and supervisor meetings, examining the rhetoric employed in the debate on immigration within city council meetings. The researchers found that the ideological concept of “law and order” was dominant in both citizen and official testimonies, but the focus was on “illegality” itself, rather than the impacts of undocumented immigrants presence in the community (Esbenshade, et al, 2010). As argued throughout this thesis, once the general public has made this connection between “illegal” and “foreign born,” and their concerns are wrapped around the abstract construction of “illegality,” rather than criminal activity, new definitions for community membership are internalized.

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<sup>40</sup> The state of California allows undocumented immigrants to obtain AB-60 licenses, marked licenses that must be accepted by law enforcement within state boundaries.

<sup>41</sup> Fieldnotes 05/11/16

As Provine et al. (2012) found, local-federal coordination on immigration enforcement at the local level replaces the once social membership (where the undocumented were once considered members as long as they adhere to preventing crime, increased security, etc.) with a new sense of belonging, which is defined by legal status. This new membership views the foreign born as crime bearers, and gives justification to further enforcement methods. These enforcement methods are what shape and redefine the boundaries of “illegality,” not only for the general public, but also for the lives of the undocumented who lives in this new reality of their “illegality.” Therefore, Operation Joint Effort works to sustain and redefine “illegality” by tactics of criminalization of the Latino community, by installing “deportation terror” and by racializing the boundaries of Escondido by policing bodies of color.

### *The Practice of Field “Hand Off’s”*

Victor Martinez called the Escondido Police Department to assist him in retrieving some important documents he forgot in his ex-wife’s home. When the police arrived, they began asking him questions about his nationality, where in Mexico he was from, and how long he had been in the United States. When Victor replied that he did not feel comfortable answering all of the questions, the officer told Victor that he only curious because he was planning a trip to Mexico. By the time Victor entered the home, retrieved the documents and exited, there was an ICE agent outside speaking with an Escondido police officer. Victor overheard the two agents discussing who would be responsible for transporting him. Victor was turned over to ICE at the scene.

Stories like Victor's are not uncommon in Escondido. Four out of the six participants in this study described their arrest beginning as an encounter with local police and resulting in the appearance of ICE at the arresting site. Another individual (not included in the count of 4) shared that the police escorted him from Escondido to the San Diego border with no formal deportation proceedings, fingerprints, or voluntary release forms. As suggested in the section above, the undocumented community understand Operation Joint Effort by the experiences and narratives of their fellow community members, like Victor, since there is no written MOA to explain the joint relationship.

As argued above, this ambiguity results in "deportation terror" by placing ICE officers in the field and subjecting Escondido community members to surveillance under federal immigration enforcement. The data discussed above describes how this surveillance does not target criminal activity, but rather daily activities. Furthermore, the presence of ICE heightens this terror, as ICE's mission is immigration enforcement, not community policing. Community members of Escondido have expressed concerns that local police have forgotten their first mission, to protect all community members. These concerns are expressed by awareness of how local police and ICE work together, through field-hand-off's. Community members believe that individuals in the Escondido Police Department's top priority may be to locate undocumented individuals, rather than the protection of all community members.

### *Secondary Consequences:*

The final section of this chapter is concerned with understanding the primary and secondary consequences that have resulted from such an operation. By building on the

information laid out in the first half of this chapter, I analyze how the ambiguous policies versus the punitive practices of “field-hand-off’s” and deportations result in community mistrust, victimization, and “deportation terror.” This section builds on my argument that the Escondido Police Department utilizes field-hand-offs as its principle tactic of enforcement through Operation Joint Effort and instills “deportation terror” within the Latino community. The concluding chapter discusses how “deportation terror” has restructured the boundaries and characteristics to which “illegality” entails in Escondido.

### *Community Mistrust*

A substantial amount of research has shown that immigration policing at the local level creates an environment of mistrust between Latino communities and local law enforcement. Mathema’s (2012) research found that upon the implementation of the 287(g) program in a local North Carolina community, the Hispanic residents reported a decrease in trust within their local law enforcement. Mathema found that the mistrust often stemmed from individuals being processed on minor crimes and misinformation between law enforcement and the community.

