PA13-155

HB6659

House	5357-5374	18
Judiciary	2138, 2139, 2217-2218, 2219, 2224-2231, 2245-2255, 2260-2262, 2272, 2273, 2279-2283, 2286-2290, 2293-2299, 2306-2308, 2310-2313, 2315-2334, 2339, 2432-2447	90
Senate	4142-4144	3
		111

H – 1165

CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
2013

VOL.56
PART 16
5210 – 5544

FCalendar Number 477, Favorable Report of the Joint Standing Committee on PUBLIC SAFETY AND SECURITY, Substitute House Bill 6659, AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS.

SPEAKER SHARKEY:

Representative Gary Holder-Winfield. You have the floor, sir.

REP. HOLDER-WINFIELD (94th):

Yes, good morning.

Thank you, Mr. Speaker.

The -- I move acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

The question is acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark, sir?

REP. HOLDER-WINFIELD (94th):

Yes. Thank you again, Mr. Speaker.

Mr. Speaker, the Clerk is in possession of an amendment. The Amendment is LCO 7546. I ask that the Clerk call the amendment and I be granted leave of the Chamber to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 7546, which will

be designated as House Amendment "A"?

THE CLERK:

House "A", 7546, introduced by Holder-Winfield, Fox, Rebimbas, and Perillo.

SPEAKER SHARKEY:

The gentleman seeks leave of the Chamber to summarize.

Is there objection? Is there objection?

Seeing none, you may proceed with summarization, sir.

REP. HOLDER-WINFIELD (94th):

Thank you, Mr. Speaker.

This amendment is a strike-all amendment after the enacting clause. What it does is makes changes to the underlying bill. Actually corrects some issues that we had in the Judiciary Committee.

It says that no law enforcement officer, pursuant to a civil immigration detainer will detain an individual unless, and then it lays out what the unlesses are, which would be, that individual has been convicted of a felony, has an outstanding arrest warrant in this State, is subject to criminal charges, which are pending in this State, is identified as a gang member and is in a National Crime Information

Center's Database, is identified as a possible match on the Federal Terrorist Screening Database, and several other exceptions to the law.

The point of having done this is so we can deal with secure communities, which is now generally referred to as SCOM, and I urge adoption, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

The question before the Chamber is adoption of House Amendment "A".

Will you remark?

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and good morning -- good afternoon.

SPEAKER SHARKEY:

Good afternoon, madam.

REP. REBIMBAS (70th):

Mr. Speaker, I do rise in support of this amendment. This amendment -- the underlying bill there was much concerns regarding, and I do believe, rightfully so, as it was a very, I believe, restrictive bill when it came to police departments and dictating what they are allowed to do or not

allowed to do, but more importantly, what they couldn't do when it came to individuals have civil immigration detainers.

Now a lot of work went into this amendment and I think this amendment provides a balance, but a balance where previously there was no reference to exactly any guidance whatsoever for any police department in the handling of civil immigration detainers, which certainly left an area void of what could be expected or the protection of certain individual rights. So just for further clarification.

Through you, Mr. Speaker, to the proponent of the amendment, a few questions.

SPEAKER SHARKEY:

Please proceed, madam.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

To the proponent of the amendment. If you could explain the problem or situation that arised or that led to this type of amendment that's before us here today.

Through you.

SPEAKER SHARKEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes, thank you, Mr. Speaker.

And through you, Mr. Speaker.

I believe the concerns were about forcing the law enforcement agencies to -- actually forcing them not to communicate with ICE, which was a major concern. And what this amendment does is it does not require that our law enforcement agencies, who may be in custody of someone who this bill would be dealing with, have no communication with ICE.

The Judicial Department explained to us that there might be some concerns with that, including potentially concerns that might land us in the Supreme Court.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And just to further clarify, this amendment requires that a police department contact ICE if there's any type of civil immigration detainers, whether or not the police department decides to release or detain an individual. Is that correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Through you, Mr. Speaker.

