



centerforconstitutionalrights
on the front lines for social justice

August 27, 2012

The Honorable Jerry Brown
Governor, State of California
State Capitol Building
Sacramento, CA 95814

Re: The TRUST Act (AB 1081) – Request for Signature

Dear Governor Brown:

On behalf of the Center for Constitutional Rights (CCR), I write to express CCR's strong support of the TRUST Act (AB 1081-Ammiano). The Center for Constitutional Rights is a non-profit legal and educational organization committed to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights.

The TRUST Act will help advance public safety and rebuild trust between California's immigrant communities, local governments and police by reforming California's participation in the fundamentally flawed "Secure Communities" ("S-Comm") immigration enforcement program.

From its initial stages, Secure Communities lacked transparency as to how it has operated, frustrating law enforcement officials, community members and state legislators. For the past two years, CCR, along with our co-counsel, have litigated a Freedom of Information Act lawsuit¹ against the Department of Homeland Security (DHS), Immigration Customs Enforcement (ICE), the Federal Bureau of Investigations (FBI) and the Executive Office for Immigration Review (EOIR). The documents produced through this lawsuit have shown that DHS, ICE and the FBI grossly misrepresented the purposes, tactics and results of the Secure Communities program to the American public, local law enforcement, state governments, and Members of Congress.² In ordering the release of many of these documents last July, United States District Judge Shira Schindlin wrote, "[t]here is ample evidence that ICE and DHS have gone out of their way to mislead the public about Secure Communities."³

Contrary to S-Comm's stated goal of prioritizing serious felony offenses, the vast majority of those deported, about 69%, are categorized by ICE as either "non-criminals" or individuals with lesser offenses, such as traffic violations. This is especially true in California, where over 76,000

¹ For more information on the lawsuit *NDLON v. ICE*, et al., visit our website at: <http://ccrjustice.org/secure-communities>

² For more information and documents produced, visit <http://uncoverthetruth.org>

³ *NDLON v. ICE*, et al., Opinion and Order, July 11, 2011, p. 32

residents of have been deported because of S-Comm since 2009, more than any other state.⁴ U.S. citizens, survivors of domestic violence, and immigrants arrested only for selling street food without a permit have been unfairly detained due to S-Comm.⁵ As the Los Angeles Times recently observed, “Local officials across the country are deeply concerned about having to spend their scarce resources filling already overcrowded jails with non-dangerous arrestees.”⁶

The TRUST Act will ease the unfair burden Secure Communities has saddled upon California by setting reasonable limits for local responses to ICE’s burdensome “detainer” requests. Currently, local jails bear the brunt of the costs of responding to these detainers, which can include the cost of tracking and responding to the request, as well as the additional time community members are held beyond the point they would normally be released.

CCR is also concerned that Secure Communities creates an incentive for participating state and local law enforcement agents to engage in racial profiling and pretextual arrests. The TRUST Act provides key safeguards against profiling and the wrongful detention of citizens.

We urge you to stand up to this failed program and sign AB 1081 into law. Passage of this bill would go a long way toward restoring trust between local law enforcement and immigrant communities.

Sincerely,



Vincent Warren
Executive Director
Center for Constitutional Rights

CC: Angela Chan, Asian Law Caucus, email at angelac@asianlawcaucus.org or FAX at 415.896.1702

⁴ See Secure Communities Data from ICE for October 27, 2008 through June 30, 2012, available at: http://www.ice.gov/doclib/foia/sc-stats/nationwide_interop_stats-fy2012-to-date.pdf.

⁵ See, e.g., <http://articles.latimes.com/2011/dec/15/local/la-me-1215-detained-citizens-20111214>; and “Secure Communities by the Numbers,” Oct. 2011, by UC Berkeley’s Warren Institute, which estimated that some 3,600 US Citizens have been arrested by ICE through S-Comm.

⁶ “Secure Communities: The Trust Act fix,” Editorial, Los Angeles Times, July 13, 2012. Available at: <http://articles.latimes.com/2012/jul/13/opinion/la-ed-secure-communities-trust-act-20120713>