As discussed in the first half of this chapter, Operation Joint Effort has been known for its ambiguous operation and stories of processing individuals on minor offenses, rather than criminal activity. This ambiguity has led to a decrease in trust in local law enforcement, as many members of the undocumented community are in the shadows about their rights. When asked about their opinions of immigration policing within Escondido, the most common responses were that one, the presence of ICE results in insecurity and fear within the community and two, the collaboration raises fear that

children may be separated from their families. In a local advocacy meeting, community members discussed what values come to mind when thinking about ICE out of Escondido,<sup>42</sup> a campaign launched by local activist and community members. Some of the values expressed were trust, family, respect, transparency, security, etc. Members emphasized the fear that has been invoked within the community since the start of the collaboration.

Mistrust is often lived through a constant sense of alert or awareness of ones' surroundings. During the interview with Juan and his wife, I learned that they are the parents of three U.S. citizen children, but have raised their kids as undocumented, living in the everyday precautions in which being an undocumented parent entails. When beginning to discuss the insecurity and fear within the community, Juan stated that since his kids are growing older, he no longer fears the police like before. He said that he made a decision to not live his with the everyday fear of what would happen if he were to be detained. As he made this comment, his wife chuckled, teasing him, and said that he still turns at right at the next light if there is a cop behind him, or gets unconformable in situations where police are near. As we were having this conversation, cop lights were flashing in the background and he and his wife casually laughed, pointing out that the cops were "just right over there."<sup>43</sup> Although many residents have taken this more independent perspective towards life, and have made the decision to not allow their immigration status define them, there is still this constant sense of awareness and insecurity in the presence of Escondido police.

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<sup>42</sup> ICE out of Escondido is a local campaign that seeks to follow the footsteps of the larger movement, ICE out of California. See *Afterward*

<sup>43</sup> Interview 05/17/16

Mathema suggests that this level of mistrust created between the Hispanic community and local law enforcement may also result in other secondary consequences, such as the reluctance to report crime or call local law enforcement in an emergency. These secondary consequences are what often shape the new boundaries of “illegality” for the Latino community in Escondido.

### *Victimized by the Community and its Members*

The lack of transparency between the Escondido police and the community makes “knowing your rights” inherently out of the question. Mounting research proposes that local immigration enforcement creates mistrust and a fear of reporting crimes within immigrant communities. As already detailed, both Mathema (2012) and Provine et al. (2012) explain how Latino communities are already vulnerable, as both witnesses and victims, and that programs like 287(g) contribute to a decrease in crime reporting, as community members feel less secure in their relationship to the local police department. Advocacy groups have told the stories about the domestic violence calls or the 911-phone emergency calls that have ultimately resulted in a deportation. Immigrant communities are less likely to turn to the police for help when they fear they may become the victim themselves.

Not only does Operation Joint Effort create a sense of insecurity in the Latino community, it renders the undocumented community exploitable as targets of crime. De Genova argued that by enacting employer sanctions, it would ultimately give employers’ jurisdiction in determining immigration status. This power placed in the hands of

employers would render the already vulnerable labor- undocumented workers- more exploitable in areas like worker protection, equal pay, overtime, occupational health and safety, the filing of grievances, etc. As detailed earlier, I argued that this same concept would apply with rental bans. Giving landlords' the upper hand in exploiting undocumented renters. In many ways, Operation Joint Efforts' success in instilling "deportation terror" throughout the community of Escondido has essentially given community members this same "upper-hand" over an already vulnerable group.

Patricia, a resident of Escondido, explains this point by noting that she was not only a victim of the police, but also by her fellow community members. When Patricia's son went off to college, she and her husband began renting out the extra room in their the home to help with their income. The tenant was very respectable and quickly became close to the family, as she lived with them for about two years. When they got news that their son was planning to return home from college, they let the tenant know that they were going to need the room back and that she would need to find another place to stay. The tenant became angry, destroying small things in the house and when she left she took some of the household items with her, including a cable box. When they called the cable company to explain the situation, the company told the family it would be 300 dollars to replace the box. The company advised them to get a police report in order to wave the replacement fee. Unfortunately, fearing what might happen if they contacted the police, they had to make terms with the situation and work extra to pay for the replacement fee.<sup>44</sup> Community members placed in situations like these become the victim of crime with no protection, as it is unclear what priorities the local police have.

