



Assemblymember Tom Ammiano, 13th Assembly District
AB 1081 – TRUST Act

IN BRIEF

This bill will reform California's participation in the federal government's controversial "Secure Communities" (S-Comm) program and will provide essential safeguards to address serious concerns raised over the program's detrimental effects on public safety, community policing and civil liberties.

THE ISSUE

While U.S Immigration and Customs Enforcement's (ICE) stated mission for S-Comm is to target serious offenses, the program casts far too wide a net. ICE's own data shows that in California seven out of ten of the over 63,000 Californians deported under S-Comm had no convictions or were accused only of minor offenses¹. Unfortunately, this means immigrant residents who are victims or witnesses to a crime now fear cooperating with police since any contact with law enforcement can result in separation from their families and deportation. Even 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.

In addition to the public safety concerns, S-Comm has also failed to provide accountability and transparency. ICE has given contradictory and inconsistent answers to questions from Congress, media, and local officials regarding the participation of unwilling jurisdictions. For this reason U.S. Representative Zoe Lofgren has requested the Inspector General to conduct an official investigation into the false and misleading statements that were made in connection with the deployment of S-Comm.

Forcing this problematic program on localities against their will creates an undue burden and jeopardizes local community policing strategies. Localities internalize the cost of submitting to ICE detainer requests triggered by the program, which ask local authorities to hold individuals in local jails for a longer period of time so they can be picked up for deportation. However, federal courts and ICE itself have confirmed that these civil immigration detainer requests are voluntary, not mandatory.

¹ U.S. Immigration and Customs Enforcement, Secure Communities IDENT IAFIS Interoperability Monthly Statistics October 27, 2008 through Feb. 28, 2011.

THE SOLUTION

The Transparency and Responsibility Using State Tools (TRUST) Act will rebuild the trust that S-Comm has undermined between immigrant communities and local police by establishing standards for responding to burdensome detainer requests. Specifically, the bill:

- Establishes standards for local governments to ensure that an individual can only be detained if that individual has been convicted of a serious or violent felony.
- Provides key safeguards against profiling and the wrongful detention of citizens. Localities that detain individuals with serious convictions for deportation will develop plans to ensure citizens are not subject to immigration holds, guard against profiling, and ensure crime victims are not discouraged from reporting crimes.

These standards will prevent the prolonged detention of people who would otherwise be released from custody if it were not for ICE's request. This bill will ease the unfair burden currently placed on local governments and bring participation in S-Comm back in line with the program's original stated goals of focusing on individuals with serious felony convictions.

BACKGROUND

S-Comm is an ICE program that enlists local law enforcement to engage in civil immigration enforcement through the sharing of biometric data at the point of arrest. The program automatically leads to investigation of the immigration background of every individual, citizen or non-citizen, at the point of arrest by electronically crosschecking fingerprints through an immigration database. If there is a match in the flawed database, ICE then sends a detainer request, asking localities to detain an individual for extra time, at local expense, so they can be picked up for deportation.

SUPPORT

Asian Law Caucus, co-sponsor
National Day Laborer Organizing Network, co-sponsor
California Immigrant Policy Center, co-sponsor
Councilmember Rebecca Kaplan, Oakland
Chief of Police Howard Jordan, Oakland
Chief of Police (Retired) Arturo Venegas, Sacramento
Mayor Gayle McLaughlin, Richmond
Mayor Luis Molina, Patterson
Supervisor David Campos, San Francisco – District 9
Supervisor Efen Carrillo, Sonoma – District 5

