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This user friendly guide is designed to help advocates and community organizers prevent deportations by disentangling local law enforcement from immigration enforcement.

This guide aims to identify the current trends in collaboration between local law enforcement and ICE, so community organizers and advocates can strategically push ICE out of California.

On November 20, 2014, President Obama's newly released immigration enforcement guidelines disbanded the deeply controversial Secure Communities Program (“S-Comm”). However, its successor, the Priority Enforcement Program (“PEP-Comm”) is largely expected to uphold the same problematic practices that tear families and communities apart.

Because of this, communities across California are collectively organizing to stop PEP-Comm and other connections between local law enforcement agencies and ICE.

As we continue to separate local law enforcement from ICE, we can further strengthen our communities and restore trust between the community and local law enforcement.

In 2014, community organizers and advocates successfully passed the California TRUST Act. This law provided the foundation to begin disentangling ICE from local law enforcement. Now, communities are mobilizing to build upon the TRUST Act’s protections to ensure that families and communities remain unified.

This toolkit is designed to help communities throughout California enforce the TRUST Act and push back against all practices that tear our families apart.

Disclaimer: This toolkit is meant to provide information on the TRUST Act and on the ICE Out of California Campaign. It is not meant to provide or act as legal advice.
**Key Terms**

**WHAT IS ICE?**
ICE is the acronym for Immigration and Customs Enforcement. ICE is a civil law enforcement agency within the Department of Homeland Security (“DHS”) that enforces immigration laws.

**WHAT IS AN ICE “HOLD” (DETAINER REQUEST)?**
An ICE hold is a request made by ICE to hold a person for up to 48 hours, excluding weekends and holidays, after the time s/he would be released from criminal custody. Hold requests are completely voluntary. In April 2014, in a case called *Miranda-Olivares v. Clackamas County*, a federal district court held that ICE holds lack probable cause and therefore may be unconstitutional under the Fourth Amendment right against unreasonable seizure.

**WHAT IS A NOTIFICATION REQUEST?**
A notification request is a request issued by ICE to local law enforcement asking to be notified when a person is going to be released from custody. ICE would then use this time of release information to detain the person upon release. Notification to ICE is voluntary.

**WHAT IS THE PRIORITY ENFORCEMENT PROGRAM (“PEP-COMM”)?**
PEP-Comm, previously known as Secure Communities (“S-Comm”) is a program used by ICE to identify noncitizens that may be deportable, and is supposed to prioritize them based on certain criminal convictions and immigration histories. When an individual is booked into custody at a local jail, his/her fingerprints are sent to DHS for an immigration background check. If the system recognizes an individual as potentially deportable, ICE may request that the jail notify ICE of the individual’s release date. This notification request is voluntary, so local law enforcement can choose not to comply with the request.

**WHAT IS THE CA TRUST ACT (AB 4)?**
The TRUST Act is a California law that sets a minimum standard across the state to limit cruel and costly ICE hold requests in local jails. Almost all California counties have adopted “No ICE Hold” policies, which go beyond the TRUST Act to prohibit local law enforcement agencies from holding any individual on an ICE hold.
HOW DOES THE TRUST ACT WORK?

The TRUST Act became state law as of January 1, 2014. It applies to all 58 counties in California.

The TRUST Act prohibits local law enforcement from holding people for extra time in jail for immigration purposes in many cases.

County and city jails CANNOT respond to ICE holds unless certain conditions are met. An individual cannot be held if they are arrested or convicted of a minor offense (e.g., traffic violation, resisting arrest, etc.).

It is important to note that these exceptions do not apply in most CA counties due to stronger local No ICE Hold policies. Even in the few counties where exceptions apply, the TRUST Act does not require law enforcement to respond to the hold request. Rather, local law enforcement can still choose to exercise their discretion to release the individual and not hold him/her for ICE.

Local law enforcement can choose to hold you if:

- You have a prior conviction for a felony offense (including felony DUI or felony domestic violence).
- You are charged (not yet convicted) with most felonies and a judge makes a finding that there's probable cause to proceed with the charges against you.
- You are on the California Sex & Arson Registry.
- You have a federal felony arrest warrant.
- You have been previously convicted of:
  - A conviction for a felony listed as an exception to the TRUST Act;
  - A conviction within the past 5 years for a wobbler listed in the TRUST Act; or
  - Certain federal felony convictions.

Remember:
The TRUST Act is a floor, not a ceiling. This means you can ask local law enforcement to adopt a stronger policy that provides more protection for immigrants. If a local policy is adopted, it must be followed.

When advocating for a local no ICE hold policy, remind local law enforcement that ICE holds risk violating the Fourth Amendment of the Constitution.

With the implementation of the Priority Enforcement Program (“PEP-Comm”), law enforcement agencies can and should adopt no ICE notification policies.
This section will examine similarities and differences between S-Comm and PEP-Comm. This guide also will explain the effect that PEP-Comm will have on the California TRUST Act. The TRUST Act went into effect on January 1, 2014, and sets a minimum standard across the state to limit cruel and costly immigration “hold” requests in local jails. These optional ICE hold requests are often initiated by S-Comm.

SIMILARITIES BETWEEN PEP-COMM AND S-COMM

Fingerprints will continue to be checked by ICE upon booking

Like its predecessor S-Comm, PEP-Comm also will rely on fingerprint data submitted when state and local law enforcement agencies book an individual into custody. The fingerprints are sent to DHS for an immigration background check to identify individuals who may be deportable. This immigration check occurs before the individual receives any form of due process in the criminal case—before charges are filed and before s/he is appointed an attorney. The continued checking of fingerprints for immigration status at the point of arrest under PEP-Comm means that ICE still will quickly identify individuals in jail who may be deportable and can initiate deportations based on this information.

PEP-Comm is supposed to prioritize individuals with certain offenses for deportation

Similar to S-Comm, PEP-Comm also is supposed to prioritize for deportation individuals with certain criminal convictions or immigration histories. DHS has laid out several priority categories, including

Priority 1, which includes individuals who ICE claims pose a threat to national security, border security, or public safety, and Priority 2, which includes individuals who have misdemeanor convictions or are new immigration violators.

