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Day Laborers: Improving the Quality of Life for Laborers, Employers, and Neighbors

By James Corwin, Chief of Police, Kansas City, Missouri

In the decade between 1990 and 2000, the U.S. Census Bureau reported a 95 percent increase in the Hispanic population in Kansas City, Missouri. Some reports estimate that approximately 80,000 undocumented persons reside in the greater Kansas City area. For residents and business owners in Kansas City, Missouri, the issue was the criminal activity and disorder associated with the daily congregation of documented and undocumented Hispanic men seeking employment as day laborers near the intersection of Southwest Boulevard and Summit Street in the city's Westside neighborhood.

All past law enforcement efforts to solve the problem had failed. If the Kansas City Police Department (KCPD) adopted a zero-tolerance policy, neighborhood residents and members of the Latino leaders felt KCPD was infringing on civil rights issues. If KCPD took a more laissez-fair approach, the community then believed the police department was ignoring them and not taking their problems seriously.

Quick Facts Day Labor in the United States

Top five occupations: construction laborer, gardener and landscaper, painter, roofer, and drywall installer

- **49** percent hired by homeowners or renters
- **43** percent hired by construction contractors
- **36** percent are married

- **63** percent have children
- **52** percent attend church regularly
- **59** percent born in Mexico
- **28** percent born in Central America
- **40** percent have lived in United States for six years

- **75** percent are undocumented migrants

Source: University of California at Los Angeles, "On the Corner: Day Labor in the United States," by Abel Valenzuela Jr., Nik Theodore, Edwin Meléndez, and Ana Luz Gonzalez (January 2006). This national report profiles the phenomenon of day labor in the United States and can be read or downloaded from the following Web sites:
 UCLA: www.sscnet.ucla.edu/issr/csup/pubs/index.php
 University of Illinois at Chicago: www.uic.edu/cuppa/taicnet

The Street Corner Congregation

Daily there was a congregation of documented and undocumented Hispanic male immigrants near the intersection of Southwest Boulevard and Summit Street, an area that serves as the neighborhoods Latino Downtown, with restaurants, ethnic grocery stores, and retail outlets. This congregation created high foot and vehicle traffic. The intersection and a nearby parking lot at a liquor store have doubled as a destination point for newly arriving immigrants and as an unofficial ad hoc hiring site for day laborers for more than 50 years. But the number of men gathering each day at the site quadrupled in five years.

The amount of men grew from a small, manageable group seeking work to an uncontrollable mob with many criminals preying on the workers and others in the neighborhood. The neighborhoods quality of life suffered because of the loitering, public urination, drinking in public, and disorderly conduct. Many of these men would hang around for hours, drinking alcohol and using drugs. Graffiti, vandalism, and aggressive panhandling became commonplace. Criminals moved among the crowd and engaged in robberies, assaults, and narcotics trafficking. Burglaries of businesses and residences increased, as did shoplifting in the stores. Most of the workingmen were paid in cash, which encouraged an influx of street prostitutes to the intersection.

Children living south of the boulevard walked this route to schools, the library, and the community center, but residents and business owners felt powerless to do anything about congregation. The neighborhood was in distress.

Analysis of Problem

The retail segment of the area suffered financially as their customer base declined. Tourists were advised to stay away and the convention and visitors bureau advised the Westside Business Association there was little they could do to promote the Latino Downtown area until the businesses could provide a safer environment. This area was among the leading sources of 911 calls for police services.

Problems were compounded because the citizens in this neighborhood did not generally call the police when they observed a crime. As one citizen said at a community meeting, "Don't bother calling the police, because they won't do anything for you. They will just cause you more trouble than they are worth."

With the absence of hard data or statistics, officers relied on informational meetings with business owners and community leaders, attended community meetings, and reviewed the limited crime statistics. Officers patrolled the neighborhood on foot when possible, often stopping to chat with residents and business owners in order to communicate and form positive relationships while gathering information relating to the labor site. Police and residents assumed that the undocumented workers alone caused the problems. Research revealed that local residents

and documented workers contributed to the problems as well.

The stakeholders in this situation were identified as three distinct groups:

- **Group 1:** Area citizens and businesses
- **Group 2:** Documented and undocumented men willing to work
- **Group 3:** Documented and undocumented men not willing to work

Group 1: The concerns of the area residents and businesses centered on problems that caused the quality of life to deteriorate. They did not feel safe in their homes, in their businesses, or while shopping. The intersections bad reputation had reduced economic growth in the area.

Group 2: The men willing to work were also concerned about the quality of life, but their priority was obtaining employment opportunities. They were frustrated by the lack of employment opportunities and were sometimes incorrectly labeled as members of group 3.