Supervisor George Shirakawa, Santa Clara – District 2
American Civil Liberties Union
American Friends Service Committee, San Diego
Asian Pacific American Legal Center
Binational Front of Indigenous Organizations (FIOB)
Blacks in Law Enforcement of America
Casa De Esperanza
Centro Laboral de Graton
Coalition for Humane Immigrant Rights of Los Angeles
Committee for Immigrant Right of Sonoma County
Community Action Board of Santa Cruz County, Inc.
Communities Organized to Support Adult Schools
Human Relations Network of Butte County
Council on American-Islamic Relations California
Law Office of Alicia Roman
Long Beach Immigrant Rights Coalition
Mexican American Political Association (MAPA) – San
Joaquin Valley Region
Mujeres Unidas y Activas
National Immigration Law Center
OMID Advocates for Human Rights
Orange County May Day Coalition
Peninsula Interfaith Action
Rhema Word of Faith
Santa Rosa-Sonoma County NAACP
Unitarian Universalists of San Mateo
West Contra Costa Unified School District
WOMAN Inc.
Young Workers United
Supporters of a previous version of the bill
Alameda County Board of Supervisors
Berkeley City Council
City Attorney Dennis Herrera, San Francisco
City of Berkeley
City of Oakland
City of San Pablo City Council
City of Watsonville
County of Santa Clara Board of Supervisors
Sheriff Michael Hennessey, San Francisco
Sheriff E.G. Prieto, Yolo County
Supervisor Doreen Farr, Santa Barbara – District 3
Supervisor Eric Mar, San Francisco – District 1
Supervisor Gloria Molina, Los Angeles – District 1
Supervisor Greg Caput, Santa Cruz – District 4
Supervisor Salud Carbajal, Santa Barbara – District 1
African Advocacy Network
Alameda Labor Council, AFL-CIO
Alliance of South Asian Taking Action (ASATA)
American Friends Service Committee, Pacific Mountain
Region
Anti-Defamation League
Arab Resource and Organizing Center
Asian Americans for Civil Rights & Equality
Asian Americans for Community Involvement (AACI)
Asian Law Alliance
Asian Pacific Islander Justice Coalition
Bad Boy Bail Bonds

California Labor Federation
California State Council of the Service Employees
International Union (SEIU)
California Partnership to End Domestic Violence
California Public Defenders Association
Californians United for a Responsible Budget
Canal Alliance
Central American Resource Center
Centro Legal de la Raza
Centro Laboral de Graton (Graton Day Labor Center)
Chinese for Affirmative Action (CAA)
Community Legal Services in East Palo Alto
Community United Against Violence
Congregations Organizing for Renewal and our Clergy
Coalition
Contra Costa Interfaith Supporting Community
Organization (CCISCO)
Critical Resistance
Diocese of San Bernardino, Justice for Immigrations
Campaign
Diocese of San Jose, Justice for Immigrants Steering
Committee
East Bay Interfaith Immigration Coalition
Enlace
Equality California
Filipino Advocates for Justice
Hayward Day Labor Center
Immigration Center for Women and Children
Immigrant Legal Resource Center
Institute of Popular Education of Southern California
International Institute of the Bay Area
Iranian American Bar Association, Northern California
Chapter
Jewish Community Relations Council
La Raza Centro Legal, Inc.
LYRIC (Lavender Youth Recreation and Information
Center)
Lawyers' Committee for Civil Rights of the San
Francisco Bay Area
Legal Services for Prisoners With Children
Los Angeles Federation of Labor, AFL-CIO
Mexican American Legal Defense and Educational Fund
National Center for Lesbian Rights
National Lawyers Guild San Francisco Bay Area chapter
National Network for Immigrant and Refugee Rights
Nicaragua Center for Community Action
Nuestra Casa
Oakland Community Organizations
People Organizing to Demand Environmental and
Economic Right (PODER)
PICO California
Pomona Economic Opportunity Center
PUEBLO Action Fund
San Francisco La Raza Lawyers Association
San Francisco Pride at Work and HAVOQ (Horizontal
Alliance of Very Organized Queers)
Services Immigrant Rights and Education Network

(SIREN)

Silicon Valley Alliance for Immigration Reform

Silicon Valley Community Foundation

St. Joseph, The Worker Church Social Justice

Committee

Street Level Health Project

The Bar Association of San Francisco

The Council of Mexican Federations (COFEM)

The East Bay Refugee Forum

UNITE HERE Local 2850

United Food & Commercial Workers Union, Local 5

Numerous Individuals

FOR MORE INFORMATION

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