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<sup>44</sup> Interview 05/17/16

Transparency is essential in building community-police relations, but without transparency, holding officers accountable for their actions is close to impossible. Without a written MOA, it is unclear what role ICE plays in the community of Escondido, leaving the undocumented community unwilling to trust and report crimes. Similar the mother who expressed concerns that her child would not call the police in an emergency, families are subjected to this reality of insecurity in Escondido<sup>45</sup>.

### *The New Boundaries of “Illegality” in Escondido*

“Illegality” has been created, sustained, and redefined throughout the history of the United States. New boundaries of “illegality” are shaped through various measures and tactics, like the militarization of the borderlands, new legislation that focuses on the criminality of unauthorized border crossing, and the more recent phenomenon of immigration enforcement at the local level (DeGenova, 2004). This thesis examines Operation Joint Effort to understand how local law enforcement agencies are redefining the boundaries of “illegality” within their city limits.

The new boundaries of “illegality” are defined through Operation Joint Effort, its policies, its practices, and its consequences. Through the ambiguity of the agreement, community members have written the script of the operation by through their shared narratives and lived experiences. Through its punitive practices, Operation Joint Effort has created an environment of mistrust and instilled “deportation terror” by engaging with federal agents in the field. These policies and practices have resulted in what I call the new boundaries of “illegality” within the city limits of Escondido. This “illegality” is

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<sup>45</sup> Fieldnotes 05/11/16



lived through the daily presence of being, or the heightened reality of ones' undocumented status in an everyday setting.

With the amount of research suggesting community policing builds a trusting relationship between local law enforcement and members of the community, the city of Escondido should rethink its unprecedented operation with ICE. The lack of transparency and miscommunication has been shown to result in secondary consequences, such as reduced crime reporting within the Latino community. Escondido's local activists have made transparency a top-priority, in order to reinstall trust in local police. The ambiguity of police tactics in Escondido's Operation Joint Effort has installed "deportation terror" and criminalized the Latino community. These enforcement practices have racialized the spaces within Escondido and contributed to the re-characterization of what defines "illegality" within city limits. "Illegality" in Escondido is not defined by criminal activity, but rather the presence of being. The undocumented community is subjected to their "illegality" in everyday spaces like the grocery store, walking or driving their children to school, and has even been challenged to their homes and parking their cars on the street. Operation Joint Effort continues to rewrite the script of "illegality" by practicing immigration enforcement tactics that target Mexican/Latino immigrants and reshape the social membership of Escondido.

## Conclusion

### *Afterward: Looking to the future of Escondido*

While in the process of writing this thesis, on September 28th, 2016 the California Truth Act passed, setting new guidelines between ICE, local law enforcement, and the community. As a predecessor to the Trust Act<sup>46</sup>, which passed in 2014, the Truth Act seeks to fill the gaps left by lawmakers from the 2014 Act by creating transparency and reestablishing a relationship between the community and local law enforcement. The Truth Act has 3 main components; first to provide a clear “know your rights” policy to every individual. This requires every “local law enforcement agency, prior to an interview between ICE and an individual in custody, to provide a written consent form that would explain the purpose of the interview, that it is voluntary, and that the individual may decline the interview. The bill requires the form to be translated in multiple languages.” Second, the act ensures a fair notice to every individual. “The TRUTH Act requires that if a local law enforcement agency provides ICE with notification of an individual’s release date and time, then the local law enforcement agency must also provide the same notification to the individual and their attorney or permitted designee.” And thirdly, the act seeks to increase transparency around local law enforcement’s engagement with ICE. “The Truth Act requires a local legislative body to hold a community forum annually if local law enforcement allows ICE access to any

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<sup>46</sup> The California Trust Act to effect in January of 2014. Under the Trust Act, all counties in California must abide to the law, which seeks to limit the unnecessary and cruel holdings of immigrants suspected of being in the country “illegally.” The San Diego policy uses a serious of checks to determine if the hold is acceptable (<http://www.catrustact.org>; San Diego Policy PDF).

individual. Additionally, this bill ensures that records related to ICE access are subject to the public records act” (California Truth Act). With the truth act to roll into effect in January of 2018, the relationship between local law enforcement engaging with ICE and the community may be taking a step in the right direction. Advocacy groups like the ACLU have already been in contact with Escondido Chief of Police Craig Carter and have spoken about how this community forum may take shape. The Chief of Police has expressed that he is willing to hold a forum before the rolling out date of January 2018, with the help of local advocates.