Priority 1: "threats to national security, border security, and public safety," which include noncitizens who have been:

• engaged in or suspected of terrorism or espionage, or otherwise pose danger to national security;
• convicted of an offense involving gang activity or participation;
• convicted of a felony in which an essential element was not immigration status;
• convicted of an “aggravated felony” as defined by the Immigration and Nationality Act.

Priority 2: "misdemeanants and new immigration violators," which include noncitizens who have been:

• convicted of three or more misdemeanor offenses, other than minor traffic offenses or state or local offenses for which an essential element was the individual's immigration status, provided that the offenses arise out of three separate incidents;
• convicted of a significant misdemeanor, which includes domestic violence, sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, DUI, and any offense for which the sentence was more than 90 days in custody.

On November 20, 2014, the Department of Homeland Security (“DHS”) issued a memorandum announcing that it would replace the Secure Communities Program (“S-Comm”) with the Priority Enforcement Program (“PEP-Comm”). DHS Secretary Jeh Johnson has stated that this change is “effective almost immediately.” S-Comm relied on fingerprint data taken at the time of an individual’s booking to identify and request local law enforcement agencies to detain deportable individuals for Immigration and Customs Enforcement (“ICE”). The program received a great deal of criticism from immigrant rights’ advocates, who argued S-Comm created distrust between local law enforcement and immigrant communities, encouraged racial profiling, and subjected immigrants to harsh double punishments.
Although PEP-Comm claims to prioritize individuals with certain convictions for deportation, it should be noted that S-Comm was also supposed to prioritize, but failed to do so in practice. During S-Comm’s operation, several memos released by then-ICE Director John Morton attempted to lay out priorities for deportation. However, after these memos were issued, studies showed that individuals deported for low-level offenses actually increased, demonstrating that ICE agents did not adhere to these directives. **Advocates should monitor whether PEP-Comm actually adheres to these priorities or if like with S-Comm, ICE agents fail to follow these directives.** It should also be noted that Priority 2 includes a broad and vague “significant misdemeanor” category, which is comprised of any offense with a sentence of 90 days or more and likely will cover a number of common low-level, nonviolent offenses.

Additionally, while the November 20, 2014 DHS memo on S-Comm and PEP-Comm states that only certain convictions under Priority 1 or Priority 2 should result in transfer, the memo also states that ICE may seek transfer of any individual identified as a priority if local law enforcement agrees to cooperate. This likely includes individuals who fall into the Priority 3 category, noncitizens who have been issued a final order of removal on or after January 1, 2014.

**DIFFERENCES BETWEEN PEP-COMM AND S-COMM**

**Notification instead of Detention with “Special Circumstances” Exception**

Under S-Comm, after an individual is identified as deportable, ICE sends an immigration hold request to local law enforcement agencies seeking to detain the individual for up to 48 hours after the time s/he would otherwise be released in the criminal matter. This additional detention time was for immigration agents to take the individual into ICE custody. The November 20, 2014 DHS Memo on S-Comm acknowledges that several federal district courts have found ICE holds to be a violation of the Fourth Amendment of the Constitution. As a result of court decisions and community pressure, DHS has decided to stop issuing requests for detention with some exceptions. Under PEP-Comm, ICE will replace requests for detention with requests for notification of an individual’s release date to local law enforcement agencies.

DHS has stated that ICE may still issue requests for detention in “special circumstances.” It did not specify what constitutes special circumstances, but it did state that such detention requests must “specify that the person is subject to a final order of removal or there is other sufficient probable cause to find that the person is a removable alien.”

However, the memo makes no mention of a requirement that the ICE hold be signed by a judge. **Criminal warrants require both probable cause and a judge’s signature, so requests for detention under PEP-Comm still fall far below the requirements of a criminal warrant and do not alleviate the Fourth Amendment concerns.**

**Post-Conviction instead of Pre-Conviction Transfer**

Under S-Comm, once an individual was identified as potentially deportable, ICE issued an immigration hold request asking local law enforcement agencies to hold the individual for up to 48 hours past his or her release date without regard to whether the individual was convicted of or even charged with the offense. DHS has announced that under PEP-Comm, ICE will only take the individual into custody if s/he is convicted of certain “Priority 1” and “Priority 2” crimes, or is believed to pose a threat to national security. However, S-Comm also was supposed to focus on individuals with criminal convictions, but in practice, a significant portion of noncitizens that were deported were never convicted of a crime. Additionally, gang membership (as determined by law enforcement) without conviction may also be a priority in practice.
PEP-COMM & THE TRUST ACT
A BRIEF GUIDE TO WHAT YOU NEED TO KNOW

IMPACT OF PEP-COMM ON THE TRUST ACT

Concerns about Notification

Notification to ICE of an individual’s release time raises serious concerns, namely the undercutting of community policing through continued entanglement of local law enforcement and ICE. By notifying ICE of an individual’s release, local law enforcement agencies will be directly facilitating the deportation of individuals that the State of California, by passing the TRUST Act, has already determined should not be handed over to ICE. As the TRUST Act itself explains, immigrants and their communities “are less likely to report crime or cooperate with law enforcement when any contact with law enforcement could result in deportation.” This fear will persist if individuals know that local law enforcement will notify ICE of their release dates. The resulting loss of trust will discourage immigrants from seeking police protection and from obtaining the immigration relief available to crime victims.

Moreover, notification to ICE can result in an individual’s detention for additional time in local jail custody. In Southern California, non-profit legal organizations have received reports of individuals being detained for extra time during the release process while local sheriff’s deputies waited for ICE to arrive. Local law enforcement can be subject to liability if they violate the TRUST Act by holding the individual for additional time or if they notify ICE about an individual who is not actually removable.

Cooperation with PEP-Comm is Voluntary, Not Mandatory

Just like ICE holds, notification to ICE of an individual’s release date is completely voluntary. Under the Tenth Amendment, ICE is prohibited from imposing any mandatory duties on local law enforcement agencies to engage in civil immigration enforcement. Because notification runs contrary to the purpose of the TRUST Act and creates distrust within immigrant communities, advocates should ask local law enforcement to opt out of PEP-Comm by adopting policies that refuse notification to ICE.

