

Immigrant fighting deportation sues Chicago police for falsely labeling him a “gang member”

By Kevin Martinez
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A Chicago man who was scheduled to be deported this month has filed a federal lawsuit alleging that he was placed on a police database falsely listing him as a gang member. As a result, he was not able to apply for a federal program that would have allowed him to stay in the country.

Luis Vicente Pedrote-Salinas has lived in the United States for 20 years, first arriving with his parents from Mexico when he was only 5. Facing deportation, Pedrote should be eligible to stay in the US under the Obama administration’s Deferred Action for Childhood Arrivals (DACA) program which provides temporary relief to young immigrants who qualify from outright deportation. Gang members, however, are not eligible for DACA.

Pedrote and his lawyers allege that he was stopped by Chicago police after leaving a relative’s house in January 2011. After spotting an unopened beer can in the car, Pedrote was arrested. The charges were later dismissed but an officer said in their report that they were assigned to the area as a part of a “gang suppression mission” and had labeled Pedrote as a member of the Latin Kings gang.

Jessey Neves, Communications Director for the MacArthur Justice Center, which filed a federal civil rights lawsuit against the Chicago Police Department on behalf of Pedrote, told the WSWS:

“The Gang database has been used as a tool to racially profile young black and brown men. Being placed on the gang database can have dire consequences for people, particularly immigrants: The Chicago Police Department shares information contained in its gang database with Immigration and Customs Enforcement (ICE), which may then target

people based on false information.”

In August of 2011, Immigration and Customs Enforcement (ICE) agents raided Pedrote’s home and arrested him as part of an operation ostensibly targeting foreign-born gang members. He was locked up in McHenry County Jail and then spent the next six months in a Texas detention center.

According to Neves, Pedrote “was housed with adults detained on serious criminal violations. He was harassed by other detainees because of his race and ethnicity. He did not receive adequate medical care. He spent 22 hours a day locked in a cell and it was too expensive for him to call home often. He felt alone, scared, and helpless.”

Pedrote has gone through his deportation hearings and had agreed to voluntarily depart the US on July 20, but his attorneys say they’ll reopen the case and delay the date for the lawsuit. Should he lose the case, he will automatically be deported.

Despite meeting the requirements for the DACA program, Pedrote was denied in 2014. His attorneys stated, “If CPD had not labeled Mr. Pedrote a gang member and included him in its Gang Database, his application for DACA likely would have been granted and he would have received deferred action from deportation,” adding, “Mr. Pedrote’s liberty has been deprived based on false evidence used against him that he could not challenge.”

Pedrote’s attorney, Vanessa del Valle, told the *Chicago Tribune*, “Individuals are included in the gang database without any notification by CPD and then they are not allowed any opportunity to contest their inclusion in the gang database...Chicago cannot truly be a sanctuary city until CPD ends this practice.”

The lawsuit further states that the manner in which CPD collects and stores information on gang ties violates the Illinois Civil Rights Act, which bans racial and ethnic discrimination. The City of Chicago, police Superintendent Eddie Johnson, and five police officers have been named defendants in the case. Chicago police spokesman Anthony Guglielmi declined comment to the media.

According to another of Pedrote's attorneys, Chris Bergin, Pedrote was released from jail in February 2012 after he posted \$3,000 bail. He was then later served with a voluntary deportation order.

Bergin told the *Tribune*, "Over the hundreds or thousands of (DACA applications) I've done, I've never had someone with his record, or lack of record—he had all the proof he's lived here, he graduated and all of that, there's no other reason that they would deny him."

Bergin also said Pedrote was the victim of an armed robbery when was working at a Subway restaurant in 2012. He could have qualified for a U-visa, a special visa issued to victims of crime, but the police labeled the store, not the employees, as the victim of the crime.

A similar lawsuit was filed in May when attorneys representing Wilmer Catalan-Ramirez alleged that the government also falsely placed Catalan in an "over-inclusive" gang database and did not allow him to challenge the finding. Catalan, who was never part of a gang, was seriously wounded when ICE agents raided his house without a warrant last March.

During the arrest agents got his hand behind his back and slammed his head to the ground. Catalan, a mechanic and father of a three-year-old, had an unrelated brain injury from a month before and as a result of the violent arrest began losing sight in his left eye.

Catalan's wife sued the city and the CPD, telling media they were "treating us as though we're a piece of garbage." She told a May Day rally this year, "We're not trash...We come here to work and fight for our children, to bring them out ahead."

Pedrote himself addressed reporters from the media telling them how he had worked hard in school and several jobs, including assembly lines. "I put my sweat in this city. I put my sweat in this country," he said. Should he stay, he plans to pursue a college degree in business administration.

This week, US Immigration and Customs Enforcement (ICE) is carrying out nationwide raids to deport thousands of immigrant teenagers who are also falsely accused of being gang members.

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