On top of the implementation of the Truth Act, Escondido officers have also acknowledged the willingness to coordinate with the immigrant community. In the late weeks of October 2016, an advocate and resident of Escondido spoke to an unnamed Escondido officer during a mobile consulate meeting who shared that he was willing to sit down and show her the current local policy on detaining suspected undocumented immigrants. The officer also said the police force is interested in holding a community forum and rebuilding the trust of the community. With the Truth Act to take effect in 2018, and the openness of local police to take steps towards creating transparency and building community trust, perhaps the discussion on Escondido may be heading towards a more “immigrant-friendly” narrative.

All of these progressive moves forward may be halted by the results of the 2016 presidential election. The year long campaign of President Trump contributed to the further criminalizing of Latino/Mexican migrants by the promise of stronger border militarization and heightened policing of Latino communities. The language that Trump provokes in his rallies and campaign speeches, linking “illegal,” “criminal” and “alien” to

Mexican migrants and the southern border, in particular, it likely that we will see a validated rise in the militarization and incarceration of undocumented migrants, from those on the right. These promises of a wall and enforcing harsher punishments on undocumented immigrants will further contribute to “deportation terror,” felt by immigrant communities. And like Flores’ argument that the mass media’s portrayal of criminal Mexican migrants in the 1930s was a persuasive tactic of self-deportation, and as Buff argues that ICE raids have taken over to become this new tactic of self-deportation, we should be alert to Trumps’ intimidation tactics as they may be the new face of a “self-deportation” model. We can expect to see a further push towards local-federal collaboration in immigration enforcement, as this is one the enforcement efforts supported by the now president. It is my hopes that local governments will opt out of such punitive tactics given the detrimental consequences they produce within the Latino community.

### *Synthesis*

This project’s main concern was that of local-federal police collaborations on immigration enforcement and the maintenance and restructuring of “illegality” within a local setting. This thesis begins by building a framework for thinking about “illegality” through scholars like Nicolas De Genova, Rachael Ida Buff, Daniel Kanstrrom, Joseph Nevins and more. *Part one* of this thesis combs through immigration legislation, with an emphasis on 1965 and onward. By providing comprehensive overview of federal and state legislation on immigration, this thesis is grounded on the foundations of the under-

workings of “illegality.” After a brief discussion of local involvement in immigration enforcement, this thesis focuses on its study site, Escondido, California. This project’s main concern is of local and federal police collaboration on immigration enforcement.

This thesis examined Escondido’s Operation Joint Effort, a partnership agreement between Escondido’s local law enforcement and Immigration and Customs Enforcement (ICE). The analysis focused on Operation Joint Effort’s policies, mechanisms of enforcement, and the consequential impacts it has placed on the Latino community. These tactics of enforcements have racialized the spaces within the boundaries of Escondido and contributed to the re-characterization of what “illegality” entails. I argue that through immigration enforcement tactics like Operation Joint Effort, the Escondido Police Department instills “deportation terror” and restructures the boundaries and definitions of Mexican/Latino “illegality” within the city limits of Escondido. These boundaries of “illegality” subject the undocumented community to everyday surveillance by the presence of federal immigration officers, ICE, within the community. As such, Operation Joint Effort continues to rewrite the script of “illegality” for the Latino community of Escondido.

Stepping into 2017, with now president Donald Trump in the Oval Office, is my hope that through this research, which builds on prior analyses of local-federal collaborations, local governments will rethink their stance on immigration enforcement and opt into practices like community policing. In the case of Escondido, I urge the Chief Carter and the Escondido Police Department to make action on the promises of a community forum and open discussion of its operation, to listen to the community’s

concerns regarding the operation, and to be transparent in its further actions with Immigration and Customs Enforcement.