Tips for Advocates:

1. Find out if the individual was held for extra time beyond when s/he should have been released in the criminal matter to facilitate notification and transfer to ICE:
   a. Ask when the individual should have been released in the criminal matter.
   b. Ask when the individual was actually released and why there was a gap in time.

2. Find out if the individual was actually released and why there was a gap in time.
   a. Was the individual free to leave the jail?
   b. Transfer from one holding cell to another for ICE means the individual was not free to leave.

Remember: ICE hold and notification requests are all voluntary. Ask your local law enforcement to adopt a policy of not responding to any ICE holds and any ICE notification requests.

FOR AN IN-DEPTH EXPLANATION OF THE PRIORITY ENFORCEMENT PROGRAM AND THE NEW DEPORTATION PRIORITIES, PLEASE SEE:

HTTP://WWW.CATRUSTACT.ORG/UPLOADS/2/5/4/6/25464410/14_1120_MEMO_SECURE_COMMUNITIES.PDF

HTTP://WWW.CATRUSTACT.ORG/UPLOADS/2/5/4/6/25464410/14_1120_MEMO_PROSECUTORIAL_DISCRETION.PDF
This campaign aims to disentangle local law enforcement from ICE by NOT allowing:

1. ICE access to local jails if they lack a criminal warrant signed by a judge.
2. ICE access to local law enforcement databases.
3. Information sharing between local law enforcement and ICE, including any information related to an individual’s release date from criminal custody and any personal information about an individual (e.g. home address, place of employment, or future court hearings).
4. ICE to question individuals in jail custody about their immigration status.
5. Responses to ICE hold requests or ICE notification requests.
6. Transportation of individuals by local law enforcement to ICE.
7. Denial or increase of bail for noncitizen detainees.
### FRAMING AND MESSAGING ICE OUT OF CA

As communities continue to challenge ICE’s abusive and unjust practices, the following resources may help you craft messaging for your efforts.

With these themes and narrative, we changed the story. With these values, we inspired supporters, moved “persuadables,” and marginalized the opposition.

#### THEMES:
- **INCLUSIVE PUBLIC SAFETY.**
- **TRUST.**
- **EQUALITY UNDER THE LAW.**
- **THE UNITY OF ALL FAMILIES.**
- **TRANSPARENCY.**

#### VALUES
- California and many of its local governments are setting a national model for inclusion. The nation needs our leadership on immigration now more than ever.
- Immigrants are part of us. Every immigrant community member is part of California’s heart and soul.

#### THE PROBLEM
- DHS and ICE are set to repeat past mistakes. With half of California’s undocumented community members excluded from “deferred action,” this means many of our loved ones and neighbors are at risk of deportation.
- The Priority Enforcement Program still puts community policing, civil rights, and family unity at risk, and leaves local governments liable for potential constitutional violations.

#### THE SOLUTION
- We need to pass local and state policies that protect and advance the purpose of the TRUST Act.
- To help foster trust, we need to make sure local governments don’t share personal information - like home addresses and release dates from jail - with ICE. And we need to curtail other ICE practices that undermine basic civil rights and hurt families and communities.

#### REMEMBER:
**The experience of directly impacted people is more important than any set of talking points.**

#### Campaign and Media Outreach Strategy for 2015
- **Why it Matters:** If California takes action, we’ll push the national conversation forward and help build trust between communities and local law enforcement. If we embrace the full humanity of people with convictions, we’ll uphold the principle of redemption and truly strengthen public safety. For too long, the most vulnerable members of our communities have been criminalized, with hurtful stereotypes and assumptions used to obscure the common humanity of all of us.
FRAMING AND MESSAGING ICE OUT OF CA

By naming the program “Secure Communities,” ICE attempted to frame deportation as a public safety issue and portray victims of the program as “dangerous threats.” Yet, in the span of just a few years, our movement forced DHS Secretary Jeh Johnson to concede that the program’s “very name” had become a “symbol of general hostility” to deportation policy. How did this stunning reversal happen? And how can we continue to challenge ICE’s profoundly troubling track record of misconduct?

The story started to change because people facing deportation through S-Comm stood up and spoke out. Their testimony and leadership, coupled with the organizing and advocacy efforts of communities across the nation, highlighted the injustice of the status quo and created a dilemma for decision-makers.

RE-THINKING KEY TERMS

Certain terms that many of us have used at some point may unintentionally serve to create a divide between “good” immigrants - who appear to meet a nearly super-human standard of perfection - and everyone else. ICE cynically uses this framing to sell its deportation programs as targeting those who are “bad” or “undeserving.” As communicators, we need to create room to acknowledge the full humanity – and thus, the imperfection – of every person.

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<thead>
<tr>
<th>LANGUAGE TO RECONSIDER</th>
<th>SUGGESTED ALTERNATIVE</th>
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<tbody>
<tr>
<td>They came here through no fault of their own</td>
<td>Our country has not created a workable immigration process.</td>
</tr>
<tr>
<td>Tried to come the “right way”</td>
<td></td>
</tr>
<tr>
<td>Isn’t a criminal</td>
<td>We are all human beings.</td>
</tr>
<tr>
<td>Isn’t a “bad person”</td>
<td>We are all part of the fabric of this country.</td>
</tr>
<tr>
<td>Felons, not families</td>
<td></td>
</tr>
<tr>
<td>Works hard and plays by the rules</td>
<td>Is an integral part of contributes to the community.</td>
</tr>
<tr>
<td>Did everything “right.”</td>
<td>[Highlight the person’s contributions without suggesting other people are less worthy]</td>
</tr>
<tr>
<td>Is a “good person”</td>
<td></td>
</tr>
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</table>

RESPONDING TO QUESTIONS WITH OUR VALUES

Talking about public safety and people with convictions: The more we can separate local law enforcement from ICE, the more confidence we can help build between immigrant communities and local law enforcement. And our unjust deportation system shouldn’t take the place of the courts. Our laws should treat all fairly and give all people the right to their day in court, no matter what they look like or where they were born. Due process should be the bedrock of our justice system, and when that principle is eroded, we all suffer.

Talking about DACA and DAPA: The President’s new Deferred Action initiatives are an important step forward, but many of our neighbors and loved ones are left out and at risk from programs like PEP, including LGBT community members, parents of undocumented youth, people who don’t have children, and people who have had convictions, served their time and are turning their lives around.

