



AB 2792 (Bonta) - As Amended 8-19-16

TRUTH Act - Transparent Review of Unjust Transfers and Holds

Summary

The TRUTH Act (AB 2792) would provide vital know your rights information to our immigrant community members who are in Immigration and Customs Enforcement's (ICE) cross-hairs and bring some transparency to local law enforcement participation in federal immigration enforcement.

Background

California's TRUST Act—AB 4 (Ammiano) (2013)—was instrumental in preventing the separation of thousands of families. This law limits immigration “hold” or detainer requests, triggered by deeply controversial deportation programs such as Secure Communities (S-Comm). The hold requests, which were 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 Obama administration acknowledged the failure of S-Comm and announced the rebranding of the program as the Priority Enforcement Program (PEP). PEP contains the same fundamental flaws as S-Comm and continues to check the immigration status of *all* individuals at the point of booking by reviewing fingerprints without any due process whatsoever.

While PEP relies more on requests to local law enforcement to *notify* ICE when an individual is released, **the end result is the same.** ICE requests notification of release times so that they can detain the person at the point of release, leading to unconstitutional detentions in many cases at local jails and the separation of Californian families. PEP, like its predecessor, is overburdening local law enforcement's resources while undercutting

confidence between the community and law enforcement.

In addition to ICE notification requests, ICE has utilized other troubling tactics to burden local law enforcement with deportations since passage of the TRUST Act. 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 home raids or courthouse raids, traumatizing family members, and invoking fear in immigrant communities

The recent case of a San Francisco father illustrates how ICE's new tactics hurt families and further damage confidence in law enforcement. This father sought the police's help in locating his stolen car, only to end up being detained by ICE for two months as a result of going to police.

In another recent case, a father of six was transferred to ICE and deported after he was stopped by California State University Long Beach police for a broken headlight. This case led to outrage by students and their families who were gravely alarmed that police at an educational institution were engaging in immigration enforcement.

The Solution

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

Specifically, the bill would do the following:

- **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.

For more information, visit www.catruthact.org.

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 Inland Empire Rapid Response Network
 Institute of Popular Education of Southern California
 Interfaith Coalition for Immigrant Rights
 Khmer Girls in Action
 Korean Resource Center
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 La Voz Latina del Tenderloin

Los Angeles County Supervisor, District 3, Sheila Kuehl
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North Bay Immigrant Youth Union
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Pangea Legal Services
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San Diego Immigrant rights Consortium
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San Joaquin Immigrant Youth Collective
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Social Action Committee of Unitarian Universalist Fellowship of Redwood City
Street Level Health Project
Task Force on the Americas
Thai Community Development Center
Thai Health And Information Services
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Opposed

California State Sheriffs' Association
California Police Chiefs' Association