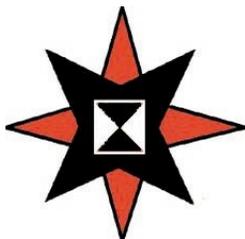


Preliminary Report

The State of Civil and Human Rights for Migrant Communities in San Diego County during the Firestorms of October 2007



American Friends Service Committee
San Diego Area Office
P.O. Box 126147
San Diego, CA 92112
(619) 233-4114
fax (619) 233-6247
usmexborder@afsc.org



**SAN DIEGO
AREA OFFICE STAFF**

Pedro Ríos

Program Director
San Diego Area Office
E-mail: prios@afsc.org

Adriana Jasso

Program Coordinator
Project Voice
E-mail: ajasso@afsc.org

Benjamín Prado

Program Coordinator
San Diego Area Office
Email: bpradom@afsc.org

**NATIONAL BASE-
BUILDING
COORDINATOR
PROJECT VOICE**

Christian Ramirez

Email: cramirez@afsc.org

Address

P.O. Box 126147
San Diego, CA 92112

Email:

usmexborder@afsc.org

Phone: 619-233-4114

Fax: 619-233-6247

Cover photo credit:

© 2007 AFSC – San Diego

*Farmworkers resting in
Rancho Peñasquitos area*

About the American Friends Service Committee

The American Friends Service Committee (AFSC) is a Quaker organization that includes people of various faiths who are committed to social justice, peace and humanitarian service. Its work is based on the belief in the worth of every person and faith in the power of love to overcome violence and injustice.

About the San Diego Area Office

The San Diego Area Office is part of the Pacific Southwest Region of the AFSC and is comprised of various Programs and Activities that encompass the values of peace, justice and Human Rights. The Programs housed in the San Diego Area Office include the U.S./Mexico Border Program and Project Voice Network.

U.S./Mexico Border Program (USMBP) - USMBP was initiated in 1977 to address economic imbalances between the U.S. and México and to study the growing movement of human migration. Throughout the years the program has evolved into a Human Rights monitoring project with the objective of documenting human and civil rights abuses by law enforcement agencies as well as providing Human Rights workshops for migrant communities as a tool for Human Rights promotion and community empowerment.

Project Voice/Proyecto Voz: Project Voice is a nation-wide AFSC program whose purpose is to strengthen the voices of migrant-led organizations in setting the national agenda for immigration policy and migrants' rights. Project Voice combines local and national organizing, education, and outreach campaigns to achieve a strategic impact on key immigration and refugee issues, including legalization, abuse of authority, community relations, workers' rights, and other Human Rights issues.

ISSUES ADDRESSED BY THE PROGRAMS:

The San Diego Area Office focuses on the defense of migrant human and civil rights, farm labor rights, and the monitoring of policies and practices of federal immigration agencies under the Department of Homeland Security; and that of other law enforcement agencies. In addition, the programs work with migrant families to inform and facilitate an understanding on the impact of immigration law, enforcement of these laws, and the role of militarism on families, communities and society.

COMMUNITY PARTNERS:

The AFSC San Diego Area Office collaborates extensively with community partners that bring with them tremendous human resources, advocacy, education and community based responses to violations of Civil and Human Rights abuses. AFSC collaborates with the following community partners:

Escondido Human Rights Committee; Frente Indígena de Organizaciones Bi-Nacionales; Raza Rights Coalition/Coalición Pro-Derechos de la Raza-San Diego; Comité de Derechos Humanos Digna Ochoa; Comité de Derechos Humanos 2 de Octubre; Coalition for Justice, Peace, and Dignity; Human Rights Committee of Mt. View; Comité de Derechos Humanos de City Heights; California Coalition Against Poverty; Vista Human Rights Committee; among others.

