



August 5, 2015

U.S. Senator Dianne Feinstein  
One Post Street, Suite 2450  
San Francisco, CA 94104

Dear Senator Feinstein,

We write on behalf of the Northern California Chapter of the American Immigration Lawyers Association (AILA). AILA is a nationwide bar association of over 14,000 immigration lawyers. Our members represent U.S. Citizens who sponsor foreign family members, Dream Act students, U.S. businesses that employ foreign workers, foreign nationals and legal residents faced with deportation, and individuals seeking refuge under U.S. asylum laws, among others. Additional information about AILA and the work we do is available at [www.aila.org](http://www.aila.org).

We write to express our deep opposition to legislation that you might consider introducing or supporting that would undermine community safety policies adopted by law enforcement leaders in nearly all counties in the state of California and by state law through the TRUST Act. In particular, we ask you to oppose S. 1814, Stop Sanctuary Cities Act.

We recognize that the tragic death of Kathryn Steinle moved you to identify solutions to prevent a devastating loss like this from occurring again. However, the response to the tragic death of Ms. Steinle should be reasoned and thoughtful, not broad, rushed mandatory enforcement measures, which will punish immigrants wholesale, and sanction California law enforcement leaders who developed policies aimed at improving public safety. We urge you to not let Ms. Steinle's death lead to sweeping, overly broad policies that invite more tragedies—through unreported crimes and unjust deportations.

As stated in the New York Times, the concern is that: "However reasonably her bill might be drawn, it will be debated and amended in a body dominated by Republicans who are bent on using the Steinle tragedy to fraudulently amplify the immigrant threat." Equally of concern is that the Department of Homeland Security has yet to disclose many details about how the Priority Enforcement Program (PEP) recently announced will function, making it difficult for law enforcement and other government officials to evaluate whether they should participate.

It is important to note that exceptions to the TRUST Act already allow local law enforcement to detain an individual in response to an immigration hold after the person is eligible for release from criminal custody under numerous circumstances, including certain felony convictions.

We are deeply concerned that leaders in the state with the largest immigrant population in the country are willing to consider or lead legislative efforts to mandate local and state police entanglement with federal immigration enforcement. This type of entanglement through Secure Communities and other programs resulted in more deportations in California than any other state



and a record number of deportations in our history. Legislative efforts, along with efforts to strip federal grants from local law enforcement agencies that prioritize building and restoring community trust over detention and deportation, are exactly the kinds of enforcement-only policies that have and will continue to rip apart millions of immigrant families who make up the fabric of our communities across California and the entire nation.

In the absence of comprehensive immigration reform, which you have supported, immigrant families continue to languish in fear of deportation, which strongly deters them from coming forward as crime victims or witnesses. It is precisely this fear that has led over 320 localities across the country, including the majority of localities in California, to embrace community safety policies that allow their local law enforcement agents to do the job of preventing crime—not the job of federal immigration enforcement. When local police are perceived as immigration agents, it creates a profound chilling effect for immigrant victims and witnesses who believe that sharing information with the police could result in permanent separation from their loved ones.<sup>1</sup> Indeed, there are countless stories of victims who did report crimes, only to find themselves victimized twice, after being detained by immigration, separated from their families and awaiting deportation.

Effective policies are carefully crafted over time, by examining our shared values and opinions, and working toward equality and justice for all people. They are not made based on a single, tragic incident or by taking the actions of one individual to justify an overly broad policy that criminalizes an entire community. Sadly, in response to the tragic death of Ms. Steinle, we have already seen many politicians introduce and support legislation that scapegoats all immigrants based on the acts of one. Less than two weeks ago, the House of Representatives passed H.R. 3009, a bill that mirrors Senate proposals, such as those introduced by Senators Grassley and Vitter, and would deny critical funds for law enforcement programs in the more than 320 communities nationwide that have adopted community safety practices that encourage all crime victims to come forward. The White House, Congressional Hispanic Caucus and your colleague and fellow California leader, House Minority Leader Nancy Pelosi, all issued statements strongly opposing H.R. 3009. In criticizing the bill, Speaker Pelosi said, “The safety of our neighborhoods and local communities should not be a pawn for Speaker Boehner’s latest gambit to hide his failure to act on comprehensive immigration reform.”

California’s TRUST Act and the local policies in most if not all counties across the state do not insulate individuals from accountability. Rather, they promote public safety by relying on practices that have proven to be effective in building trust and, consequently, preventing crime. It is unconscionable to think that the response to local law enforcement leaders that support these policies is to cut them off from critical funds that enable them to do their essential day-to-day

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<sup>1</sup> A 2013 study found that 44 percent of Latinos surveyed reported being less likely to contact police officers if they have been a victim of crime because they fear that such contact could provide an opportunity for police officers to inquire into their immigration status or that of a person they know. Nik Theodore, “Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement,” University of Illinois at Chicago (May 2013).



work in preventing and investigating crimes.

Even the U.S. Department of Homeland Security (DHS)—the very federal agency these bills are purportedly aimed at helping—rejects legislative responses to Ms. Steinle’s death. As DHS Secretary Jeh Johnson himself acknowledged in a July 14, 2015 hearing before the House Judiciary Committee, “In my judgment, and the judgment of a lot of other border security, immigration enforcement experts, the way to most effectively work with these jurisdictions, again, is a cooperative one, not by hitting them over the head with federal legislation that will engender a lot more litigation.”<sup>2</sup> Secretary Johnson’s statements also recognized the numerous federal court decisions holding local agencies legally liable for constitutional violations when holding individuals on a request from immigration.

States and localities should be permitted to pursue policies that foster trust and cooperation with their local communities. California has spoken loudly and clearly on this topic, both at the county and state levels. Moreover, as confirmed by a July 2015 report by the American Immigration Council, increased immigration to the United States has in fact coincided with a significant decrease in both violent and property crimes nationwide.<sup>3</sup> We know that the majority of the immigrant population comes to this country to reunite with family, work and make meaningful contributions that enrich their communities. What we need is a long-term Congressional solution aimed at addressing our broken immigration system, not reactionary policy proposals that focus on only one facet of a very complicated system.

We urge you to do the right thing for all California residents and not introduce any legislative mandates that would undermine effective law enforcement practices that have kept all of California’s communities safer, stronger, and united.

Sincerely,

THE BOARD OF THE NORTHERN CALIFORNIA CHAPTER OF AILA

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Mary Beth Kaufman  
Immediate Past Chair

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Olivia Lee  
Vice Chair

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<sup>2</sup> Testimony of Department of Homeland Security Secretary Jeh Johnson before the United States House of Representatives Judiciary Committee, July 14, 2015.

<sup>3</sup> Walter A. Ewing, Ph.D., *et al.*, “The Criminalization of Immigration in the United States,” Immigration Policy Center (July 2015).