

My name is Victoria Arcano. I am an advocate for survivors of domestic violence. I hope that you will reject HB 2717.

I worked for the Kansas City Kansas Police Department Victims Services Unit (VSU) from May 2019-December 2020. I now work as the Chief Experience Officer at a local domestic violence shelter, working to reform policy and procedure that negatively impact survivors. I am testifying because my work with the Unified Government is not complete until I share the instances where survivors of violence have been negatively impacted by the unwritten bias of Unified Government employees and lack of explicit protection to citizens of Wyandotte County.

In Fall 2019, I attempted to serve a defendant who was in the Wyandotte County Jail with a protection order. I was told the defendant had been released, and that ICE took them. I learned ICE officers were talking to the family while out of uniform. The family was there to visit the defendant. Without identifying themselves, the ICE agents convinced the family to bail their relative out to avoid first appearances. As the defendant was released, ICE detained the defendant. I contacted the holding site to attempt service of the protection order and was told the defendant would be deported and the order would be useless once country lines were crossed.

It is not policy to call ICE, but it happens and negatively impacts families. The impact on survivors is dangerous. This defendant might not have been able to physically access the plaintiff, but the order would no longer be served or enforceable to protect against any unwanted contact. If plaintiffs know ICE will be called as a consequence of filing for an order of protection, the city is cutting off access for survivors to seek protection.

In the year and a half, I worked for the KCKPD VSU, I asked survivors who are also immigrants whether they feared for their safety. In those responses, I found that people would often not go through with the order of protection because they were worried that it would end up with somebody getting deported. During a case with DCF involved, we talked extensively about the safety concerns that this survivor had about getting a protection order. Because they knew getting an order of protection would mean involving law enforcement to serve the order, they had to consider that deportation was a factor. To that survivor, safety was not worth the risk of deportation, even of a family member who was abusive and unsafe.

It is very concerning to me that the legislature is considering preempting the Unified Government from enforcing parts of the Safe and Welcoming Act and even worse instructing law enforcement that they have a duty to enforce immigration law. This will insure even moreso that crime victims do not report crimes and others will even then be at risk including children.

It was very disappointing to me that the Wyandotte County Sheriff's Department is not explicitly referenced in this ordinance because detainees of the KCKPD will be held in the Wyandotte County Jail. The lack of consideration to include all local law enforcement in this ordinance is neglectful and does not ultimately protect citizens who are undocumented, arrested, and detained in the county jail.

There's a lot of fear. This is not unique to any municipality. In Wyandotte County, there is a significant history of deportations. Survivors do not feel safe with the police or the courthouse. There is a community of people without citizenship who are fleeing violence. Systems need to take responsibility to protect all citizens. Survivors of violence, especially those racially profiled by systems, need to have explicit protection. New policies should communicate "Your protection is important to us" at the foundation. You need to guarantee that deportation is not a factor weighing on survivors of violence when they seek safety