The bigger picture: Separating police from ICE is one piece in a bigger conversation about how to end police abuses and racial profiling. For too long, in too many communities of color across the nation – particularly in African-American communities – people have suffered harassment, humiliation, bias, and abuse at the hands of law enforcement. We need to advance policies that recognize that black lives matter, ensure equal justice, uphold transparent and accountable policing, and move us all forward together.
Recommendations for ICE Holds and ICE Access Programs
Prepared by Anoop Prasad of Advancing Justice- Asian Law Caucus

1. Prohibit ICE From Conducting Enforcement at Courthouses and Probation Check Ins.
There are numerous reports of ICE conducting enforcement activities at courthouses and with probation departments. For instance, an individual will show up for his or her court hearing regarding an alleged charge, only to be arrested by ICE. These enforcement tactics deny due process because they make immigrants afraid of attending hearings in court. Family members also are not able to attend hearings for fear they will also be detained by immigration. In addition, ICE has been arresting individuals when they meet with their probation officers. These enforcement tactics undermine rehabilitation programs, deter individuals from meeting with their probation officers, and interfere with probation compliance. ICE should be prohibited from engaging in enforcement activities at courthouses and with probation officers.

2. Suspend Criminal Alien Program interviews in Local Jails.
Through ICE’s Criminal Alien Program (CAP), ICE officers ask for and receive access to local jails to interview and seek transfer of individuals suspected of being removable into ICE custody. Similar to ICE hold requests and ICE notification requests, ICE’s CAP program is entirely voluntary. We have received complaints from community members of ICE using their access to local jails to engage in racial profiling. ICE has been singling out individuals who appear to be foreign-born for immigration enforcement interviews and then using coercive tactics in these interrogations. This includes telling the individual that s/he has no rights, denying access to attorneys, denying phone calls to family members, and threatening individuals with prolonged immigration detention if they do not sign stipulated removal orders or voluntary departure forms. Find out if your local jail participates in the CAP program and inform local law enforcement officials that they should terminate CAP because ICE officers are engaging in racial profiling and using coercive interrogation tactics.

Case Example:
As of 2014, there are three cases from Stanislaus County with similar facts. Two involved Indo-Fijian green card holders and one involved an Iranian Legal Permanent Resident. These individuals were on probation and received phone calls from their probation officer for an unscheduled check-in. When they showed up for the check-in, an ICE officer was waiting and immediately arrested them.

Case Example Mr. Mendoza:
On April 20, 2014, Mr. Mendoza was arrested after leaving a Mexican restaurant in Sacramento County. California Highway Patrol and Sacramento County Sheriff’s deputies pulled Mr. Mendoza over and accused him of tossing a cigarette butt out of his window. Then they arrested him for a misdemeanor DUI. The officers placed Mr. Mendoza in a holding cell at the Sacramento County Main Jail. An ICE officer asked Mr. Mendoza questions related to his immigration status, placed him in ICE custody, and then transferred him to a facility in Elk Grove. The next day, ICE officers tried to coerce Mr. Mendoza into signing a voluntary departure agreement, repeatedly telling him he had no right to an attorney and that he had to sign the form. After he refused, he was flown to New Mexico, where he was held for over six months in an immigration detention facility. In October 2014, four ICE officers forced Mr. Mendoza to place his fingerprints on a document and then deported him. He leaves behind two U.S. citizen children who depend on him financially and emotionally. A complaint regarding the ICE officers’ conduct has been filed with DHS’s Office of Civil Rights and Civil Liberties and is currently pending.
3. End ICE Hold Requests Because They Are Unconstitutional.

In *Miranda-Olivares v. Clackamas County*, a federal district court in Oregon held that detentions of individuals by local law enforcement in response to ICE hold requests violate Fourth Amendment constitutional protections against unreasonable search and seizure. The court reasoned that once a person is entitled to release after resolution of her criminal charges, holding that individual for additional time in response to an ICE hold request constitutes a new seizure and thus requires a separate finding of probable cause than the original arrest.

As a result of these legal developments and community organizing, several hundred jurisdictions thus far have adopted policies limiting responses to ICE hold requests. However, ICE continues to issue hold requests that place local law enforcement in the precarious position of denying these requests or being subject to legal liability for violating Fourth Amendment protections. ICE also is misleading local law enforcement by issuing what are essentially ICE hold requests (I-247 form) dressed up in other forms. These forms, including I-200, I-203, and I-205, have “warrant” misleadingly written across the top. However, they are merely ICE hold requests as they are not *signed by a judge* and not *based on probable cause*. Given that ICE holds violate Fourth Amendment Constitutional protections, ICE holds, in all its various forms, should not be issued to local law enforcement.

4. Issue U Visas for Individuals Who Were Held Illegally on ICE Holds

When local law enforcement violates a local or state law that limits detentions in response to ICE hold requests or holds an individual beyond the 48 hours (excluding weekends or holidays) allowed by an ICE hold, the individual is the victim of false imprisonment. Consider asking local law enforcement to sign a U visa certification to address the violation. U visas provide immigration status to victims or witnesses of certain crimes. Then the next step is to ask that US Citizenship and Immigration Services to grant the U visa.
WHAT ARE THE NEXT STEPS TO PUSH ICE OUT OF CALIFORNIA?

1. **Meet with local law enforcement** to urge them to not allow ICE access to their jails and to not engage in the problematic practices previously listed.

2. **Inform local law enforcement** that both ICE hold and ICE notification requests are **voluntary**. Advocate that they adopt a policy of not responding to any of these requests because entanglement with ICE wastes local resources, undercuts community policing, and tears apart families.

3. **Inform local law enforcement** that ICE is a **civil** law enforcement agency, not a **criminal** law enforcement agency. They do not provide Miranda warnings prior to interrogating people; they enforce civil immigration law; and the “civil warrants” they issue usually are **not** signed by a judge or based on probable cause. Thus, local law enforcement agencies are **not obligated** to assist ICE because they are not another criminal law enforcement agency.

4. **Organize Know Your Rights presentations** to community members on their rights under the TRUST Act, the PEP-Comm Program, and the status of local law enforcement and ICE collaboration in your county.