KEY RECOMMENDATIONS

This preliminary report's findings suggest that special concern needs to be prioritized for vulnerable communities during events of natural disaster, with a particular focus on migrant communities. The following recommendations are made with the intent of seeking to improve the manner in which services and resources are available for all evacuees, irrespective of immigration status:

- **Law enforcement agencies County-wide should develop a clear policy whereby it will be forbidden for law enforcement officers to collaborate with immigration authorities during natural or environmental disasters.**
- **Immigration enforcement authorities should not be involved in relief efforts where their presence is counter-productive to the needs of migrant communities.**
- **Consular officials should advocate for the ratification of international human rights conventions and other resolutions to ensure basic protections for all.**
- **Establish a formal multi-lingual communications system between government authorities and community based organizations.**
- **State (California Department of Industrial Relations, Cal OSHA) and Federal authorities (OSHA) should investigate growers' labor practices during the week of San Diego wild fires to ensure farm worker health and safety.**
- **Immediate medical attention be provided free-of-charge by San Diego County Health and Human Services to migrant farm workers to diagnose, monitor and treat farm workers found to be ill or suffering from residual pollutants caused by the wildfires.**
- **Explore leads for the development and construction of housing for migrant farm workers throughout San Diego County.**
- **Local, state and federal agencies charged with providing humanitarian relief aid during disasters should be trained in cultural sensitivity**
- **Relief organizations, law enforcement and governmental agencies charged with providing humanitarian and relief aid during disasters must provide information in multiple languages, including providing an adequate number of translators.**
- **Local, state and federal agencies must contact civil liberties and human rights organizations during disasters in order to set up informational booths in shelter areas, evacuee centers and relief sites in order to field**

complaints from evacuees and those impacted by disasters who have been mistreated by relief workers and local, state and federal agencies.

Preliminary Report

The State of Civil and Human Rights for Migrant Communities in San Diego County during the Firestorms of October 2007

TABLE OF CONTENTS

- I. INTRODUCTION

- II. CULTURE OF FEAR AND INTIMIDATION

- III. CASES
 - A. SAN DIEGO POLICE DEPARTMENT COLLABORATION WITH U.S. BORDER PATROL

 - B. IMPACT OF WILDFIRES ON FARM WORKER COMMUNITIES

 - C. DENIAL OF BASIC SERVICES AT SHELTERS

- IV. SUMMARY AND CONCLUSION

I. INTRODUCTION

This preliminary report intends to explore irregularities that occurred during the initial week of the firestorms throughout San Diego County. It presents an initial compilation of civil and human rights violations as documented by volunteer-based community organizations. The following organizations participated in this preliminary report:

Coalition for Justice, Peace, and Dignity (Vista, CA)
Comité de Derechos Humanos de City Heights (City Heights, San Diego, CA)
Comité de Derechos Humanos Digna Ochoa (Barrio Logan, San Diego, CA)
Escondido Human Rights Committee (Escondido, CA)
Frente Indígena de Organizaciones Binacionales (Northern part of San Diego County)
Mexicanos en Defensa del Pueblo Mexicano (Fallbrook, CA)
Raza Rights Coalition (San Diego, CA)
Vista Human Rights Committee (Vista, CA)

The report also reflects the direct community work of the American Friends Service Committee during the initial week of the firestorms in San Diego County, in coordination with the above-referenced organizations as well as other community partners.

The recent fires have been devastating for residents of the greater San Diego County region. Over five hundred thousand people were evacuated from their residences, thousands of people lost their homes, leaving many displaced and without a place to turn, and the air quality reached dangerous levels for many communities. The fires caused tremendous human suffering; valuable personal effects and memories smoldered away when the insatiable fires fanned by the Santa Ana winds spread the flames from the eastern mountainous areas of San Diego County to the coastal communities.

School districts shut-down for the week of October 22 and the entire County was declared a federal disaster area, first by Governor Arnold Schwarzenegger, then by President George W. Bush, both of whom toured impacted communities.

In spite of the commendable efforts by many governmental departments, non-profit agencies, community organizations, and individuals, several sectors of the greater San Diego community either received disparate treatment or none at all. In some cases, the governmental response was inappropriate or miscalculated, and it led to civil and human rights abuses.

This preliminary report is the product of multiple sources, including first hand accounts, news reports, victims' complaints, personal interviews and telephone conversations with victims, witnesses, and Department of Homeland Security representatives. While not comprehensive in nature, as a preliminary report it presents serious concerns about how local, state, and federal authorities responded to the needs of vulnerable groups, in

particular the migrant population throughout San Diego County. In the months ahead, the American Friends Service Committee will continue to work with its community partners to further develop a more comprehensive analysis on the state of civil and human rights for migrant communities in relation to the humanitarian crisis generated by the firestorms of October 2007.