Upon detention of one of these individuals, that would be correct.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And I think that's one of the most important parts of this amendment. Where the underlying bill was preventing a police department from making any notification to the appropriate department, ICE in this particular occasion. When it comes to civil immigration detainers, what the amendment actually does is encourages that and mandates that they do contact ICE, so that they are properly notified when there is an individual that has a civil immigration detainer. At that moment in time, they will then be able to inform the department of what type of action that they may or may not take.

They may, at that time, indicate to the department that they have no interest in the person and then, if the department, under the factors that have been enumerated in this amendment, if there's no pending charges or investigations and things of that nature, everything that's enumerated here, then the police department, after 48 hours, would then release the person.

But certainly, and again, for clarification purposes, if the factors in this amendment is found and the police department, then does have the ability to detain the individual past 48 hours. Is that correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

That would be correct.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And also for legislative intent, in some of these

factors, specifically Lines 36 and 38, there are some references regarding criminal charges in this State where bond has not been posted and/or an outstanding warrant in this State. We are just clarifying what's taking place in the State of Connecticut, but in no way, shape, or form, again, for legislative intent, are we limiting any police department from taking action on any arrest warrants or charges that may be properly communicated to them or researched on a database of an outstanding warrant in any other State.

So if this police department determines that there is an outstanding warrant in any other State, then they would follow their normal procedures and they would not be prevented from detaining or, again, whatever the normal course of process would be.

Through you, Mr, Speaker.

SPEAKER SHARKEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Mr. Speaker, I would request, I can't hear the question. I would --

SPEAKER SHARKEY:

We're just starting out on a busy day. If we can keep our conversations to a minimum or take them

outside, it would be appreciated. The members can't hear each other.

Representative Rebimbas, would you mind repeating your question?

REP. REBIMBAS (70th):

Certainly. Thank you, Mr. Speaker, for the opportunity.

Through you, Mr. Speaker.

In the factors that are enumerated in this amendment, and specifically in Lines 36 and 38, where it indicates the wording of in this State, I just want to clarify, for legislative intent, where it indicates an outstanding arrest warrant in this State or pending criminal charges, the usage of that language does not prevent any police department that determines that there is pending charges in another State or an outstanding arrest warrant in another State, they would be able to follow their normal course of business in communication with that other State, and any type of transfer that that police department would do of the individual.

This piece of legislation, all because it says in this State is enumerating the factors in this State, but is not limiting in any way what the normal course

of business would have been if it's determined that they have charges or an arrest warrant in a different State. I just want to clarify that.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

This amendment does not limit, in any way, any course of action that any of our law enforcement agencies would have taken at -- in any respect. So to Representative Rebimbas' question, that is correct. To what her question is asking, no it does not limit that.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Mr. Speaker, as I indicated earlier, I do rise in support of this amendment. I think, again, we were void of having any type of guidelines. Without this amendment, any police department could have taken it upon their individual selves to make the decision of during a stop or if they were arresting someone, if

they found out that there was a civil immigration detainers, that police department had the opportunity to say, well I'm not going to contact ICE. I prefer not to. There's no charges we're going to proceed here in the State of Connecticut. I know there's a civil immigration detainer. I'm going to unilaterally decide I'm not going to contact ICE.

What this amendment actually does, is require that the police department contact ICE. ICE will then, in turn, let the police department know what their intentions are. At that moment in time, they can say we have no intent to follow up on this immigration detainer. Therefore, the police department could release them.

If the police department wanted to detain them, they can only detain them for 48 hours, but again, it has that open line of communication. Because unfortunately, without an amendment like this or a guideline, what we have is some police departments not following up with ICE on these immigration detainers and then others, unfortunately, holding people back, as a result of the civil immigration detainer for days and/or weeks or more, waiting for potentially ICE to come, where, in fact, they may never come.

I think this is a very good amendment, Mr. Speaker. Again, it allows the police department some guidelines as to what they need to do. And I do rise in support of the amendment.

SPEAKER SHARKEY:

Thank you, madam.

Do you care to remark further on House Amendment "A"? Do you care to remark further on House Amendment "A"?

Representative Smith of the 108th.

REP. SMITH (108th):

Thank you, Mr. Speaker. Good afternoon.

SPEAKER SHARKEY:

Good afternoon, sir.