5. **Remind the community that they have the right to remain silent** and that ICE cannot enter their homes without a warrant.

6. **Use www.ICEoutofCA.org** for information on how to push ICE out of CA.

7. **Call 1-844-TRUST-01 (1-844-878-7801)** to report a TRUST Act or local No ICE Hold policy violation.

8. **Use PaseLaVoz**, a FREE text alert program for your phone to learn and report the location of ICE checkpoints and raids. PaseLaVoz is for all types of phones. More than half a million people use PaseLaVoz to learn the location of ICE raids and immigration checkpoints. PaseLaVoz is automatically activated with a simple and short call or text to **1-415-715-9990**.
ADVOCACY

CALIFORNIA TRUST ACT
**IF YOU OR A LOVED ONE THINK YOU HAVE BEEN WRONGLY HELD FOR IMMIGRATION, YOU CAN REPORT A VIOLATION IN 3 WAYS:**

1. **Call the TRUST Act Hotline**
   1-844-TRUST-01 (1-844-878-7801)

2. **Email**
   catrustact@gmail.com

3. **Visit**
   www.catrustact.org to fill out a report on the “Report Cases” page

Please note that the TRUST Act hotline will allow callers to leave a message to report a violation. Legal advocates will respond as soon as possible with information and resources. While not all cases can be represented, referrals will be provided.

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**Why report a TRUST Act Violation?**

In order for the statewide TRUST Act coalition to monitor TRUST Act violations, it is **essential** that local advocates and community organizers report any violations they hear of.

Collecting information on where and what kinds of violations occur allows us to find patterns within the state, track ICE's evolving practices in immigration enforcement, and develop stronger resistance in target areas.
WHAT TO DO IF YOU ENCOUNTER A TRUST ACT VIOLATION

THE PURPOSE OF THIS SECTION IS TO PROVIDE A PROTOCOL TO REPORT A TRUST ACT VIOLATION. THIS GUIDE MAY BE APPLICABLE WHEN THE COMMUNITY MEMBER IS DETAINED EITHER BY LOCAL LAW ENFORCEMENT OR BY ICE.

Step 1: Report the violation through any of the following methods.
- Call 1-844-TRUST-01 (1-844-878-7801)
- Email catrustact@gmail.com
- Submit an intake report on catrustact.org (http://www.catrustact.org/report-cases.html)

Step 2: Contact your local Sheriff’s Department or ICE Field Office Director
It is important to determine whether law enforcement or ICE has detained the person affected. If a community member is detained by local law enforcement, advocates may contact the local sheriff’s department by phone or in writing to explain that the TRUST Act applies and that individual cannot be held for ICE. Contact should be made as soon as possible. A sample letter to sheriffs can be found in the appendix and catrustact.org.

Step 3: Develop an online petition in support of the affected person(s)
- Determine the target of your petition including, but not limited to:
  - CA ICE Field Directors
  - Local sheriff’s department
- Utilize an online petition generator, such as www.change.org or www.actionnetwork.org to create a petition
- In the petition description be sure to include:
  - The affected person’s name and A-Number
  - The reason for the petition: a TRUST Act and/ or No ICE Hold policy violation
  - The purpose of the petition: to prevent deportation and/or demand the release from detention
  - Background information on the family and community members who are affected by the detention and deportation of the person affected
  - Contact information of the petition target and a sample script for supporters to call the target

<table>
<thead>
<tr>
<th>REGION</th>
<th>ICE FIELD OFFICE OFFICIAL</th>
<th>PHONE NUMBER</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Francisco Field Office: Northern California, Hawaii, Guam</td>
<td>Craig Meyer</td>
<td>(415) 844-5512</td>
<td>630 Sansome Street Rm 590 San Francisco, CA, 94111</td>
</tr>
<tr>
<td>Los Angeles Field Office: Los Angeles Metropolitan Area (Counties of Los Angeles, Orange, Riverside, San Bernardino), and Central Coast (Counties of Ventura, Santa Barbara and San Luis Obispo)</td>
<td>James Pilkington</td>
<td>(213) 830-7911</td>
<td>300 North Los Angeles St. Room 7631A Los Angeles, CA, 90012</td>
</tr>
<tr>
<td>San Diego Field Office: San Diego and Imperial County</td>
<td>Kenneth C. Smith</td>
<td>(619) 557-6343</td>
<td>880 Front Street #2232 San Diego, CA, 92101</td>
</tr>
</tbody>
</table>

Sample telephone script:
“I am calling to ask Sheriff/ Director ______ to release _______ (A #### #### ####) from detention and allow them to reunite with their family. They have lived in the U.S. for ___ years and their place is next to their family and community. I ask that the Sheriffs Department/ ICE exercise its prosecutorial discretion and stop _______’s deportation.”
**TRUST ACT VIOLATION TIMELINE**

This sample timeline briefly explains the legal process after a TRUST Act violation occurs. It is not intended to be a comprehensive guide to addressing violations. If you hear about or experience a violation of your rights under the TRUST Act, it is important to report it to 1-844-TRUST-01 (1-844-878-7801) or catrustact.org as soon as possible to allow attorneys and other advocates ample time to develop a strategy and address the violation.

**Violation:**
Once a TRUST Act violation occurs, the individual, family member, or friend should report it as soon as possible to 1-844-TRUST-01 (1-844-878-7801) or catrustact.org. Attorneys will work with local advocates to launch an investigation into the violation.

**County Response Deadline:**
From the date the individual files the administrative tort claim, the county has 45 days to take action on the tort claim. The county can grant or deny the application within that time frame. If the county does not respond within 45 days, the claim automatically is presumed denied on the 45th day. Once the county grants, denies, or does not act on the claim, the county should inform the individual of its decision by providing written notice.

**Lawsuit Filing Deadline (when county does not provide written notice):**
If the county does not provide written notice of its decision, the individual has 2 years from the county’s 45-day response deadline to file a lawsuit. For a TRUST Act violation, an individual can bring state claims under the Bane Act (Cal. Civil Code § 52.1), false imprisonment, and negligence, among other claims.