II. CULTURE OF FEAR AND INTIMIDATION

The humanitarian crisis generated by the firestorms in San Diego County exacerbated pre-existing tensions for migrant families related to their undocumented status. Community members throughout the County conveyed a general distrust of the presence of the federal immigration enforcement units in communities and at evacuation centers. This resulted in a serious lack of attention to vulnerable populations who feared seeking much-needed services would result in detention. The fear was later substantiated when a family seeking refuge at Qualcomm Stadium was unfairly targeted by the San Diego Police Department, who held them against their will despite not having committed a crime, and then turned them over to the US Border Patrol for eventual deportation. This case is discussed in detail in the following section.

It is important to note that for migrant communities throughout the San Diego region, a culture of fear and intimidation has been a part of the physical and psychological landscape generated by failed border and immigration policies. Debates about border and immigration issues have consistently defined the identity of the San Diego region. From border walls, to targeted Border Patrol raids on public transportation systems, and more recently, high-profile middle-of-the-night dragnet operations by Immigration and Customs Enforcement (ICE) units, these have all generated international attention and have placed San Diego at the center of border and immigration politics. For those who reside in the San Diego region, especially migrant communities, it is an ever-present reality that their status as “migrant” predisposes them to unequal treatment. During the week of October 22, this reality was manifested through the perception, and later on a case-by-case basis, that in fact migrants seeking assistance were receiving disparate treatment, or were subjected to unfair treatment by law enforcement agencies.

Beginning on Monday, October 22, the American Friends Service Committee (AFSC) began receiving phone calls from people complaining that the US Border Patrol and ICE were detaining people attempting to evacuate areas under mandatory evacuation orders. One call from a community member in the San Diego City neighborhood of Mountain View, stated that she had observed the Border Patrol establishing a checkpoint on Imperial and 36th Streets. A community patrol team from the AFSC office investigated the area, and found that the claim could not be substantiated. The tension in migrant communities is often so great that any vehicle resembling a Border Patrol vehicle is often reported as such, when in fact, there is no Border Patrol presence in the area. This was true for other calls received from community members from the Cities of Escondido, Oceanside, San Diego, and other areas, who complained that immigration enforcement officers were detaining migrants, but whose claims could not be substantiated.

In Fallbrook, CA the organization Mexicanos Unidos en Defensa del Pueblo (MUDP) documented the presence of Border Patrol vehicles traveling through neighborhoods that were determined to be in mandatory evacuation areas. While the Border Patrol was not seen detaining anyone, their presence did alarm community members requiring shelter. On Friday, October 26, the AFSC together with the Frente Indígena de

Organizaciones Binacionales (FIOB) met with multiple families of Fallbrook, over 70 people, who had fled to Temecula and other areas in Riverside County, choosing to avoid shelters for fear of apprehension by immigration authorities. One woman commented that upon returning to Fallbrook once evacuation orders were lifted on Thursday, October 25, she crossed a checkpoint run by the US Marshal, and was asked for identification papers, including immigration documents. Her husband, an undocumented worker, was forced to spend the night at his workplace in Vista, CA until the checkpoint was removed.

In a similar situation with farm workers around the Carmel Valley Road area, near Rancho Peñasquitos, farm workers expressed to the AFSC and to the FIOB that one reason they chose to remain in the canyons was that they feared seeking shelter at the evacuation centers for fear that immigration authorities would detain them. The FIOB later documented on Friday, October 26 at 6 AM, the presence of six Border Patrol vehicles driving around the area during the time that many farm workers and day laborers are preparing to leave to work.

The AFSC documented the presence of Border Patrol's BORSTAR unit at Qualcomm Stadium. Their station seemed to duplicate information about evacuation orders that was supplied by other agencies present, and it was unclear what other purpose they served at the stadium. The AFSC documented testimony from various people who had witnessed the detention of the family at Qualcomm Stadium. Two witnesses, one a volunteer and the other an evacuee, stated that at least 25 evacuees left Qualcomm for fear that the Border Patrol would detain others who appeared to be undocumented.



