



September 14, 2016

Governor Jerry Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814

Re: AB 2792 (Bonta) TRUTH ACT - REQUEST FOR A SIGNATURE

Dear Governor Brown,

On behalf of the Northern California Chapter of the American Immigration Lawyers Association I write to request your signature on AB 2792, known as the TRUTH Act (Transparent Review of Unjust Transfers and Holds). The TRUTH Act provides vital know your rights information to our immigrant community members who are in Immigration and Customs Enforcement's (ICE) cross-hairs and would bring some transparency to local law enforcement participation in federal immigration enforcement.

The American Immigration Lawyers Association is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members. Member attorneys represent tens of thousands of families, U.S. businesses, foreign students, researchers, entertainers and asylum seekers. AILA's Northern California Chapter, which encompasses the majority of Northern California counties, currently has over 800 members.

Passage of California's TRUST Act (AB 4 -Ammiano) in 2013 was instrumental in preventing the separation of thousands of families and in saving local and state resources by limiting local law enforcement's involvement in federal immigration enforcement. Specifically, this law limits immigration "hold" or detainer requests, triggered by deeply controversial deportation programs like the program formerly known as "Secure Communities" or S-Comm. These ICE hold requests, found unconstitutional by a federal court in 2014, caused immigrants to be detained for extra time, at local expense, merely for deportation purposes.

On November 20, 2014, the Department of Homeland Security acknowledged the failure of the S-Comm Program and announced a reboot of the program. However, ICE's reboot – named the Priority Enforcement Program or PEP – contains the same fundamental flaws. Like S-Comm, PEP has been shrouded in secrecy since its beginning with little information available to the public about which jurisdictions it is active in and how it is operating in these jurisdictions.

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Like its predecessor S-Comm, PEP continues to check the immigration status of all individuals by reviewing fingerprints taken by local police at the point of arrest, prior to the individual receiving any due process. In addition to continuing to rely on ICE hold requests, PEP also relies on notification requests, which are requests to local law enforcement to *notify* ICE when an individual is released. The end result of responding to a notification request is the same as with an ICE hold. ICE requests notification of release time so that they can detain the person at the point of release, leading to unconstitutional detentions at local jails and separating Californian families.

Since passage of the TRUST Act, in addition to ICE notification requests, ICE has utilized other troubling tactics to burden local law enforcement with deportations. This includes racially profiling individuals for interrogations in jail about their immigration status, while denying them access to counsel. ICE is also reviewing inmate logs and searching jail computers to gather addresses and telephone numbers to conduct raids, traumatizing family members and invoking fear in immigrant communities.

The TRUTH Act would take a significant step towards bringing transparency to local law enforcement participation in federal immigration enforcement. Specifically, the bill:

- **Provides “Know Your Rights” to Every Individual.** The TRUTH Act would require a local law enforcement agency, prior to an interview between ICE and an individual in custody, to provide a written consent form that would explain the purpose of the interview, that it is voluntary, and that the individual may decline the interview. The bill requires the form to be translated in multiple languages.
- **Ensures Fair Notice to Every Individual.** The TRUTH Act requires that if a local law enforcement agency provides ICE with notification of an individual’s release date and time, then the local law enforcement agency must also provide the same notification to the individual and their attorney or permitted designee.
- **Shines a Light and Increases Transparency Around Local Engagement with ICE.** The Truth Act requires a local legislative body to hold a community forum annually if local law enforcement allows ICE access to any individual. Additionally, this bill ensures that records related to ICE access are subject to the public records act.

Thank you. We are proud to strongly support AB 2792. If you have any questions, please do not hesitate to contact me.

Sincerely,



Olivia Lee, Chair

Northern California Chapter of the American Immigration Lawyers Association