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**JANUARY 1, 2014**
- **County Tort Claim Deadline:**
  Once a TRUST Act violation occurs, the individual has 6 months from the date of the violation to file an administrative tort claim with the county. This claim is not a lawsuit, but rather a way to preserve the individual's right to sue in state court. Most counties have a tort claim form available on their website.

**JULY 1, 2014**

**AUGUST 15, 2014**
- **Lawsuit Filing Deadline (when county provides written notice):**
  If the individual receives written notice from the county about its grant, denial, or inaction on the administrative claim, the individual has 6 months from the date of notice to file a lawsuit in state court. For a TRUST Act violation, an individual can bring state claims under the Bane Act (Cal. Civil Code § 52.1), false imprisonment, and negligence, among other claims. If the individual misses this deadline, the individual still can file a lawsuit in federal court under the Fourth Amendment of the U.S. Constitution.

**FEBRUARY 15, 2015**

**AUGUST 15, 2016**
SUCCESSFUL EXAMPLES OF PAST IMMIGRANT RIGHTS CAMPAIGNS

SAN FRANCISCO
CONTRIBUTED BY ASIAN AMERICANS ADVANCING JUSTICE – ASIAN LAW CAUCUS

Background:
The San Francisco Immigrant Rights Defense Committee (SFIRDC) began in 2008, when different organizations that were advocating for immigrant rights in various capacities came together to organize collectively against misleading policy attacks on pro-immigrant policies. The work of SFIRDC is fueled by the diversity of skills and organizational expertise among members to advocate for equality and immigrant rights.

In 2009, SFIRDC successfully passed a "Due Process for Youth" Ordinance that significantly limited the cases in which juvenile probation could report youth to ICE. In 2010, after SFIRDC learned that S-Comm would be turned on in San Francisco, the coalition led a campaign to "opt out" of the program. While the campaign uncovered the inconsistencies and lack of transparency with the program, the coalition was unable to turn off the program. In 2013, the coalition persevered and passed the "Due Process for All" ordinance. The ordinance limits responses by local law enforcement to almost all ICE hold requests, greatly lowering the number of deportations. During this process, the coalition met regularly to organize for meetings with the Board of Supervisors, District Attorney, Public Defender, Domestic Violence Groups, Sheriff, Police Chief, and Mayor.

What were the strategies used in this campaign? What resources were most useful?

1. A primary strategy of the Due Process for All campaign was engaging in a community-centered model of advocacy. The needs of the community members who were being most impacted drove the decision-making in the campaign, which enabled it to speak to a variety of communities and concerns.

2. The coalition used many different tactics to collect information and mobilize around. These included public records requests, regular meetings with officials, a robust communications strategy, collecting stories from people who were impacted, and community rallies. The range of methods used helped sustain momentum and engagement in the campaign.

What are key lessons you would pass on?
The Coalition to pass the Due Process for All ordinance was comprised of many different organizations that brought varied experiences and expertise. Among the members there were legal and civil rights organizations, domestic violence groups, queer and trans groups, Asian and Latino immigrant groups, labor groups, and many more. The representation of all these groups ensured that a holistic account of San Francisco was being considered and that the legislation would be inclusive of many different communities.
SUCCESSFUL EXAMPLES OF PAST IMMIGRANT RIGHTS CAMPAIGNS

SANTA CLARA
CONTRIBUTED BY SILICON VALLEY DEBUG

Background:
In 2010, dozens of community organizations came together to form the Santa Clara Coalition Against S-Comm. The Coalition provided expertise and perspectives from a variety of communities throughout the County, and continued to encourage the County to opt out of S-Comm.

After sending a number of letters to ICE to ask questions about S-Comm and ICE holds, the County formally opted out of the S-Comm program on September 28, 2010. In 2011, the County went a step further by adopting a no ICE hold policy. The policy states that the County will not respond to any ICE holds unless it is fully reimbursed for the hold, and even if it is reimbursed, the County will use discretion to enforce holds only against those with violent or serious felony convictions. The policy also included a provision limiting use of local resources for immigration enforcement and prohibiting ICE from accessing the jail unless they have a criminal warrant.

What were the strategies used in this campaign? What resources were most useful?
1. A valuable tactic that was used in this campaign was engaging local officials on a regular basis. This tactic allowed the Coalition to map the landscape of opinions within the County and target its efforts. It also ensured that the Coalition was using its time strategically to influence and educate officials on the Coalition's concerns and analysis.

2. Establishing a strong messaging framework that coalition members agreed upon was essential to the cohesion of the campaign and the success of the policy. By refusing to engage in divisive language that created a false dichotomy between deserving and undeserving immigrants, the Coalition put forth a variety of perspectives and maintained unity among diverse communities.

What are key lessons you would pass on?
The diversity of groups represented in the coalition was important not just for representation, but also for the strengths and assets that each organization brought. Having a variety of organizations represented means that a campaign will have a greater breadth and depth in terms of a comprehensive policy and lasting impact.
SUCCESSFUL EXAMPLES OF PAST IMMIGRANT RIGHTS CAMPAIGNS

COOK COUNTY

CONTRIBUTED BY ILLINOIS COALITION FOR IMMIGRANT AND REFUGEE RIGHTS

Background:
Illinois Coalition for Immigrant and Refugee Rights (ICIRR) worked with Cook County Commissioner Jesus Garcia and several of their member organizations to pass the Cook County detainer ordinance in September 2011. Commissioner Garcia took up this issue after the Cook County sheriff appeared on a TV news story saying that his jail held on average 300 people on any given day on ICE holds. The sheriff had already removed ICE from the jail and the holding areas in the criminal courthouse (which adjoins the jail) and denied ICE access to computer terminals in the sheriff’s office at the courthouse.

What were the strategies used in this campaign? What resources were most useful?
ICIRR’s main talking points supporting the ordinance involved the cost of complying with ICE holds. They estimated that detainers cost county taxpayers $15.6 million each year (based on the $143 to hold an inmate in the jail each day). They also emphasized that ICE holds undermine community trust in law enforcement and, by sending people through the deportation pipeline, destroy families. ICIRR rallied their member organizations, including several faith leaders, to speak with county board members regarding the human toll of detainers. County Board President Toni Preckwinkle added the key points that everyone in the criminal justice system should be treated equally, regardless of their immigration status and whether they have a detainer lodged against them, and that any risk arising from releasing an inmate should be addressed in bond court, not by detainers.

