

RESOLUTION NO. 7504

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE
URGING THE CALIFORNIA STATE LEGISLATURE AND GOVERNOR
JERRY BROWN TO SUPPORT ASSEMBLY BILL 1081 (AMMIANO),
THE TRUST ACT 2.0, WHICH SETS STANDARDS FOR LOCAL GOVERNMENTS TO
NOT DETAIN PEOPLE FOR DEPORTATION UNLESS THE INDIVIDUAL HAS A
SERIOUS OR VIOLENT FELONY CONVICTION**

WHEREAS, upon learning that an inmate is in violation of federal immigration law, U.S. Immigration and Customs Enforcement (ICE) may request local law enforcement to hold an inmate for an additional 48 hours after the inmate would have otherwise been released, allowing ICE to take custody of the inmate; and

WHEREAS, neither State or Federal law requires a county to honor civil detainer requests, recent court decisions and letters from ICE itself to local law enforcement agencies have confirmed that detainer requests are not mandatory; and

WHEREAS, detainer requests lengthen the period of time of detention, reduce the availability of prison beds and impose additional inmate housing costs on the County; and

WHEREAS, recent realignment legislation signed by Governor Jerry Brown will result in the need for additional capacity in county jails to accommodate the many prisoners that county jails will have to house; and

WHEREAS, the federal government initiated the Secure Communities program in 2008 as an important tool in the identification and deportation of undocumented individuals who had been convicted of violent crimes; and

WHEREAS, Secure Communities creates an automated information-sharing system through which fingerprints collected by local law enforcement at the time of booking are submitted by the California Department of Justice to the FBI, who in turn shares those fingerprints with ICE; and

WHEREAS, ICE compares the fingerprints from the California Department of Justice database with its civil immigration database to identify and apprehend individuals who are not in compliance with federal immigration law, and once ICE identifies someone suspected of violating federal immigration law, it uses a civil immigration detainer request to ask a county to hold the individual so that ICE can take custody of the inmate; and

WHEREAS, according to a recent White House report titled “Building a 21st Century Immigration System”, in large part due to the implementation of Secure Communities, the deportation of undocumented persons with criminal records increased by more than 70% as compared to 2008 when ICE began implementing the program; and

WHEREAS, recently ICE has determined that all Memorandum of Agreements with state governments are rescinded and that all state and local governments must comply with Secure Communities; and

WHEREAS, the fiscal impact of detaining inmates, in response to ICE civil immigration detainer requests and the impact on children of parents who are subject to deportation proceedings who end up in the dependency system is substantial, and negatively impacts a county budget; and

WHEREAS, recently the Santa Clara County Board of Supervisors adopted Policy 3.54 “Civil Immigration Detainer Requests”, which limits the circumstances in which the county will respond to immigration detainer requests to only those inmates who are convicted of a serious or violent felony offense or has been convicted of a serious or violent felony within 10 years of the request, and additionally, ICE agents are not given access to individuals or use of county facilities for investigative interviews. Also, county personnel cannot expend county time or resources responding to ICE inquiries or communicating with ICE regarding an individuals’ incarceration status or release time; and

WHEREAS, Assembly Bill 1081, the TRUST Act, introduced by Assembly Member Tom Ammiano, would have originally required that the State of California modify its Memorandum of Agreement with ICE regarding its participation in the Secure Communities program to include important safeguards that would protect innocent undocumented individuals from profiling and deportation; and

WHEREAS, the South Gate City Council adopted Resolution No. 7444 in support of the previous version of AB 1081 on August 9, 2011, the State Assembly passed AB 1081 last year on a 47-26 vote, the Senate Public Safety Committee on a 5-2 vote, and held over to the following year; and

WHEREAS, AB 1081 has been revised, given ICE’s decision to terminate the Memorandum of Agreements with states, and the new Bill -- TRUST Act 2.0 -- is largely modeled after the County of Santa Clara’s detainer policy, would set a clear standard for local governments to not detain people for deportation unless the individual has a serious or violent felony conviction, and additionally AB 1081 also guards against profiling and wrongful detention of citizens and crime victims; and

WHEREAS, given that ICE has determined that all local law enforcement agencies have to comply with Secure Communities, AB 1081 is an important step to address a key linchpin of Secure Communities holding undocumented inmates for additional time- and ensure that Secure

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE
DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The City Council hereby supports Assembly Bill 1081, the TRUST Act 2.0, introduced by Assembly Member Tom Ammiano, and urges the California State Legislature and Governor Jerry Brown to approve the legislation.

SECTION 2. A certified copy of this Resolution will be sent to Governor Jerry Brown, Senate President Pro Tem Darrell Steinberg, Assembly Speaker John Perez, Assembly Member Nancy Skinner and State Senator Loni Hancock.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

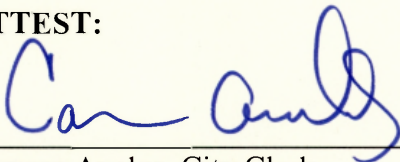
PASSED, APPROVED and ADOPTED on this 26th day of June, 2012.

CITY OF SOUTH GATE:



W.H. (Bill) De Witt, Mayor

ATTEST:



Carmen Avalos, City Clerk

(SEAL)

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney

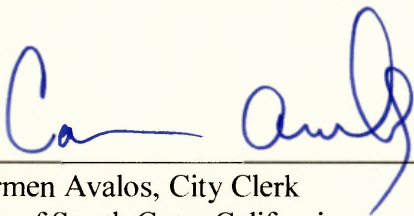
RESOLUTION CERTIFICATION PAGE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Resolution No. 7504 was adopted by the City Council at their Regular Meeting held on June 26, 2012, by the following vote:

Ayes: Council Members: De Witt, Hurtado, Gonzalez, Morales and Davila
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Witness my hand and the seal of said City on June 28, 2012.



Carmen Avalos, City Clerk
City of South Gate, California