Photo credit- AFSC : Border Patrol BORSTAR station at Qualcomm Stadium, Wednesday, October 24, 2007

In the San Diego community of City Heights, the President of the Comité de Derechos Humanos de City Heights related that in a community meeting on Thursday, October 25 attendees expressed frustration that they could not volunteer their time supporting evacuees at Qualcomm Stadium, for fear that they too would be detained by the Border Patrol. Knowing that the Border Patrol had a station at Qualcomm deterred potential volunteers from serving as volunteers.

The AFSC noted that the discourse presented by the Public Information Officer (PIO) of the Border Patrol changed after the detention of the family on Wednesday, October 24. The day before, on Tuesday, October 23, at the 6 PM news segment on Univision 17, the PIO stated that the Border Patrol was not conducting raids during the emergency, but rather, assisting in providing safety to all evacuees. This viewpoint was also conveyed by an evacuee at the Pala evacuation center interviewed by a member of MUDP. In her interview, the evacuee stated she was told the Border Patrol was there to

assist in the relief efforts, and had she not been told that, that she would have gone some place else, where there would have been no assistance for her family. On the day of the detention on Wednesday, October 24, the PIO informed the Director of the AFSC via telephone that while it was assisting with relief efforts for the emergency, it also would fulfill its mandate of detaining people it came into contact with who could not establish a proper immigration status. This viewpoint, clearly different from its original presentation earlier during the week, was also presented on Friday, October 26, at the 11 PM news segment on Univision 17.

The negative ramifications of having Border Patrol units present in emergency relief efforts were counter-productive in that they fomented the culture of fear and intimidation for migrant communities. The attitude and negative actions by other law enforcement agencies, such as the San Diego Police Department, the San Diego Sheriffs Department¹, and the US Marshal, also played into the politics of fear and in some cases, violated people's civil and human rights.

The association of the Border Patrol as a repressive government apparatus clearly impacted how vulnerable communities chose to seek safety, and which consequently placed people in precarious situations. The AFSC and its community partners are investigating other cases associated with the role of the Border Patrol and other law enforcement agencies during the firestorm crises.

¹ An ACLU report issued October 2007 in a concurrent press release with the AFSC describes regrettable recommendations by the San Diego Sheriff's Department in engaging migrants via checkpoints.

III. CASES

A. SAN DIEGO POLICE DEPARTMENT COLLABORATION WITH U.S. BORDER PATROL

Summary of case

On the morning of Wednesday October 24, the Santiago family was questioned and detained by officials of the San Diego Police Department (SDPD) while they were seeking refuge at Qualcomm Stadium after evacuation orders were issued in their community of Scripps Ranch. The SDPD contacted the U.S. Border Patrol when it determined that the family, for the most part, was in the United States in an undocumented status. Seven members of an extended family were detained by the Border Patrol, and subsequently deported.

Background

On Monday, October 22 the Santiago family sought refuge at Qualcomm Stadium, the largest evacuee center in San Diego County. In total, 12 members (6 adults and 6 children) of the Santiago were displaced from their communities after mandatory evacuation orders were established in the San Diego community of Scripps Ranch and in parts of the City of Escondido, which were being threatened by the Witch Fire. The Santiago family was treated well during the first two days of their stay. They were provided with clothing, toys for their children, water, food, camping chairs, a cooler, and other items.

On Wednesday morning, the Santiago family became aware that evacuation orders were lifted for their communities, and decided to pack their belongings from within Qualcomm Stadium to return home. They did not yet know whether their homes survived the blazes. They began taking their belongings to their vehicles. Volunteers provided them with water to take with them.

As they prepared their belongings, another volunteer accused them of taking more than their share of the material aid, and claimed that the Santiago family was making multiple trips to their vehicles. The volunteer called the San Diego Police Department (SDPD). At least five officers responded and began aggressively questioning the Santiago family. An officer demanded to know the immigration status of the Santiago family, and requested to see drivers' licenses. SDPD Procedure 6.18 clearly states "it is the policy of the San Diego Police Department that officers shall not make an effort to look for violations of immigration laws. San Diego Police personnel will focus on detecting and apprehending individuals involved in criminal activity" (version 10/20/2005). The officers called for Border Patrol support after it was determined that members of the Santiago family were undocumented.