## APPENDIX

		FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015YTD	Cumulative
Submissions	Total	828,119	3,376,754	6,920,061	9,661,320	11,164,734	11,086,825	4,100,348	47,138,161
	LESC L1	12,785	40,216	70,971	128,912	190,951	168,191	66,180	678,206
Alien IDENT Matches*	LESC L2/3	82,879	207,950	277,999	307,465	339,068	383,478	143,057	1,741,896
	Total	95,664	248,166	348,970	436,377	530,019	551,669	209,237	2,420,102
Removals and Returns**	Convicted Criminals L1	3,412	14,361	21,108	25,146	28,683	31,191	11,825	135,726
	Convicted Criminals L2	1,594	6,395	15,591	17,189	18,067	18,577	6,213	83,626
	Convicted Criminals L3	5,698	15,670	23,123	24,399	22,561	18,305	5,167	114,923
	ICE Fugitives <sup>1,2</sup>	294	1,510	2,371	2,062	1,586	1,139	257	9,219
	Prior Removals and Returns <sup>1,3</sup>	2,416	8,971	13,570	11,405	6,345	4,066	1,041	47,814
	EWs, Visa Violators and Overstays <sup>1</sup>	950	2,604	4,137	3,614	1,830	1,466	532	15,133
	Total	14,364	49,511	79,900	83,815	79,072	74,744	25,035	406,441
Jurisdictions Deployed		88	570	937	1,480	106	0	0	3,181

\* Aliens who are charged with or convicted of a Level 1 or Level2/3 offense as determined by the LESG during the referral include duplicate matches for aliens

\*\* Aliens are classified by level based on conviction information available to ICE. L1-3 are level 1-3 convicted criminal aliens. Removals include Returns. Returns include Voluntary Returns, Voluntary Departures and Withdrawals under Docket Control. Expedited removals without a period of detention are not included because these data are included in Customs and Border Protection removals.

<sup>1</sup> A case cannot be a Fugitive and a Prior Removal in this dataset based on the current methodology being used. The ICE Priority levels prioritize cases based on ICE Fugitive status first, and then the remaining cases based on Prior Removals and then Entered Without Inspection, Visa Violators and Overstays.

<sup>2</sup> ICE Fugitives are aliens who have failed to leave the United States following the issuance of a final order of removal, deportation, or exclusion.

<sup>3</sup> Prior Removals and Returns are defined as those aliens who have had a previous removal case or confirmed return entered in DHS systems.

FY2009-2014 data are historical and remain static.

FY2015 SC Removals data is filtered through 02/28/2015 (IIDS v.1.16 run date 03/06/2015; EID as of 03/04/2015)

FY2015 YTD Interop Submissions & Interop Hits data are through 02/28/2015.

NCIV Priorities were processed in IIDS v.1.16 on 03/09/2015 with data filtered through 02/28/2015.

Figure 1.1: *U.S. Immigration and Customs Enforcement. (2015, February 28). "ICE's use of IDENT/IAFIS Interoperability: Monthly Statistics through February 28, 2015." Pdf*