Their strategy was to pass the ordinance quickly and quietly, which they succeeded in doing in September 2011. However, the county board revisited the ordinance in early 2012 after a tragic incident when an immigrant motorist committed a DUI that killed a pedestrian and fled after he was released on bond. Several commissioners proposed carve-outs to the detainer policy, which includes no exceptions unless the county had a written agreement with ICE to cover the costs of complying with the detainers (which the county would never agree to). The board held a public hearing in February 2012 to hear from the sheriff, the family of the pedestrian, and other witnesses. In the end, the proponents of the amendments did not have the votes to pass them and never brought them to a vote.

What are key lessons you would pass on?
1. To identify key allies inside and outside government.
2. To start with as broad a policy as is politically feasible.
3. To use strong talking points and emphasize the issues of cost and fairness.
4. To be prepared for potentially damaging incidents but to stay strong with our own positions.
1. Letter to sheriffs for release of an individual held in violation of the California TRUST Act.
2. Sample agenda for meetings with local law enforcement and sheriffs departments.
3. Sample Press Release

Please note that all information and resources for the ICE Out of California campaign can be found at ICEOUTOFCA.ORG
additional information on the California TRUST Act can be found at CATRUSTACT.ORG and ACTADECONFIANZA.ORG
Dear Sheriff [NAME],

I am writing to request the immediate release of [FULL NAME], date of birth [Month/Date/Year], as required by the TRUST Act (AB 4). [Or, if release isn’t required yet: I am writing to inform you of your obligation to release [FULL NAME], [date of birth], when he/she becomes eligible for release on [date]. I understand that an ICE hold has been placed on him/her. However, the TRUST Act (AB4), prohibits counties from detaining [NAME] in response to an immigration hold request. The TRUST Act was signed into law by Governor Brown on October 5, 2013, and is binding state law as of January 1, 2014.

[NAME] was booked into your jail on [DATE] for [ALLEGATIONS]. [Briefly state current status of charges, e.g., no charges filed, bail eligible, etc.]. Under the TRUST Act, [NAME] cannot be held for Immigration and Customs Enforcement (ICE) in response to an ICE hold request. [Explain how TRUST Act as been violated – e.g. client only has straight misdemeanors, preliminary hearing hasn’t happened, etc.]. Thus, [NAME] must be released on [DATE] by your department. Detaining [NAME] in response to an ICE hold request violates the TRUST Act, constitutes false imprisonment, and raises serious due process concerns. Attached please find a letter that the ACLU, Advancing Justice - Asian Law Caucus, California Immigrant Policy Center, and National Day Labor Organizing Network sent to you in December 2013, providing key information about the TRUST Act prior to its January 1, 2014 effective date as binding law. As that letter emphasizes, the Sheriff’s Department is liable for violations of the TRUST Act.

Attached also is a letter that these and other prominent civil rights organizations have also submitted to your County Counsel, notifying them about providing a detailed analysis of the TRUST Act and the obligations it imposes. In addition, I have included the text of the TRUST Act and a flow chart showing how the TRUST Act works. Finally, here is also a website that provides information and resources for law enforcement on the TRUST Act: trustact.weebly.com.

Please contact me immediately via [EMAIL] or by calling me at [NUMBER] to confirm that you will be releasing [NAME] immediately [when he/she is otherwise eligible for release on his/her local charges] and not holding [him/her] for ICE in violation of state law.

Sincerely,

After you identify and vet the facts of an ICE hold case that violates the TRUST Act:

1. Email and Call Sheriff with this message and referenced attachments (contact information usually available through the Sheriff’s Department website)
2. Go to jail and ask to speak to supervisor with below message in hard copy letter form and referenced attachments
3. Call and email County Counsel with this message and referenced attachments (contact information usually available through the County Counsel’s website)

Timing: Please begin this advocacy as early as possible. Advocacy will be more effective when done early on as opposed to when the individual is already being held on the ICE hold.

THIS LETTER AND SUGGESTED ATTACHMENTS CAN BE FOUND ON CATRUSTACT.ORG/RESOURCES
1. Thank you for meeting & Introductions  [FACILITATOR/POINT PERSON]
   a. Ask each attendee to introduce self (Name, Org, # of community members serve, if relevant, mention constituency – Sheriffs are elected)

2. Explain Changes under PEP-Comm [POINT PERSON]
   a. Provide background on PEP-Comm if appropriate:
      i. As you may know, on November 20, 2014, the federal government recognized that ICE holds violate the Fourth Amendment of the Constitution and undercuts community policing efforts. As a result, the Department of Homeland Security announced that it will replace Secure Communities with the “Priority Enforcement Program” (“PEP”).
      ii. Under PEP-Comm, ICE will continue to conduct immigration background checks on fingerprints taken by local law enforcement at booking.
      iii. The difference under PEP-Comm is that rather than issuing ICE hold requests seeking prolonged detention of individuals beyond when they would otherwise be released, ICE will request notification from counties of these individuals’ release dates so that ICE may pick up the individual upon release. ICE may still issue ICE hold requests seeking detention of an individual under “special circumstances,” but it is not clear what these circumstances entail.
   b. Like ICE hold requests, we would like to emphasize that responding to these notification requests is completely voluntary. We are here today to ask that you adopt a policy of not notifying ICE because notification will undermine trust with community members, tear immigrant families apart, and needlessly expend local resources to enforce our broken immigration system.

