

CITY OF LOS ANGELES
CALIFORNIA

HOLLY L. WOLCOTT
Interim City Clerk



ERIC GARCETTI
MAYOR

Office of the
CITY CLERK

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Division

www.cityclerk.lacity.org

When making inquiries relative to
this matter, please refer to the
Council File No.

September 10, 2013

To All Interested Parties:

Chief Legislative Analyst

I HEREBY CERTIFY that the City Council adopted the action(s), as attached, under
Council File No. 13-0002-S117, at its meeting held September 4, 2013.

City Clerk
OS

PLACE IN FILES
SEP 10 2013
ASST. CLERK

cc: 8 Certified copies sent to Sacramento Representatives

Mayor's Time Stamp
OFFICE OF THE CLERK
RECEIVED
2013 SEP -5 AM 10:18
CITY OF LOS ANGELES

City Clerk's Time Stamp
CITY CLERK'S OFFICE
2013 SEP -5 AM 10:08
CITY CLERK
BY _____
DEPUTY

FORTHWITH

SUBJECT TO THE CONCURRENCE OF THE MAYOR

COUNCIL FILE NO. 13-0002-S117

COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE SEPTEMBER 4, 2013

RE: INCLUDING IN THE CITY'S 2012-13 STATE LEGISLATIVE PROGRAM SUPPORT FOR AB 4 (AMMIANO), THE TRUST ACT, WHICH WOULD PROHIBIT A LAW ENFORCEMENT OFFICIAL FROM DETAINING AN INDIVIDUAL ON THE BASIS OF A U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOLD AFTER THAT INDIVIDUAL BECOMES ELIGIBLE FOR RELEASE FROM CRIMINAL CUSTODY, UNLESS CERTAIN CONDITIONS ARE MET

LAST DAY FOR MAYOR TO ACT SEP 16 2013
[10 Day Charter requirement as per Charter Section 231(h)]

DO NOT WRITE BELOW THIS LINE - FOR MAYOR USE ONLY

APPROVED
✓

*DISAPPROVED

*Transmit objections in writing pursuant to Charter Section 231 (h)

DATE OF MAYOR APPROVAL OR DISAPPROVAL 9/6/13

EG
MAYOR

RECEIVED
CITY CLERK'S OFFICE
2013 SEP -9 PM 3:33
BY _____
CITY CLERK
DEPUTY

AUG 20 2013

RESOLUTION

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

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13-0002-S117

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City of Los Angeles is a diverse community that values all of its residents, including its immigrant residents; and

WHEREAS, the U.S. Immigration and Customs Enforcement's (ICE) "Secure Communities" deportation program has resulted in the deportation of over 30,000 people from Los Angeles County since its initiation in 2009, including primary caregivers and breadwinners whose families have now been divided by deportation; and;¹

WHEREAS, "Secure Communities" has imposed unwanted costs on local law enforcement and eroded trust between law enforcement and our communities; and

WHEREAS, "Secure Communities" shifts the burden of enforcement of civil immigration law onto local police by requiring local police to submit the fingerprints of all arrestees to ICE for an immigration background check at the point of booking; and

WHEREAS, ICE checks these fingerprints against its flawed, outdated database and then issues "immigration hold" requests for anyone it suspects may be deportable, without regard to that person's length of residence in the U.S., family ties, or contributions to the community; and without any standard of proof as to the person's deportability; and

WHEREAS, ICE immigration hold requests ask local police to hold an individual for 48 hours, excluding weekends and holidays, beyond the point when he or she would otherwise be released largely at local expense and without any judicial order authorizing such confinement; and

WHEREAS, an estimated 3,000 U.S. citizens have been wrongly detained through ICE's Secure Communities program as a result of flaws in ICE's databases and the lack of any standard of proof requirement for immigration holds²; and

WHEREAS, crime victims, including domestic violence victims, have been subject to immigration holds as a result of the Secure Communities program, making immigrant crime victims and witnesses reluctant to report crimes or otherwise cooperate with the police³; and

¹ See Secure Communities Monthly Statistics through May 31, 2013, *available at* http://www.ice.gov/doclib/foia/sc-stats/nationwide_interop_stats-fy2013-to-date.pdf

² See Aarti Kohli, et al., *Secure Communities by the Numbers*, *available at* http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf; ACLU, et al., *U.S. Citizens Illegally Detained by Los Angeles Authorities Due to Secure Communities Program Errors*, Dec. 14, 2011, *available at* <http://www.aclu-sc.org/u-scitizens-illegally-detained-by-los-angeles-authorities-due-to-securecommunitiesprogram-errors/>.

³ See *Restoring Community: A National Community Advisory Report on ICE's Failed "Secure Communities" Program*, *available at* <http://altopolimigra.com/s-comm-shadow-report/>

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WHEREAS, the City of Los Angeles relies on the trust and cooperation of all members of the community to protect public safety; and

WHEREAS, the California legislature last year passed the TRUST Act (AB 1081), which would prohibit a law enforcement official from detaining an individual on the basis of an ICE hold after that individual becomes eligible for release from criminal custody, unless certain conditions are met; and

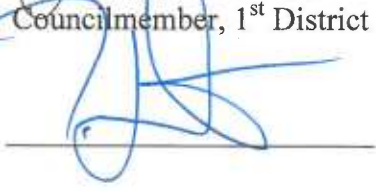
WHEREAS Governor Brown vetoed the TRUST Act on September 30, 2012, but announced his intention to work with the legislature "forthwith" to address his concerns with the bill; and

WHEREAS the TRUST Act was reintroduced in the California Assembly on December 3, 2012 as Assembly Bill 4; and

WHEREAS the TRUST Act is a modest step forward that will help California begin to restore trust between communities and law enforcement; reduce the unjust separation of Los Angeles families; and preserve local law enforcement funds for activities that increase, rather than reduce, public safety;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2012-2013 State Legislative Program SUPPORT for TRUST ACT, AB 4 (Ammiano).

Presented By: 
GILBERT A. CEDILLO
Councilmember, 1st District

Seconded By: 

ADOPTED
SEP. 4 2013
LOS ANGELES CITY COUNCIL
TO THE MAYOR FORTHWITH

ORIGINAL
AUG 20 2013