Members of group 2 believed that having a clear distinction between themselves and group 3 would increase the number of employers who would use their labor pool, thereby creating more jobs and ultimately raising the hourly wage received by the workers.

To motorists, some of the practices used by members of group 2 were unsettling. Looking for employment opportunities, they would often swarm vehicles stopped on the street or pulling into the parking lot. A common tactic was to run into the street as vehicles slowed down to stop for the traffic signal to ascertain whether the drivers wished to hire them. These actions contributed to vehicle crashes and would bring traffic to a standstill during the morning rush hour.

Group 3: The men not willing to work had little regard for community standards. Some members of this group were criminals who would not change their behavior. Others in this group needed motivation to become productive.

Group 3 members would camouflage themselves among group 2 members and commit criminal acts with little or no detection. Using intimidation and physical violence, group 3 operated without fear of being reported to the police.

Public intoxication reached epidemic proportions among members of group 3. Some members of group 2 who did not find work filled idle time by drinking. The idle members of groups 2 and 3 were sometimes observed by police and citizens passed out on the sidewalks. They also urinated and defecated in alleyways and in residential yards. During summer nights, members of these groups crept into yards, where they would turn on outdoor faucets for drinking water or to shower nude using garden hoses. The more the community ignored the men, the more flagrant the behavior became. Some members of group 3 defiantly faced the streets when urinating on a public thoroughfare. If businesses called the police, retaliation was commonplace. Members of group 3 would vandalize the storefronts or automobiles if they suspected the owners had phoned the police.

Traditional Law Enforcement Approaches

Police tried several traditional approaches at the site:

- Aggressive patrol
- Aggressive arrest
- Immigration sweeps

One traditional technique required the officers working this area to spend 95 percent of their shift at the labor site implementing a program of aggressive policing. As a result, the assigned officers made up to 10 arrests a day. But it soon became clear that this type of enforcement was not a solution to the problem. Aggressive enforcement failed for several reasons:

- It merely addressed the symptom and not the cause.
- Few men carried identification, making it easier for them to lie about their identity and provide false information each time an officer encountered them.
- An arrested offender would be released on bond or recognizance well before his prints were matched to his past arrests.

The latent print section at KCPD does not possess the capability to quickly identify offenders. If the offender did not encounter the same officer or use the same name, he did not have to answer in court for his offenses.

Communication with the men was difficult because of the language barrier. With this in mind, officers developed and compiled an arrest photograph book to ensure that an offender was booked under the same name each time he was arrested. If the subject used aliases, none of which were his true identity, the officers would use one of the aliases he had given and compile a new criminal history. The officers attempted to match past arrests to the subject and include those arrests on the criminal history. If the latent print section positively identified an offender, all information was then transferred to that file name.

Another obstacle to traditional law enforcement was the difficulty in determining which men were at the ad hoc labor site to find work and which were there to commit crimes. Some members of group 3 pretended to look for work by approaching cars when the police were observing them but seldom actually accepted work. Some worked to earn enough to buy alcohol or drugs and spent the rest of the day drunk or high, camouflaged among the other men. With constant monitoring, observation, and documentation, the officers were able to differentiate between the workers sincerely seeking employment and the men who were committing crimes.

The officers also observed men standing in the labor pool for up to six hours waiting for work without the availability of restrooms. As a result, members of groups 2 and 3 who urinated in public view were constantly breaking indecent conduct ordinances.

Another problematic issue was that jail did not affect the most flagrant offenders of city ordinances. Once arrested, they would spend two to eight hours in jail, eat, sleep, and be released with a signature bond. Incarceration was not a deterrent. For example, officers took the same subject to jail for drinking in public three times in one shift.

Another traditional technique found to be unsuccessful was the sweeps by Department of Homeland Security's Immigration and Customs Enforcement (ICE). ICE lacked the mandate, the staffing, and the resources to constantly monitor the area and make a meaningful change. Even if KCPD or ICE used all its resources and shut down the current site, groups 2 and 3 would be displaced and simply set up another

hiring site at another location, taking with them all the inherent problems. In Kansas City, these sweeps bred hysteria and resulted in cries of victimization that created dissension and ill will toward the police. This prevented a much-needed relationship building between the Hispanic community and KCPD. Historically, the relationship between KCPD and the Hispanic community on the Westside has been filled with contention and mistrust, and the sweeps only exacerbated the situation.

Hiring Sites Nationwide

- **21** percent at day-labor worker centers
- **79** percent of hiring sites are informal: in front of businesses, in front of home improvement stores, at gas stations, on busy streets

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University of Illinois at Chicago: www.uic.edu/cuppa/uicued

Identifying a New Model

While conducting traditional policing actions, discussions were ongoing between the community and KCPD. The Westside Community Action Network, area residents and merchants, and the KCPD met to discuss solutions to the problems caused by the congregation. It became clear to the officers that the neighborhood wanted a respectful and humane way to successfully coexist with the day laborers. They wanted to address the conduct of the men individually and not automatically categorize all the men in the area as criminals or undesirables. The response to this problem gradually transitioned from the use of traditional police techniques to community-based policing.