REP. SMITH (108th):

Just a few questions, if I may, to the proponent.

SPEAKER SHARKEY:

Please proceed, sir.

REP. SMITH (108th):

In just listening to the dialogue with Representative Rebimbas and her concerns and statements for legislative intent, I just also too want to be clear that in reading the language set forth in Lines 55 to 58, where it talks about that the

individual has to be released within 48 hours.

My question, through you, Mr. Speaker is if it is determined by the police department that the detainee falls in the categories set forth in, you know, one through seven, which are Lines 35 to 48, if he falls or he -- if the detainee falls into those categories or any one of those categories, must they still be released within 48 hours?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

No.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

And thank you for that answer.

And the other question I have then is, I'm assuming, but just to be clear, that it just has to be any one of the factors set forth in one through seven, not all of them. Is that accurate?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

The factors are in effect if one of them is in effect. It does not require that all or some combination be in effect.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

Thank you.

And then just to finalize, the detainee can't be held more than 48 hours, if for any legitimate police purpose, other than that set forth in one through seven or in addition to the items set forth in one through seven?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Holder- Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, Mr. Speaker.

Through you, Mr. Speaker.

That is correct.

REP. SMITH (108th):

I thank the gentleman for his answers in helping

to clarify that.

I also stand in support of this legislation. I think it will provide an -- an avenue of cooperation between our police departments and the Federal Immigration Service, so I ask my colleagues to support it as well.

Thank you.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on the bill -- on the amendment? Excuse me.

Representative Alberts of the 50th District.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

I think I'm support of this amendment that's before us, but my mind is getting tangled up on Lines 54 through 55. So if I may ask the proponent of the amendment a question.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Please proceed, sir.

REP. ALBERTS (50th):

Thank you.

These two lines make reference to an individual

being held for a maximum of 48 hours, excluding Saturdays, Sundays, and Federal holidays. If someone were detained on a Friday, does -- do I understand that it would be permissible for them to remain in detention until Monday morning?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Alberts.

Excuse me, Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, Mr. Speaker.

The answer to that question is yes.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And I do appreciate his response.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on House Amendment "A"? Would you care to remark further on House Amendment "A"?

If not, let me try your minds. All those in favor of House Amendment "A", please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay.

REPRESENTATIVES:

Nay.

SPEAKER SHARKEY:

The ayes have it.

The Amendment is adopted.

Would you care to remark further on the bill as amended? Would you care to remark further on the bill as amended?

If not, staff and guests to the Well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll. The House of Representatives is voting by roll. Will Members please report to the Chamber immediately?

SPEAKER SHARKEY:

Have all members voted? Have all the members voted?

Will the members please check the board to make sure your vote is properly cast?

If all the members have voted, the machine will be locked and the Clerk will take a tally.

Clerk, please announce the tally.

THE CLERK:

Substitute House Bill 6659, as Amended by House "A".

Total Number Voting	132
Necessary for Passage	67
Those voting Yea	132
Those voting Nay	0
Absent and not voting	18

SPEAKER SHARKEY:

The bill, as amended, is passed.

Are there any announcements or introductions?

SPEAKER SHARKEY:

Representative Lemar of the 96th.

REP. LEMAR (96th):

Thank you, Mr. Speaker.

I have a very important announcement today. In the Gallery of the House today we have an

S - 665

CONNECTICUT
GENERAL ASSEMBLY
SENATE

PROCEEDINGS
2013

VOL. 56
PART 14
4130 - 4472

SENATORS:

Aye.

THE CHAIR:

Opposed.

Senate B has been adopted.

This time, Senator Leone.

SENATOR LEONE:

If there are no objections, I would put to move this on the Consent Calendar.

THE CHAIR:

Are there -- seeing no objections, so ordered.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, before calling for a vote on the first Consent Calendar, I have some additional items to add to that Consent Calendar. Appreciate the cooperation, the bipartisan cooperation of the membership in preparing this Consent Calendar. First item to add, Madam President, is on Calendar page 6, Calendar 349, House Bill Number 5513.

