



STATE OF CALIFORNIA  
OFFICE OF THE ATTORNEY GENERAL  
KAMALA D. HARRIS  
ATTORNEY GENERAL

October 16, 2015

RE: S. 2146, the Stop Sanctuary Policies and Protect Americans Act

To Whom It May Concern:

I write to express serious reservations with S. 2146, the Stop Sanctuary Policies and Protect Americans Act. This bill would potentially withhold federal funding from California law enforcement agencies that comply with the state's Transparency and Responsibility Using State Tools Act (TRUST Act), thereby potentially upsetting the enforcement of a state law that was designed to maintain public safety while strengthening trust between law enforcement and the communities we are sworn to serve.

Our federal immigration system is broken and states have been forced to craft policies that fill the void of leadership from Washington. The Senate should not exacerbate this problem by imposing new requirements that limit the discretion of sheriffs and police chiefs to make decisions based on the public safety needs and the best interests of their communities.

When the United States Department of Homeland Security (DHS) introduced Secure Communities in California in 2009, DHS promoted it as a way to identify and deport dangerous undocumented immigrants with criminal convictions who were a threat to public safety. But that program detained and removed a significant number of immigrants with minor convictions and some with no criminal histories at all, including some victims of crime. I strongly believe that serious and violent criminals – whether undocumented or not – should be held accountable for their crimes. But when local law enforcement officials are seen as de facto immigration agents, it erodes the trust between our peace officers and the communities we are sworn to serve. Criminal justice policy should not be conflated with national immigration policy.

Laws like the TRUST Act encourage community-oriented policing and help build the trust needed for victims and witnesses of crime to cooperate with state and local law enforcement without fear of immigration consequences. When state and local peace officers become de facto enforcers of federal immigration laws and policies, communities – including victims of crime – are less likely to trust, cooperate with, or communicate with law enforcement. A survey of more than 2,000 Latinos in Chicago, Houston, Los Angeles, and Phoenix found that 44% of Latinos

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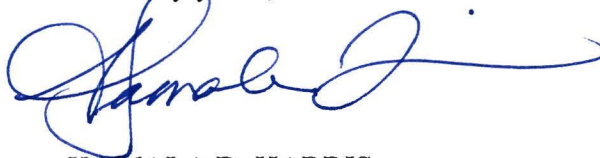
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would be hesitant to report being a victim of a crime because they were afraid that police would inquire about immigration status.

California local law enforcement officers are always able to notify ICE about serious criminals or those who pose a threat to public safety or national security. And the TRUST Act in fact requires that local law enforcement carefully analyze the public safety risks presented by an individual whose criminal history brings him or her within the TRUST Act's parameters. That analysis would include a review of his or her arrest offense and criminal history, as well as the resources of the agency, to decide for itself whether to devote resources to holding suspected undocumented immigrants on behalf of the federal government. S. 2146 is an attempt to undermine this framework, requiring law enforcement agencies to choose between complying with state laws such as the TRUST Act or risk losing federal funding in a time of reduced budgets.

Thank you for your consideration of our concerns. If your staff has any questions, they can contact my Chief of Policy, Daniel Suvor, at (213) 897-2737.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Kamala D. Harris", with a long, sweeping flourish extending to the right.

KAMALA D. HARRIS  
California Attorney General