3. Explain that Notification to ICE is Bad Policy and that TRUST Act still protects against prolonged detention [POINT PERSON]
   a. As you know, the TRUST Act went into effect on Jan. 1, 2014 and is now binding state law on all counties.
   b. The goal of the TRUST Act is to rebuild the trust that Immigration and Custom Enforcement’s Secure Communities Program (S-Comm) has undermined between immigrant communities and local police by establishing statewide standards for responding to burdensome ICE hold requests. We are concerned that any notification to or detention for ICE will undercut community policing and further fear of coming forward to trust local police.
   c. We would also like to explain that even under PEP-Comm, the TRUST Act continues to protect individuals in law enforcement custody from extended detention.
      i. The TRUST Act prohibits local law enforcement from detaining an individual beyond the time permitted by law for the criminal charge solely for purposes of notifying ICE of the individual’s release.
      ii. Any detention beyond a person’s release date on an immigration ICE hold violates the Fourth Amendment because detention after a person is eligible for release on a ICE hold is a new arrest that requires probable cause. This is true even if the person’s detention is only extended by hours, rather than days. Because ICE notification requests are not supported by probable cause, a jail that extends an inmate’s detention after his scheduled release to notify ICE and allow ICE to pick up the individual violates the Fourth Amendment.
      iii. There also are liability concerns if the Sheriff’s Department notifies ICE about an individual who is not actually deportable. ICE’s fingerprint checks and database contain a lot of errors as immigration status is not static. Depending on the facts each case, an individual can go from being undocumented to receiving administrative relief, a visa, a green card, or even become a U.S. citizen.
      iv. Notification to ICE also entangles your department with immigration enforcement and contributes to mistrust in the immigrant community.
4. **Ask Questions [POINT PERSON]** *Reserve the most time here.*
   a. **ICE hold requests:**
      i. Given that the TRUST Act is law in California and that federal courts have found that ICE holds violate the Fourth Amendment of the Constitution because they are not based on a probable cause finding and judicial approval, what steps have the Sheriff’s Department taken to protect the county from liability with respect to ICE holds?
      ii. Does your department have a policy of “No ICE Holds” (e.g., not responding to any holds)?
      iii. Can we get a copy of any “ICE hold” policies and any relevant trainings?
      iv. Will the Sheriff’s Department work with the community, including the organizations represented here today, to implement this policy? If yes, how?
   b. **ICE notification:**
      i. Does your Department have a policy of not notifying ICE when an individual is released? Why or why not?
      ii. Can you share with us data regarding how many notifications you have sent out to ICE? Please also let us know the reason for each notification, along with the arrest charge, gender, race, ethnicity, and length of time in detention for each case?
      iii. What is the name and contact information for the Sheriff’s Department’s point person if an ICE notification occurs and it leads to an individual’s extended detention? Will there be a process in place to file related grievances?
   c. **ICE Access to jail (Criminal Alien Program):**
      i. Is ICE given access to the jail facilities? What for? And how do you monitor if they are engaging in racial profiling by selecting only individuals of certain ethnicities for interviews? How do you monitor against ICE violating individuals’ rights in your jail (e.g., coercive interview tactics, use of force, refusals to provide access to attorneys)?
      ii. Is ICE given access to jail computers, booking sheets, inmate logs, etc? Why?
   d. **Regular Meetings:** How soon can we meet again to discuss ongoing implementation?

5. **Advocate for Stronger Local Reform:**
   a. Consider laying groundwork for more progressive local policy. *We think it is important to maintain an open dialogue with the community and decide mutually what the best policy is for our community. Would you be open to engaging in further discussions with the community on this topic? Follow-up here could be a community forum or an ongoing working group with the Sheriff’s Dept.*
   b. Will the Sheriff’s Department consider adopting a “no notification” policy? Why or why not?
      i. If possible, provide stories to explain why notification is bad policy.
   c. Will the Sheriff’s Department consider adopting a policy that prohibits ICE access to the jail? Why or why not?
      i. If possible, provide stories to explain why giving ICE access to the jails is bad policy.

6. **Review Next Steps and Thank you** – Note any follow up steps and thank them for the meeting. [POINT PERSON]
SAMPLE PRESS RELEASE

FOR IMMEDIATE RELEASE

WOODLAND, CA -- A domestic violence survivor may be just days away from permanent separation from her six-year-old daughter due to Immigration and Customs Enforcement's (ICE) inconsistent application of deportation priorities. California immigrant rights and domestic violence organizations are urging ICE to exercise its prosecutorial discretion and immediately drop the case.

Nan-Hui Jo, mother of a six-year-old child, could be transferred to immigration custody within the week. In 2009, Nan-Hui fled with her child to South Korea, her home country, after physical and emotional abuse at the hands of her then-partner and child's father. In 2014, when she returned to the United States, she immediately was arrested for alleged child abduction. For seven months, Nan-Hui has been separated from her child and continues to languish at Yolo County Jail. Her first trial ended in a hung jury in December 2014, and her second trial began last Friday. After the trial, Nan-Hui faces imminent deportation and permanent separation from her daughter.

Nan-Hui is also a victim of ICE's systematic deportation apparatus that has deported over 2 million individuals during President Obama's administration. The Department of Homeland Security (DHS) and ICE issued a new memorandum aimed to prioritize deportations, but Nan-Hui's case highlights the dysfunction within the agencies, which forcibly separate 1,100 families a day. Although Nan-Hui has two pending immigration applications on file, ICE continues to seek Nan-Hui's transfer to immigration custody for deportation. Moreover, ICE has refused to drop Nan-Hui's case despite its own parental interests directive, which requires that the agency's practices do not interfere with an individual's parental rights.

Background: On November 20, 2014, DHS and ICE released a memorandum establishing new priorities for deportation. Although the agencies issued similar orders in the past, they attempted and failed to prioritize deportations. Immigrant rights groups have criticized the new priorities as both overbroad and vague, and argue that ICE continues to perpetuate deportation policies that have devastated immigrant communities across the country.

After the birth of her child in 2008, Nan-Hui had a volatile relationship involving physical and emotional abuse with her then-partner and child's father. On two occasions in August 2009 and October 2009, Nan-Hui called the Sacramento County Police Department after her child's father physically abused her. After the October incident, she feared for her safety and fled to South Korea with her child. After Nan-Hui left her child's father, he reported her for kidnapping. In July 2014, Nan-Hui returned to the United States and immediately was arrested and extradited to Yolo County to await trial on charges of alleged child abduction.

For the past seven months, Nan-Hui has been detained at the Yolo County Jail after the judge in her case denied her bail because of an immigration hold. She also has been unable to speak to her daughter since July because of a no-contact order, which she currently is challenging in family court.

ICE could take custody of Nan-Hui any day. Immigrant rights and domestic violence groups are urging ICE to exercise prosecutorial discretion and drop its case against Nan-Hui.

# # #