



California TRUST Act Builds Wall Around Secure Communities

By Alex Nowrasteh on 07/09/2012

[Last week], the California Senate passed the **TRUST Act**. Known by some as the “anti-Arizona immigration law,” it would limit California law enforcement’s cooperation with the federal Secure Communities program. The TRUST Act is positive news for California budgets, residents of the state, and police departments that practice community-policing strategies.

The TRUST Act is an improvement for three main reasons:

- 1. The TRUST Act would limit immigration detainers to unauthorized immigrants convicted of a serious or violent felony. This 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 Secure Communities, fewer unauthorized immigrants and their legal families will go out on a limb to help police solve real crime.*
- 2. The TRUST Act would lower the cost for local governments who object to the high cost of detaining suspected unauthorized immigrants. Food, guards, prisons, beds, and other amenities provided to suspected unauthorized immigrants are too expensive for many jurisdictions.*

3. *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.*

Beyond the TRUST Act, Secure Communities should be discontinued. Secure Communities is a federal immigration enforcement program that links fingerprint records with government immigration and criminal databases. If 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.

Secure Communities was started in March 2008 by the Bush administration and was piloted in 14 police jurisdictions in October of that year. By now, Secure Communities is active in over **3,000 jurisdictions in the United States** and will be nationwide shortly. 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** Secure Communities mandatory despite earlier **agreements and statements** to the contrary.

Makowski, who was naturalized at the age of 1 after his American parents adopted him from India, was held for two months in a maximum security prison in Pontiac, Ill., because his immigration files were not updated after he was naturalized.

“Everybody makes mistakes. I’ve made mine,” said Makowski. “But if the government can detain a U.S. citizen without justification, that’s pretty outrageous. There have to be safeguards in place.”

He is suing the Federal Bureau of Investigation and the Department of Homeland Security for his two-month detention.

ICE officials have previously stated in their Secure Communities agreement with California that the program would only target those “**convicted of serious offenses.**” Recently obtained government documents show that Secure Communities issues detainers for people who are not suspected of any criminal conduct. Some are detained by Secure Communities 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 Secure Communities.

Secure Committees has lost credibility with the public, imposes heavy incarceration costs on states, and the resources expended on it should be used to deport unauthorized immigrants who have been convicted of violent or serious felonies. The TRUST Act would build a wall around the worst parts of Secure Communities in California and help restore confidence between police and immigrants.