Interoperability Statistics: U.S. Counties (From October 27, 2008 through February 28, 2015)														
State	County	AOR	Activation Date	Alien IDENT Matches*			Removals and Returns**							
				Submissions	LESC L1	LESC L2/3	Total	Convicted Criminals L1	Convicted Criminals L2	Convicted Criminals L3	ICE Fugitives 1,2	Prior Removals and Returns:1,3	EWIS, Visa Violators and Overstays:1	Total
CA	Butte	SFR	07/27/10	59,110	429	843	1,272	50	23	30	1	7	2	113
CA	Calaveras	SFR	02/01/11	6,490	42	112	154	13	7	12	0	7	0	39
CA	Colusa	SFR	01/25/11	4,415	132	362	494	14	17	36	0	19	1	87
CA	Contra Costa	SFR	04/06/10	208,010	5,444	13,820	19,264	808	449	703	150	518	357	2,985
CA	Del Norte	SFR	02/22/11	3,268	12	35	47	2	0	0	1	0	2	5
CA	El Dorado	SFR	07/27/10	28,090	182	636	818	37	42	56	1	25	2	163
CA	Fresno	SFR	03/23/10	221,850	5,786	8,873	14,659	860	383	528	18	639	81	2,509
CA	Glenn	SFR	02/01/11	3,974	127	211	338	25	11	20	0	6	0	62
CA	Humboldt	SFR	08/10/10	32,330	176	376	552	32	21	22	0	35	3	113
CA	Imperial	SND	09/09/09	50,833	5,151	6,491	11,642	3,150	1,244	949	3	342	62	5,750
CA	Inyo	SFR	02/01/11	3,831	52	91	143	11	5	7	0	4	0	27
CA	Kern	SFR	09/14/10	316,860	10,271	11,252	21,523	1,548	848	1,270	8	459	71	4,204
CA	Kings	SFR	09/14/10	36,190	611	1,696	2,307	121	73	64	1	75	9	343
CA	Lake	SFR	08/10/10	17,551	195	417	612	47	19	38	2	24	4	134
CA	Lassen	SFR	02/22/11	9,442	539	190	729	99	14	5	0	2	0	120
CA	Los Angeles	LOS	08/27/09	1,916,607	52,807	139,658	192,465	14,565	6,662	7,584	826	4,502	1,611	35,750
CA	Madera	SFR	09/14/10	40,259	844	1,994	2,838	168	157	229	1	127	17	699
CA	Marin	SFR	08/10/10	50,531	1,415	2,947	4,362	140	103	150	12	65	12	482
CA	Mariposa	SFR	12/14/10	2,501	26	80	106	5	3	4	0	0	0	12
CA	Mendocino	SFR	08/10/10	24,771	359	866	1,225	61	44	61	2	65	8	241
CA	Merced	SFR	08/10/10	38,488	1,231	2,450	3,681	249	141	287	3	299	42	1,021
CA	Midad	SFR	02/01/11	2,777	16	56	72	4	4	2	0	2	1	13
CA	Mono	SFR	12/14/10	2,031	35	164	199	12	8	13	0	4	2	39
CA	Monterey	SFR	04/06/10	88,258	2,156	8,503	10,659	509	386	770	10	648	61	2,384
CA	Napa	SFR	08/10/10	26,357	967	2,042	2,609	82	82	154	4	131	7	460
CA	Nevada	SFR	01/25/11	19,023	103	356	459	25	26	26	0	13	2	92
CA	Orange	LOS	03/16/10	508,546	22,787	46,299	69,086	5,543	3,177	2,338	176	886	568	12,688
CA	Placer	SFR	07/27/10	52,369	495	1,174	1,669	54	50	47	2	30	1	184
CA	Plumas	SFR	01/25/11	2,221	9	20	29	2	1	2	0	1	0	6
CA	Riverside	LOS	05/11/10	314,635	6,428	14,959	21,387	1,308	640	926	50	1,158	138	4,221
CA	Sacramento	SFR	01/12/10	266,784	6,288	9,716	16,004	1,394	630	563	86	424	164	3,261
CA	San Benito	SFR	02/01/11	8,183	196	586	782	26	12	26	0	22	3	89
CA	San Bernardino	LOS	04/13/10	473,486	9,359	18,275	27,634	1,991	806	1,140	70	1,040	190	5,237
CA	San Diego	SND	05/26/09	715,813	19,547	44,828	64,375	5,590	2,134	5,377	99	3,066	601	16,867
CA	San Francisco	SFR	06/08/10	120,701	3,584	5,091	8,675	334	84	224	28	209	43	922
CA	San Joaquin	SFR	02/16/10	164,056	2,555	6,102	8,657	550	292	605	11	389	55	1,902
CA	San Luis Obispo	LOS	01/05/10	73,841	705	2,547	3,252	146	101	206	2	130	6	591
CA	San Mateo	SFR	05/25/10	89,329	2,662	7,927	10,589	391	290	425	34	112	23	1,275
CA	Santa Barbara	LOS	01/05/10	108,286	3,127	8,228	11,355	764	536	971	18	368	27	2,684
CA	Santa Clara	SFR	05/04/10	207,230	6,653	14,451	21,104	808	586	614	14	189	30	2,241
CA	Santa Cruz	SFR	08/10/10	64,290	920	3,283	4,203	140	80	115	3	146	10	494
CA	Shasta	SFR	07/27/10	49,955	242	353	595	70	14	19	1	10	2	116
CA	Sierra	SFR	02/22/11	364	1	3	4	0	2	0	0	0	0	2
CA	Siakiyou	SFR	02/22/11	7,073	63	115	178	12	9	9	0	2	0	32
CA	Solano	SFR	01/12/10	82,695	820	2,320	3,140	151	82	118	8	144	18	521
CA	Sonoma	SFR	03/02/10	101,696	1,837	6,446	8,283	426	301	467	14	283	33	1,524
CA	Stanislaus	SFR	02/16/10	120,992	2,046	4,995	7,041	401	217	350	9	285	60	1,322
CA	Butter	SFR	01/25/11	17,271	234	708	942	31	46	61	0	14	1	153