Next item, Madam President, Calendar page 9, Calendar 450, 450, Senate Bill Number 921. Next one, Madam President, is on Calendar page 16, Calendar 559, House Bill Number 6508. Next, Madam President, is on Calendar page 23, Calendar 614, House Bill Number 6587 and also on Calendar page 23, Calendar 616, substitute for House Bill Number 6678.

Moving, Madam President, to Calendar page 25, Calendar 629, substitute for House Bill Number 6662. And, Madam President, Calendar page 28, Calendar 650, substitute for House Bill Number 6659. And on

Calendar page 29, Calendar 653, substitute for House Bill Number 6699. And, finally, Madam President, on Calendar page 31, Calendar 664, substitute for House Bill Number 6689.

I would like to add those items to our Consent Calendar and, and now call for a, I would ask the Clerk to list all of the items on the Consent Calendar and then proceed to a vote on that first Consent Calendar.

Thank you, Madam President.

THE CHAIR:

Thank you.

Mr. Clerk.

THE CLERK:

Today's first Consent Calendar, on page 5, Calendar 341, House Bill 6364; Calendar 343, House Bill 5425; Calendar 346, House Bill 6322; Calendar 347, House Bill 6547; and on page 6, Calendar 349, House Bill 5513; page 9, Calendar 450, Senate Bill 921; on page 13, Calendar 506, House Bill 6491; Calendar 515, House Bill 6235.

On page 14, Calendar 524, House Bill 6380; on page 16, Calendar 559, House Bill 6508; page 17, Calendar 563, House Bill 5617; Calendar 569, House Bill 6485; and on page 19, Calendar 588, House Bill 6549; on page 23, Calendar 614, House Bill 6587; Calendar 616, House Bill 6678; page 25, Calendar 629, House Bill 6662; on page 26, Calendar 633, House Bill 6576; and on page 27, Calendar 640, House Bill 6550; on page 28, Calendar 650, House Bill 6659.

And on Page 29, Calendar 653, House Bill 6699; Calendar 655, House Bill 6339; page 31, Calendar 664, House Bill 6689; Calendar 665, House Bill 6355; page 34, Calendar 201, Senate Bill 911; and on page 40, Calendar 514, House Bill 5725.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote on the first Consent Calendar. And the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call in the Senate on the first Consent Calendar of the day.

THE CHAIR:

Yeah, thank you. Good. There we go.

If all members have voted, all members have voted, the machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

On the first Consent Calendar,

Total Number Voting 34

Necessary for Adoption 18

Those voting Yea 34

Those voting Nay 0

Those absent and not voting 2

THE CHAIR:

Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Madam President.

THE CHAIR:

Senator Looney.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 7
2062 - 2447

2013

questions? Thank you.

SENATOR BARTOLOMEO: Thank you, sir.

REP. FOX: Next is Senator Joe Markley. I was told that he's been called into a meeting. So we'll continue on the public officials list. Attorney Kevin Kane. Well, we're working on the lights, as you can see.

CHIEF STATE'S ATTORNEY KEVIN KANE: I've been in the dark before. Thank you Representative Fox, Senator Coleman, and Members of the Committee. First, I'm here on behalf of the Criminal Justice Division. I'm Kevin Kane, the Chief State's Attorney. I'm here on behalf of the Criminal Justice Division. And I'm here to testify concerning some bills on the -- on the agenda today.

HB6659
HB6665

The first, and I'll just go through them quickly, and then come back, and I just want to identify them first.

I'm here to support Senate Bill 1122 CONCERNING EXTRADITION OF FUGITIVES, that's a bill that we have suggested.

I'm here to support 1143, AN ACT CONCERNING TRAFFIC STOP INFORMATION. That's the bill that was the product of an intense amount of work between the committee that was appointed to work on this, and it was a very good committee and a balanced committee. They came up with a balanced proposal that we are in support of.

I'm here in support of Raised Bill 6510 CONCERNING THE DUTIES OF THE DEPARTMENT OF CORRECTIONS OFFICIALS AS PEACE OFFICERS who are engaged in -- while they're engaged in the performance of their duties.