It is important to note that SDPD filed no criminal charges against any member of the Santiago family, including against those who remained at Qualcomm following the incident with the Border Patrol.

All of the belongings of the Santiago family were returned to Qualcomm Stadium, including those they brought from their home. These included their children's backpacks, which included personal items.

At least two media crews were at the scene. They were identified as the local CBS affiliate and a national Univision correspondent. One witness reported that a police officer attempted to intentionally block the lens of the CBS camera person, and even swatted the camera down, which led to a verbal exchange between the camera person and the police officer.

The Border Patrol arrived after three hours. They took seven members of the Santiago family, including:

Isaias Santiago – 35 years old
Silvia Herrera – 34 years old
Victor Manuel Santiago – 13 years old
Isaí Santiago – 8 years old
Emeli Santiago – 2 years old (US Citizen)
Margarito Santiago – 24 years old
Estrella Ramos – 26 years old



Photo credit – AFSC: Santiago family interview with AFSC staff in Tijuana; Thursday, October 25

The seven members of the Santiago family were taken to a Border Patrol facility, where they were processed. From 8:30 AM to 7 PM, the Santiago family was not provided with any food. While in detention, the Border Patrol failed to inform the members of the Santiago family of their rights to consular consultation and to make phone calls. Two Border Patrol agents insulted the Santiago family, calling them thieves and other derogatory names. Consular officials interviewed the Santiago family only after they had already signed for voluntary departure. The Santiago family was deported at 7:30 PM through the gates of the San Ysidro Port-of-Entry.

The incident at Qualcomm has generated fear and confusion. Witnesses at Qualcomm stated that many evacuees feared that they too would be questioned by the Border Patrol, and chose to leave rather than continue seeking refuge there. For many people, this incident cemented the perception that the Border Patrol had been randomly questioning people for documents at various evacuation centers and in areas deemed as evacuation zones, even though this had not been the case.

Since the family was deported, most news coverage of the incident has taken the statements of the SDPD and the San Diego Mayor at face value, which presents the

Santiago family as looters and thieves. This has been unfortunate because the Santiago family has not had an opportunity to defend itself and present its side of the story.

The AFSC office interviewed the Santiago family in Tijuana on Thursday, October 25. In a video recorded testimony, the Santiago family contested the accusation that they were looting material aid from Qualcomm Stadium. In fact, their version of the incident completely contradicted the version presented by the SDPD and the San Diego Mayor. The Santiago family also provided testimony to the Comisión Nacional de Derechos Humanos, a Mexican-based human rights organization, which will also conduct an investigation of the incident.

RECOMMENDATIONS:

- **Law enforcement agencies County-wide should develop a clear policy whereby it will be forbidden to for law enforcement officers to collaborate with immigration authorities during natural or environmental disasters.** In general, cooperation between local law enforcement departments should be terminated as such relationships create a culture of fear and intimidation. This should be the case especially during emergency situations such as during the recent firestorms in San Diego County.
- **Immigration enforcement authorities should not be involved in relief efforts where their presence is counter-productive to the needs of migrant communities.** This includes relief centers, check points, and evacuation shelters. Throughout the County, residents expressed a perception that the Border Patrol was detaining people seeking help. This perception was later validated, irrespective of the detention having been initiated by the SDPD, because a migrant family seeking refuge from the firestorms was deported. The negative repercussions of Border Patrol presence greatly outweighed the perception of their support during the relief efforts throughout San Diego County.
- **Consular officials should advocate for the ratification of international human rights conventions and other resolutions to ensure basic protections for all.** Consular officials who have access to migrants most impacted by unfair treatment by law enforcement entities, would be best equipped to mitigate challenges migrant communities face if local, state, and federal governments were accountable to basic international human rights standards.

B. IMPACT OF WILDFIRES ON FARM WORKER COMMUNITIES

During the week of October 22nd, 2007 as the fires in San Diego County flared, farm workers were completely excluded from receiving adequate information and relief in a time when imminent danger threatened their health, safety, and lives. The AFSC office

in partnership with the Frente Indígena de Organizaciones Bi-Nacionales (FIOB) visited various sites in the Del Mar/Peñasquitos and the Poway areas to inform, warn, evacuate and provide necessary aid in the form of food, water and other essentials to migrant workers who do not have a formal residence.