After significant research about day-labor issues across the United States, police and community members decided that the solution might lie in the development of an environment where behavior could be monitored and controlled, if possible, by the workers themselves. For the first time, Kansas City approached the problem not solely as a law enforcement challenge but as an economic issue of supply and demand; the workers needed jobs, and employers needed workers.

A plan was formed whereby the KCPD and the Westside Community Action Network Center (CAN Center) would develop and oversee a site where the day laborers could congregate in a structured environment. A code of behavior would improve the safety and security of the community as well as the economic prospects of the workers and area businesses. Containing and structuring the day labor site would make it possible for officers to become familiar with the men and to discern between men interested in working and the men interested in criminal behavior. The officers would then respond with actions appropriate for the behavior encountered.

This process would provide a mechanism that helped to "separate the wheat from the chaff." Those men sincerely interested in working (Group 2) could separate themselves from those merely interested in criminal behavior (Group 3). Working with the CAN Center, the officers developed the goals, outline, and criteria for a Day Laborer Center (DLC). The officers knew that in order for the new DLC to be a success the following must occur:

The men must want to come to the new location.

The officers believed this would be accomplished by the services provided at the center. The WCAN Center offered the men the use of bathrooms, phones to reach employers, and shelter from inclement weather. In exchange, they were expected to behave appropriately and abide by the law. The men were expected to contribute to the community through free labor (introducing the concept of volunteerism and service to the community) by abating graffiti, picking up litter, mowing yards for elderly residents, and helping throughout the neighborhood. This helped promote the idea that the majority of men were indeed a part of the community and not members of group 3, the criminal opportunists.

All workers must use the new DLC.

Three months before opening the center, the officers distributed informational flyers in Spanish and English about the new location. Spanish-language radio and newspapers also informed the community about the new site. To prevent workers from continuing to gather at the ad hoc site near the liquor store, two officers were stationed at the liquor store site for the first six weeks of the new DLC operation to monitor and encourage compliance from workers. Police assumed that workers who did not move to the new location intended to engage in unlawful behaviors and not find employment.

Employers must pick up the workers at the new facility.

Once the labor pool was relocated, employers seeking laborers had to come to the DLC. The concept was to provide a safe location that did not create traffic hazards.

The Use of Deportation

One primary concern was the estimated 35 to 40 hardcore substance abusers in group 3 who seldom worked but loitered at the labor site daily. They were responsible for most of the ordinance violations and were not deterred by incarceration in the city jail. Most of these men had entered the country illegally. Police called the local director of ICE and reported that although these men had not been arrested for significant crimes, they had a disproportionate negative effect on the quality of life for the residents in the area. The director agreed to investigate the residency status of those persons identified by the KCPD as habitual nuisances and criminals.

With the cooperation of the ICE, officers immediately identified the worst offenders of public nuisance laws. They were taken to ICE for deportation proceedings, showing this group that the criminal justice system had consequences they truly feared. This step improved the quality of life for the residents of the Westside, because the worst offenders were deported from the country and other offenders moved elsewhere to avoid deportation. The remaining men also knew that if they did not obey the law even minor violations could result in deportation. Unlike the sweeps, this effort was aimed at offenders, people who destroyed the quality of life for others. For the first time, the West-side Hispanic community praised ICE.

The DLC Grows

It was immediately apparent that the WCAN Center office, although it worked well in a limited outreach capacity, was not a location that could meet the future needs of the organization or work as the permanent DLC. Officers and members of the community identified the following as criteria for the new DLC site and WCAN Center:

- Good access to major thoroughfares
- Space to accommodate 200 men
- A nearby location to ease transition
- A location far enough away from the liquor store to deter men from going back to the old ad hoc gathering place
- Ample distance between the new center and most of the existing businesses and residences
- Such amenities as restrooms, showers, laundry facilities, lockers, a kitchen, and a meeting area
- Rent of no more than \$400 per month, including utilities

After an extensive site search, officers identified a vacant former machine shop that met the criteria. Unoccupied for 15 years, this dilapidated building was a neighborhood eye sore with multiple building code violations. This building, located on a gateway intersection of the Westside neighborhood, was two blocks away from the liquor store and directly across the street from a covered public parking lot. This seldom used public parking lot had excellent access to the highway.

The officers contacted the owner of the building and explained the intended use of the space. The owner agreed to donate the building to the WCAN Center rent-free for five years.