I'm here -- I've got some concerns about 6659, particularly there's -- I thought we would take no position on it, but there is some language in there that is of concern. One that jumped out at me when I read this last night was that if there is a civil detainer and -- and a person -- the subject of that detainer was due to be released by the police department or a custodial institution, the bill would prohibit them from calling the Department of Immigration. I think that goes too far.

I think, you know, immigration really is a product of the federal government. If we're going to enact laws that prohibit our agencies from disclosing to the holder of that detainer who has lodged it that that's not a -- that statute goes too far in some areas. It ought to be looked at.

I know there are concerns, and there are legitimate concerns about immigrants who are here. But passing a statute that prohibits even -- even notifying somebody that the subject of a civil detainer is about to be released that's problematical. Time limits may be good, and some of the other provisions in there seem reasonable, but that's a concern.

6665, AN ACT CONCERNING REVIEW OF TRAFFIC STOP COMPLAINTS. That's the bill that was not considered by the committee that dealt with the Racial Profiling Bill. Among other things, I submitted written testimony about that bill. If there's any questions I'll try to answer them. That bill goes too far and needs to be considered much more in depth, I think, before the Legislature passes that one.

Going back to the extradition of fugitives, as I said, that's our bill. Right now if a person is released on bond, a bail bondsman or a surety

SB1122

REP. BUCK TAYLOR: Thank you Mrs. Chair - - excuse me, I have a cold. I want to thank you for your courage to be here today to let us know about this trauma that happened to your family. I also want you to thank on my behalf your daughters, because it takes a lot of courage to talk to people about what occurred, go through the trials and part of what they were doing, if I understand correctly is to make sure he doesn't do it to someone else.

So this type of - - the risk reduction credit program, kind of is a slap in the face to them, because they're letting this person out. So I want you to know that this bill has my full support and please give my personal gratitude to your children.

BARBARA HANSON: Thank you very much.

SENATOR ERIC COLEMAN: Are there other questions. Thank you. I also wanted to add my sentiments to, I think it takes a lot of courage for you to come and share your story with us and I appreciate that you took the time to do so.

BARBARA HANSON: My daughters would be here too, except it's midterm week. Thank you.

SENATOR ERIC COLEMAN: Okay. Sandra Staub?

SANDRA STAUB: Good afternoon Senator Coleman, members of the committee. I'm Sandra Staub and I'm a legal director at the American Civil Liberties Union at Connecticut. And I'm here to testify in support of House Bill 1143, an act concerning traffic stop information and 6659, an act concerning civil immigration detainers.

Both bills will help Connecticut prevent racial profiling. In James Baldwin's letter to my

nephew on the 100th anniversary of the emancipation in The Fire Next Time, he wrote if the word integration means anything this is what it means, that we with love shall force our brothers to see themselves as they are, to seize fleeing from reality and begin to change it.

As you know the ACLU of Connecticut has long advocated (inaudible) enforcement of the Pen Act and last year you passed amendments and the racial profiling advisory project has been working since that time, very hard to find the best way to collect and analyze the data on traffic stops. When we finally have meaningful data about the problem of racial profiling, we can start to see ourselves as we really are. Seize fleeing from the reality and begin to change it.

The ACLU of Connecticut participates fully in the project on racial profiling prohibition and supports the legislative changes that are proposed in this Bill 1143. Specific - - specifically I note the amendment that - - the part of the amendment that will require all police officers in the state to that make traffic stops to collect that.

All the other states that we've studied, if you don't have complete data collection you don't have integrity in your results. And so that's an important addition. We also, specifically note that the addition of certain post op data elements is an important piece of this bill. The use of race or ethnicity as a factor in the exercise of discretion is not limited to the initial stop, but also has been shown to be a factor over and over again in the exercise of discretion to search, to site or to arrest.

We will remain watchful of the timeliness of this project, but we know and we agree with the

goal to come up with the best practices for data collection. And this bill will help achieve that goal and we hope that you will act favorably on the bill, so as not to cause any further delay.

HB 6659

With respect to secure communities bill, the trust act, an act concerning civil immigration detainers, if I have more time. We support this bill because with it Connecticut will demonstrate respect for civil rights, increased public safety and restore local government control. S-Comm as we referred to secure communities undermined public safety by eroding trust between police and immigrant communities.