On Monday October 22nd, the AFSC observed that there were farm workers and day laborers that did not have any type of breathing masks to filter the hazardous air quality. Most were at a loss of the proximity of the fires and had not been formally contacted by either the employer or government officials of the dangers of being outdoors on that date. The observation as documented by our staff was that the level of airborne particles was dangerously high. Ash and smoke filled the area and darkened the skies.



Photo AFSC: air quality as illustrated in picture taken at 3:30 pm October 22, 2007

On Tuesday October 23rd, an evacuation order was issued to residents of the Del Mar/Peñasquitos neighborhoods via reverse 911 calls. SDPD Sergeants Reschke and Cohen, who were on the scene between the hours of 1pm and 3pm, confirmed this information.



Photo Raza Rights Coalition: workers laboring on Tuesday October 23, 2007 amidst an evacuation order in the area

AFSC staff members and volunteers observed migrant farm workers laboring in the fields adjacent to the evacuation area on Leslie Farms property as well as Evergreen Nursery. Attempts at evacuating the workers depended on the employer/growers as the migrant workers reported not being informed of an order to evacuate; neither the employer/growers nor police/government officials provided information to the workers. Officials from the Mexican Consulate were present and were prepared to work with community-based organizations to assist in the evacuation effort, precisely due to official warnings made to residents of that area. According to maps accessed through the San Diego County Emergency Homepage, the area north of California Highway 56 was determined to be a “mandatory” evacuation area.²

Community-based organizations assisted in securing a culturally sensitive site for farm workers to relocate, and various organizations including the Mexican Consulate were prepared to transport workers from this declared evacuation site. Lack of assistance from SDPD to persuade the farm workers to evacuate, including lack of appropriate translators, aside from the single volunteer from the Frente Indígena de Organizaciones Bi-Nacionales (FIOB), proved futile despite the eminent threat of the fires. That same afternoon FIOB, AFSC and the Mexican Consulate visited a second site in Poway where farm workers live without formal shelter, in an attempt to evacuate farm workers

² See: http://www.sdcountyemergency.com/newsreleases/10242007_01030hrs_Evac_FirePerem.pdf

and day laborers. The workers did not evacuate primarily out of fear of profiling and/or proximity to their work site from the shelter.

On Wednesday October 24th no formal communication to migrant farm workers from government officials on the danger or threat of fires took place. Documentation via video on this day shows workers at the Leslie Farm tomato fields laboring despite Air Quality Index (AQI) registering at 181, a level determined to be unhealthy.³



Photo AFSC: Wednesday October 24, farm workers laboring in 181 AQI determined to be unhealthy.

On Thursday October 25th the AQI was registered at 182, again a level determined to be unhealthy, and for the third straight day workers continued to labor under dangerous conditions. In addition, during the morning hours between 7 AM and 9 AM, Border Patrol vehicles circulated in the Del Mar / Rancho Peñasquitos area near the Leslie Farms property. The level of intimidation as expressed by farm workers kept them in their makeshift homes, disconnected from relief volunteers of community-based organizations.

The Del Mar/Peñasquitos and Poway migrant camps visited on Tuesday, Thursday and Friday by the FIOB and AFSC revealed that these two campsites did not receive any advisory of evacuation. There was a lack of communication systems to advise or warn migrant workers. Despite the continuous need of basic food and water, these communities were not serviced by any formal/governmental relief effort. The lack of sanitation and running water continue to afflict farm workers in migrant camps throughout the County.

RECOMMENDATIONS:

- **Establish a formal multi-lingual communications system between government authorities and community based organizations.** Migrant farm workers and other non-English speaking communities did not receive adequate warning, and in some cases, no warning at all, of the firestorms approaching their areas. This was especially true in migrant camps in and around San Diego County. It is absolutely necessary to include communication in indigenous languages that predominate in the area, such as Mixteco (bajo & alto) and other languages from the southern areas of Mexico and the northern areas of Central America.
- **State (California Department of Industrial Relations, Cal OSHA) and Federal authorities (OSHA) should investigate growers' labor practices during the week of San Diego wild fires to ensure farm worker health and safety.** Farm

³ AQI for Wednesday October 24th and Thursday October 25th was taken from County of San Diego: Air Pollution Control District website (www.sdapcd.org).

workers continued working despite being in a mandatory evacuation area. They feared, in part, that they would lose their jobs. It is unconscionable that safety and labor standards are applied in disparate ways during times of natural disasters and extraordinary emergencies.