Officers contacted representatives from a construction company for assistance. The construction company was convinced the DLC was a solution to an existing problem and a worthwhile community project. They agreed to rehabilitate the building pro bono. After one year of construction and the donation of construction services valued at \$150,000, the new Westside CAN Center opened without one dollar of taxpayer money being spent.

The opening of the new Westside CAN Center and DLC brought about remarkable results:

- A dilapidated building was brought into code compliance, transforming an eyesore to an attractive structure.
- Men no longer congregate along Southwest Boulevard.
- The traffic hazard of men running in the street after employers abated.
- Schoolchildren and residents no longer had to walk by hordes of harassing men.
- The habitual violators of laws and city ordinances were deported, and few returned.
- The problem of public urination, public defecation, and showering in neighbor's yards was all but eliminated.
- Prostitutes no longer gathered at the day labor site.
- Business sales increased. One business charted a 20 percent increase in sales and a 15 percent decrease in losses due to shoplifting and vandalism.

Benefits to the Police

Neighborhood cooperation with the police has increased. Calls to the CAN Center to report crime in the neighborhood have increased by 40 percent. Since implementation of the CAN /DLC, officers have gone from receiving no tips on criminal activity to a steady flow of information from the laborers on robberies, burglaries, and drug deals. Callers now trust the police enough to leave their contact information.

Internally, the district officers support this project and routinely patrol the area to help the assigned officers and to ensure the DLC success. Now, only two officers work out of the CAN Center and monitor the DLC, requiring approximately 60 percent of their work hours. This is significantly less than the 95 percent of their work hours spent doing aggressive enforcement at the old ad hoc labor site without solving the problem. This extra time allows the officers to focus on other areas of the community that need attention.

The CAN Center began issuing identification cards designed to enable the police to identify the men and establish an emergency contact, either locally or in their country of origin. In turn, the card will help them cash their checks and they will be able to present the card to obtain permanent housing. These cards also allow the police department to compile a database of names and photographs of several hundred men who are in the Kansas City area that ordinarily would not have IDs. The database also has been useful in identifying suspects involved in crime throughout the Kansas City area.

After one year of operation, 911 calls for service dropped more 50 percent in Kansas City's Westside neighborhood. Although the officers anticipated a significant reduction in crime with the opening of the center, the economic growth that was stimulated by program was not anticipated. For the first time in 40 years, there is a bank on Southwest Boulevard, directly across the street from the old ad-hoc labor site. The president of the bank attributes the CAN Center and the day labor program with creating "a safe and inviting place to do business."

Benefits to the Men

The men are policing themselves and turning in rule breakers. This simple change in attitude has created an environment where employer and employee can engage in acquiring the necessary labor and employment safely and orderly.

When the workers do not find employment for the day at the DLC, they are volunteering their labor to the community. They work throughout the Westside painting over graffiti, picking up litter on the boulevard, cutting the grass of elderly residents, and maintaining the flowerpots along the boulevard. They also maintain the CAN Center and the DLC by cleaning it daily. Service to the community allows the men to contribute something positive.

Addressing the Problem Locally

Because ICE lacked the federal man date and funding to deport an individual solely on the basis of his or her immigration status, and because the neighborhood has strong emotional and historical ties to the migrant community, the police department was aware that displacement was not a viable option or solution to the problem. The department formed a partnership with the community that included the day laborers and had countless hours of meetings and strategy sessions. As a result, all parties involved benefited. The neighborhood benefits because crime is down and the quality of life on the Westside has risen. The residents who strongly identify with the men are gratified that the men are in a safe healthy environment. They have attributed this to the work by KCPD. The businesses win because sales have risen significantly. The men win because they have a sense of community and belonging. And the police department wins because the Westside is no longer among the areas that produce the most 911 calls for service in Kansas City.

Although the origin of the police departments challenges was the result of federal immigration policy, the Kansas City Police Department and the Westside neighborhood realized it was up to them to solve local problems. It is clear that at this time the federal government cannot

engage in mass deportation based solely on immigration status. As long as KCPD used the excuse these that people are undocumented and should be deported and failed to come up with a viable solution, the whole community suffered. Police and residents now accept that day laborers, documented or undocumented, are a part of the community and will most likely become long-term residents. This realization allowed the community to move toward resolving quality-of-life issues. A once disenfranchised community now thrives. This could not have been accomplished without the assistance of the community on every level. ■

For further information about the day-laborer solution developed in Kansas City, Missouri, call or write to Officer Matthew Tomasic, Central Patrol Division, Kansas City Police Department, 1120 E. Linwood, Kansas City, MO 64109 USA; phone 816-842-1298; e-mail (mtomasic@kcpd.org).

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