Everyone in the community is less safe when people are afraid to report crimes or suspicious activity. Law enforcement officials - - if I may conclude, thank you. S-Comm detainers are issued without any evidence demonstrating that the fourth amendment and due process requirements of the US Constitution have been met.

Law enforcement agencies in Connecticut, under S-Comm are being asked to deprive people of their liberty without any indication from ICE that the detainer satisfied these important constitutional requirements. These detainers also promote racial profiling. Under a study that I site in my testimony, done in 2011, it was found that Latinos comprise 93 percent of the individuals caught up in the S-Comm program.

Connecticut residents deserve to live in safe communities supported by fair transparent and responsible policing. And we need to avoid the culture of fear created by S-Comm and to build trust. So I urge you to vote positively on that. Thank you.

within your own department.

REP. REBIMBAS: Sure and I appreciate your testimony and I won't comment as to whether or not if there was data collection at that time that those people who - - if they were in fact doing something inappropriate as I haven't been following it that closely, that they're not going to continue to do it in some other way. But I definitely appreciate your - - your points to that regard. So thank you.

SENATOR COLEMAN: Others with questions? If not, thank you for your testimony.

SANDRA STAUB: Thank you very much.

SENATOR COLEMAN: Mary Yanik?

HB6659

MARY YANIK: Good morning. Thank you to Senator Coleman, Rep. Fox and the entire committee for the opportunity to speak to you today. My name is Mary Yanik. I am a law student interim with a Worker and Immigrant Rights Advocacy Clinic at Yale Law School. Also with me today is Annie Ly, she's one of my supervising attorney's at the Law School Clinic.

Our clinic provides representation on a range of legal needs to individuals and organizations otherwise would be unable to afford a lawyer. For several years we have been representing clients who have been harmed by the entanglement of federal, civil immigration enforcement and a local criminal law enforcement.

We have met and representing Connecticut residents who have be detained, transferred to the custody of US Immigration and Customs Enforcement or ICE, and placed in deportation proceedings after being arrested for minor offenses. A mother of three who was arrested

for leaving her kids in the car while she ran inside a store to run a brief errand, a young man jailed for driving without a license, and a father and construction worker arrested after breaking up a bar fight in East Haven, to name just a few examples.

Since the implementation of the secure communities program, Connecticut law enforcement officials have been receiving requests from ICE, known as immigration detainers to hold Connecticut residents for transfer to federal immigration authority. In many cases these Connecticut residents have been targeted for deportation even though they have no or only minor criminal histories, local law enforcement's involvement and immigration enforcement.

So the distrust between local law enforcement and immigrant communities, leaving to a breakdown in community policing efforts underway in our cities and towns. After our clinic brought a lawsuit against the Connecticut Department of Corrections on behalf of one of our clients, Sergio Vezuela, DOC put into place a policy to review these detainers on a case by case basis.

While this policy is an important step forward, it currently only applies to individuals held in DOC custody. It does not extend to other law enforcement agencies. Can they hold Connecticut residents on immigration detainers, like local police and the judicial marshals? HB 6659 would address these and other gaps in the DOC policy. Connecticut stands on firm legal ground in seeking to release residents their families, rather than hold them for ICE after their state custody expires.

Immigration detainers have come under fire

repeatedly as legally invalid. Immigration detainers do not provide a legal basis for holding someone and many are not authorized by statute. Detainers also violate the fourth amendment, because they are issued without a warrant or any finding of probable cause by a neutral magistrate.

Local law enforcement agencies are not obligated to honor an ICE detainer, therefore Connecticut is fully within its rights to decline honor immigration detainers as it doing now with certain individuals held in DOC custody. By adopting this bill the Connecticut legislature would join many other local jurisdictions that are limiting compliance with immigration detainers in an effort to protect local community policing initiative.

Washington D.C., New York City, Cook County, Illinois, home of Chicago, and San Francisco and Santa Clara Counties all have implemented policies limiting the cooperation with ICE and refusing to honor some and in some cases all immigration detainers. HB 6659 would be in keeping with a nationwide trend of limiting participation and those controversial ICE practice.