- **Immediate medical attention be provided free-of-charge by San Diego County Health and Human Services to migrant farm workers to diagnose, monitor and treat farm workers found to be ill or suffering from residual pollutants caused by the wildfires.** The long-term ill effects of the firestorms are not yet known on migrant farm workers who were exposed to unhealthy breathing conditions. Immediate medical attention will help mitigate any long-term health problems for a vulnerable population.
- **Explore leads for the development and construction of housing for migrant farm workers throughout San Diego County.** Migrant farm workers continue to live in make-shift homes along hillsides and in canyons. Such living conditions made it difficult to deliver emergency information to migrants who reside there. Migrants in those areas were indeed in the direct path of the firestorms, before they were controlled in nearby communities.

C. DENIAL OF BASIC SERVICES AT SHELTERS

Qualcomm Stadium

On Wednesday, October 24 at approximately 1:30 PM the American Friends Service Committee (AFSC) visited Qualcomm Stadium, the largest evacuee center in the region, after receiving several complaints that evacuees, members of the media and relief workers had been intimidated by law enforcement.

Upon arrival to the site, several relief workers and volunteers stated to AFSC that San Diego Police Department (SDPD) officers had engaged in intimidation tactics against members of the media and relief workers. This occurred when volunteers and members of the media questioned SDPD officers on the reasons why at least twelve evacuees, including several children, were being detained. Tensions between relief workers and SDPD officers escalated when two Border Patrol units arrived to support the SDPD. The Border Patrol units were described as a pick-up truck and a passenger van; three Border Patrol agents were seen detaining 4 adults and 3 minors.

Several relief workers told AFSC that Latino evacuees were being mistreated by white relief workers. Relief workers volunteering their time at Qualcomm Stadium stated to AFSC that the positive climate that prevailed during the first two days that Qualcomm Stadium rapidly deteriorated after the incident earlier in the day on Wednesday, October 24. As Remy Bermudez, a volunteer at Qualcomm stated, "This was beautiful when it started... but today [October 24] has been a very disappointing day."⁴

⁴ Interview with Remy Bermudez, 24 October 2007.

At approximately 5 PM, AFSC staff and members of the community organization Raza Rights Coalition (RRC) were approached by evacuees at Qualcomm stadium to report that several Latino evacuees had been denied relief items and/or that Latino evacuees had been subjected to discriminatory tactics and had been poorly treated by several relief workers.

A Latina female evacuee from Ramona stated to AFSC and RRC members that her toddler had been sick with diarrhea and requested diapers for her child from a relief worker. According to the female evacuee the relief workers stated that “she had already received enough diapers... and that people were only getting three diapers at a time.” However, a white woman standing in line behind the Latina evacuee received “a box full of diapers.”⁵

AFSC staff and RRC members witnessed an abundant supply of diapers at Qualcomm stadium.

A second Latina evacuee also from Ramona who was in her second trimester of pregnancy and had a toddler stated to AFSC and RRC members that relief workers announced that baby carriages were being distributed at a tent located in the vehicle parking area of Qualcomm Stadium. When she attempted to obtain the baby carriage SDPD officers told her that none were left and that she needed to go inside the stadium to request for items. After she proceeded to walk back to the stadium, she noticed that those standing in line behind her were receiving baby carriages. She conveyed that she did not feel she could argue with the SDPD officers.

Some Latino evacuees stated that because they have heard that Border Patrol agents were inside the stadium that they preferred to spend the night inside their parked vehicles on the stadium’s parking lot rather than inside the stadium for fear of being questioned by law enforcement. AFSC and RRC members were able to witness a surplus of cots and sheltered areas inside the stadium that were not being used.

Other evacuees reported that although medical attention was not denied, that many Latino evacuees were fearful of requesting medical attention for fear of being questioned by law enforcement or being mistreated by relief workers.

