

## TRUST Act Breaks Through in California

Alex Nowrasteh | August 31, 2012

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Last Friday the California State Assembly [passed](#) the [TRUST Act](#). Also called the "anti-Arizona immigration law" by some, it would limit California law enforcement's cooperation with the federal [Secure Communities](#) program (SCOMM). The bill is now on its way to Governor Jerry Brown's desk where he is expected to sign it into law. The TRUST Act is good news for California budgets, residents, and police departments, for three main reasons:

First, it would limit immigration detainers to unauthorized immigrants convicted or currently charged with a serious or violent felony. If SCOMM must exist, it should exist for violent or property offenders and not otherwise peaceful unauthorized immigrants.

This limitation is essential to continuing California cities' successful use of [community policing](#) strategies that rely on informant and witness cooperation with police, even if they are unauthorized immigrants. If the possibility of deportation is increased with SCOMM, fewer unauthorized immigrants and their legal families will go out on a limb to help police solve real crime. The TRUST Act limits the growing distrust between immigrants and police.

Second, the TRUST Act would lower the cost for local governments who object to shouldering the high cost of detaining suspected unauthorized immigrants. A recent report found that detention costs for SCOMM currently run over [\\$26 million a year for Los Angeles county and \\$65 million a year for the entire state](#). Food, guards, prisons, beds, and other amenities that need to be provided to suspected unauthorized immigrants are too expensive for many jurisdictions.

Third, the TRUST Act frees those who haven't been convicted of violent or serious felonies and would prevent imprisonment of American citizens like [James Makowski](#). He was wrongly accused of being an unauthorized immigrant and held in detention for two months before the government admitted its mistake and released him. After his release, Makowski said, "'Everybody makes mistakes. I've made mine . . . But if the government can detain a U.S. citizen without justification, that's pretty outrageous. There have to be safeguards in place.'" (Markowski is suing the Federal Bureau of Investigation and the Department of Homeland Security for his two-month detention.)

SCOMM was started by a pilot project in 14 police jurisdictions by the Bush administration in October 2008. [SCOMM is now active in over 3,000 jurisdictions in the United States](#), roughly a [21,429 percent increase](#) in jurisdictional reach since Obama took office, and will be going nationwide shortly.

Beyond the TRUST Act, SCOMM should be discontinued. SCOMM is a federal immigration enforcement program that links fingerprint records with government immigration and criminal databases. If Immigration and Customs Enforcement (ICE) suspects an arrestee is an unauthorized immigrant, it issues a detainer to hold the arrestee so that ICE is notified when the arrestee is to be released, often delaying the arrestee's release until ICE is ready--on merely a suspicion that the arrestee is an unauthorized immigrant. ICE then detains the arrestee, verifies he is unauthorized ([occasionally they deport American citizens by accident](#)), and deports him. Meanwhile, local police departments hold these suspected unauthorized immigrants past their release dates.

States and localities originally volunteered to cooperate with ICE in this program, but some states like New York and Illinois want to drop out. The government's response to their requests was to [declare](#) SCOMM mandatory despite earlier [agreements and statements](#) to the contrary.

ICE officials have previously stated in their SCOMM agreement with California that the program would only target those ["convicted of serious offenses."](#) Recently obtained government documents show that SCOMM issues detainers for people who are not suspected of any criminal conduct. Some are detained by SCOMM because they were unable to identify themselves satisfactorily at drivers' license checkpoints or because they were arrested for identification purposes. Merely being arrested for non-serious offenses should not subject an arrestee to SCOMM.

SCOMM has lost credibility with the public, imposes heavy incarceration costs on states, and diverts the resources that should be used to deport unauthorized immigrants convicted of violent or serious felonies. The TRUST Act will build a wall around the worst parts of SCOMM in California and help restore confidence between police and immigrants.