Connecticut has taken steps to administrative policy to protect its residents and disentangle local law enforcement from federal immigration actions, but more is needed. This bill will uphold Connecticut's commitment to fostering safe communities for all of its residents, immigrant and nonimmigrant, alike.

SENATOR COLEMAN: Thank you. Are there questions? We appreciate your testimony. I'm sorry, Rep. O'Neill has a question.

REP. O'Neill: How is it different from - - with the

state of Connecticut or these other jurisdictions refusing to cooperate with federal government in the enforcement of federal laws from the theory that's, I thought long since been discredited called nullification? I mean isn't it as practical matter when the local governments and local law enforcement authorities simply refuse to cooperate with the federal government, isn't that effectively the same thing as some type of a nullification?

I realize legislature isn't passing a law saying we here by nullify the federal immigration laws, but as a practical matter, the net result is the same. At least it seems that way to me. What would you - - how do you respond to that?

MARY YANIK: Well, the difference is that federal law does not require a Connecticut to honor all detainers. And also these detainers are not authorized by any federal statutes. And ICE is detainers practices violate the US Constitution. So Connecticut is fully within its rights to - - to not honor all of these detainers as many other jurisdictions have done.

REP. O'NEILL: When you say that they violate US Constitution as a - - have the courts actually ruled to that effect?

MARY YANIK: There's not a federal court ruling, it has been - - these practices have been challenged and many lawsuits including our own. That lawsuit with DOC was settled, so there is not a final adjudication from a federal judge.

REP. O'NEILL: Thank you Mr. Chairman.

SENATOR COLEMAN: Are there other members with questions? Thank you for your testimony.

MARY YANIK: Thank you.

SENATOR COLEMAN: Greg Williams?

GREG WILLIAMS: Good afternoon Senator Coleman. Good afternoon Rep. Fox, members of the committee. My name is Gregory Williams. I am a professional ministry student to Yale Divinity School. And I'm proud to address you both as a volunteer and ally as (inaudible) and a member of the seminarians for a democratic society collective.

I am profoundly grateful for the chance to address you today in support of Raised Bill 6659, also known as the Connecticut Trust Act, which will prevent local police from cooperating with the secure communities program. There is a profound crisis in North America today, a profound moral crisis. Some families are allowed to live with a relatively high standard of living to work jobs with decent wages and benefits and to go home every night, knowing that they will be able to have dinner together.

Other families live under the constant threat of being violently torn apart for no reason other than the race or national origin of some or all of their members. Because of this threat they are forced to live in economic conditions that would be deemed completely unacceptable for American citizens.

I've been privileged to stand as a white ally at an anti racist ally with a number of those families who live here in Connecticut. One of them is the family of Jose Maria Islas, who was arrested by the Hamden police this summer for no reason other than they were on the lookout and I quote for a short brown man.

Jose Maria spent four months in jail for a crime he did not commit. Before justice he was

supposed to be released, the judicial marshals handed him over to ICE because he had a detainer request on him. He is now in deportation proceedings and may be separated from his brother, his sister and his nieces and nephews who think of him as a surrogate father.

Another is Luis Peacegill who is also facing deportation after an encounter with the police. Luis's son was born in January with a heart condition that can only be treated in this country. If he is deported it will amount to nothing short of murder on the part of the US Immigration system.

The stories of these families and countless others indicate the secure communities, like the US system, generally is not a system of law. It is a system of apartheid, of legalized discrimination based on race, ethnicity, language and nationality and as such it is inherently violent and unjust.

There is therefore a question before the government of the state of Connecticut. Will you continue to cooperate with this gross violation of human rights? Will you continue to allow police in your own state and municipalities to act as agents of racial apartheid, separating families for no reason other than their race or national origin?

The passage of the Connecticut Trust Act is the only moral option before the legislature. It is the only way to avoid being continuing to be complicit in apartheid. I testify today to call upon you as legislatures of this state to support Raised Bill 6659, because in so doing you will be refusing to cooperate with a system that is fundamentally based on violence.