Figure 1.2: U.S. Immigration and Customs Enforcement. (2015, February 28). "ICE's use of IDENT/IAFIS Interoperability: Monthly Statistics through February 28, 2015." Pdf



<b>IDENT/IAFIS Interoperability Data Definitions</b>	
Submissions	All fingerprint submissions that have been processed through ICE's use IDENT/IAFIS interoperability.
Alien IDENT Matches*	Aliens that had a match in the IDENT system and who were charged with or convicted of any level offense. IDENT Matches include duplicate entries for cases as an individual may go through interoperability several times for one unique case.
<b>Outcomes</b>	
Removals and Returns**	Aliens that had a match in IDENT and were removed. Threat levels are based on the levels described in "Civil Immigration Enforcement: Priorities for the Apprehension, Detention and Removal of Aliens," which, "[f]or purposes of prioritizing the removal of aliens convicted of crimes" and are retroactively applied to all data.
<b>Other Definitions</b>	
Activation Date	The date that ICE's use of IDENT/IAFIS interoperability was deployed to each area. A jurisdiction is not necessarily 100% covered at this date. This data was refreshed in November 2010.
Total Jurisdictions Deployed	The total number of counties, parishes, or independent cities to which ICE's use of IDENT/IAFIS Interoperability has been deployed by the date of the report. A jurisdiction does not need to be 100% covered to be included in this count.
AOR	Area of Responsibility covered by a specific ICE field office.
Convicted Criminals L1 (Level 1)	Includes aliens convicted of "aggravated felonies," as defined in § 101(a)(43) of the Immigration and Nationality Act, or two or more crimes punishable by more than one year, commonly referred to as "felonies"
Convicted Criminals L2 (Level 2)	Includes aliens convicted of any felony or three or more offenses punishable by less than one year, commonly referred to as "misdemeanors"
Convicted Criminals L3 (Level 3)	Includes aliens convicted of offenses punishable by less than one year
EWIs, Visa Violators and Overstays	Includes aliens that do not have a recorded criminal conviction confirmed by ICE, are not classified as ICE fugitives or prior removals or returns. Examples include aliens who entered the United States without inspection, were present in the United States without inspection, or violated/overstayed the terms of their visa/admission.
	These individuals may have a criminal conviction, but ICE does not currently have data confirming a conviction.
ICE Fugitives	Includes aliens that do not have a recorded criminal conviction confirmed by ICE, but have failed to leave the United States following the issuance of a final order of removal, deportation, or exclusion.
	These individuals may have a criminal conviction, but ICE does not currently have data confirming a conviction.
LESC L1 (Level 1)	Includes aliens who have been charged or convicted of an aggravated felony at the time of the IDENT match.
LESC L2/3 (Level 2/3)	Includes aliens who have been charged or convicted of a crime other than an aggravated felony at the time of the IDENT match.
Prior Removals and Returns	Includes aliens that do not have a recorded criminal conviction confirmed by ICE, are not classified as ICE fugitives, but have had a previous removal case or confirmed return entered in DHS systems.
	These individuals may have a criminal conviction, but ICE does not currently have data confirming a conviction.

Figure 1.3: U.S. Immigration and Customs Enforcement. (2015, February 28). "ICE's use of IDENT/IAFIS Interoperability: Monthly Statistics through February 28, 2015." Pdf

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