AFSC and RRC members visited the medical ward area located in the second floor of Qualcomm Stadium. In order to enter the medical ward, evacuees needed to get by SDPD officers and at least two fully armed National Guard members. At the time of the AFSC and RRC visit to the medical ward neither military nor law enforcement personnel guarding the medical ward spoke Spanish and translators were not readily available.

AFSC and RRC members spoke to several health care workers at the medical ward and we were able to witness that all who managed to enter the medical ward were receiving

⁵ Testimony of Anonymous Evacuee; name withheld to protect identify, 24 October 2007.

adequate medical attention; again AFSC and RRC were able to see an abundant amount of medical supplies.

Ramona

On Monday October 29, several Latino evacuees repopulating the Ramona area contacted the AFSC office via telephone to report that Latino residents were being mistreated by relief workers in the area. According to callers, Latino residents in Ramona affected by the fires were being denied food, water and other emergency supplies.⁶

Although the evacuation orders were lifted in Ramona and residents were allowed to repopulate Ramona, the water supply was shut down for at least four days after the repopulation order was established. To that effect, AFSC was gravely concerned that Ramona residents were being denied water.

Ramona residents also stated via telephone that there was a limited amount of Spanish-speaking relief workers and some of the relief workers who spoke Spanish were mistreating Spanish-speaking residents.

Other Ramona residents complained that driver license checkpoints had been established by law enforcement agencies, and although it is unclear if residents were being asked to produce immigration documents, many Ramona residents were fearful of repopulating their communities for fear of being questioned and detained for not having appropriate documents. In one case, a Ramona resident warned her relatives via telephone about a checkpoint in order to have them avoid the area.

RECOMMENDATIONS:

- **Local, state and federal agencies charged with providing humanitarian relief aid during disasters should be trained in cultural sensitivity.** Evacuees need the best attention possible during times of crisis. Migrant families in particular seemed to face undue hardships while attempting to access services. The reports of disparate treatment from the shelters and in different communities enhanced suffering and desperation for many people who were mistreated by relief volunteers.
- **Relief organizations, law enforcement and governmental agencies charged with providing humanitarian and relief aid during disasters must provide information in multiple languages, including providing an adequate number of translators.** This is necessary in order to ensure everyone affected by natural disasters have access to all the information and resources that will help them during a time of crisis.

⁶ Telephone conversation between Ramona resident and Christian Ramirez, 29 Oct 2007

- **Local, state and federal agencies must contact civil liberties and human rights organizations during disasters in order to set up informational booths in shelter areas, evacuee centers and relief sites in order to field complaints from evacuees and those impacted by disasters who have been mistreated by relief workers and local, state and federal agencies.** It is clear that migrant communities did not enjoy the same safe havens as the non-migrant population for fear of retaliation by the authorities. An improvement to emergency response systems should include an advisory panel with the resources and ability to accept and investigate complaints, and to make remedial recommendations in order to ensure law enforcement accountability.

IV. SUMMARY AND CONCLUSION

The American Friends Service Committee in San Diego has documented several irregularities associated with the firestorms that impacted the entire San Diego County region. This preliminary report intends to present several of the problems that impacted, in particular, migrant communities throughout the region. Of most concern is the apparent disparate treatment of migrants by local, state, and federal authorities. This was documented in cases involving access to adequate precautionary safety information, access of material aid for migrant evacuees, and in sentiments of distrust of law enforcement, as affirmed by the detention of a Mexican family at an evacuation center.

The crisis also made evident that a permanent state of fear and intimidation predominates in migrant communities, and it often prevents migrant families from accessing much-needed resources and from seeking safety, even during a time of crisis. The constant presence of Border Patrol officials tended to cause more distress for migrant communities who already see themselves as targets of immigration authorities, and which had a counter-productive purpose in terms of ensuring safety and security for vulnerable communities.

The AFSC, in conjunction with community partners throughout the County, will continue to monitor the progress of relief efforts in relation to migrant communities. The role of the AFSC in these relief efforts will be to support allied groups and organized community campaigns that ensure the dignity of vulnerable populations, and that stress the importance of protecting civil and human rights for all.