You will be standing up and saying, stop; stop

the deportations, stop the exploitation, stop the cooption of local law enforcement, stop the reign of fear. No one is illegal. Power to the people. Thank you.

SENATOR COLEMAN: Are there questions for Mr. Williams? Rep. Rebimbas.

REP. REBIMBAS: Thank you Mr. Chairman. Thank you very much for your eloquent testimony. I guess, specifically in the bill that you're hear testifying 6659, I believe as I - - I read it we had testimony earlier from attorney Cane, who had indicated that he would be seeking something to modify the language that they would have an ability to report and he wasn't specific as to certain circumstances. To be able to say you can never record, he thought that that was over burdensome, what is your position regarding that?

GREG WILLIAMS: My position, as I said, is that the entire system is inherently unjust and that the state should not cooperate with it at all. Look, I mean, we have a criminal justice system in order to deal with people who have allegedly committed acts of violence. If someone who is a - - the role of the criminal justice system is not to enforce immigration policy.

If somebody who is an American citizen commits a crime and is held by the police, they should receive the same treatment as someone who isn't an American citizen. And the issue of whether or not the police should hand them over to immigration ought to be completely separated from that. The police should be treating all people that they encounter the same, regardless of race or national origin.

REP. REBIMBAS: So you're taking the race and

national origin away, I guess that can go to the racial profiling aspect, if that's your argument, that's certainly a different one. But I guess you're making a distinction of someone that might be picked up for violation of the state law versus a federal law, because being -- coming into the United States illegally is a violation of federal law.

GREG WILLIAMS: It is true and our group is campaigning for changes in the federal law as well. The reason that were talking about state laws is that this is a meeting of state legislatures and this is, as I believe somebody pointed out during a previous speaker, nullification is unfortunately not an option here.

If this legislature could nullify the entire US Immigration system, I actually probably would be asking it to, but you can only do it for state law.

REP. REBIMBAS: Okay, so I just wanted to clarify your testimony. So you're making distinction of a violation state law versus a federal law. Thank you for your testimony.

SENATOR COLEMAN: Alexander Wood?

ALEXANDER WOOD: Senator Coleman, Rep. Fox, Senator Kissel. I'm Alexander Wood. I'm a reporter for the Journal Inquire in Manchester. And I'm here to speak in opposition to Section 6 of Bill Number 846, which provides in essence that any application, report or other record submitted to the board of Pardons and Paroles with respect to the granting of a pardon shall be confidential.

This section is a direct response to a freedom information request I filed on November 29th of last year, seeking of all documents considered

the two of you have contributed mightily to this progress and are very much responsible for whatever progress has been made to this point. Particularly in alleviating whatever fears the law enforcement community may have about traffic stops and the application of the provisions of the legislation that was passed. So I want to just express my personal gratitude to you, for your willingness to be involved and for the insights that you've been able to bring to the table.

DOUG FUCHS: Thank you Sir.

SENATOR COLEMAN: Thank you. Rep. O'Dea has a question.

REP. O'DEA: I just want to know for the record, the fact the Rep. Shaban has such a clean record, actually speaks rather poorly to Redding's investigative skills, but I thank you for your testimony here today, Sir.

DOUG FUCHS: No comment.

SENATOR COLEMAN: John Cluny? Is John Cluny here? If not, Hens Suarez? Anna Maria Rivera?

ANNA MARIA RIVERA: Good afternoon Senator Coleman, Rep. Fox and members of the committee. Thank you for the opportunity to be here today and testify in support of House Bill 6659 an Act concerning civil immigration retainers. My name is Anna Maria Rivera and I work for Home (inaudible) Progressive Action, the oldest Latino community based non-profit organization in the city of New Haven.

We serve over 6,000 individuals and their families a year. These families come from over 10 different countries, seeking to participate of one of the many programs we offer, including

ASL classes, GD classes and economic development. Junta has developed a very strong bond with the community and has built relationship of trust that is only achieved by being open, respectful and mindful other cultures.

Developing those relationships has allowed us to be in a position where individuals confide in us when they're confronted with serious and life threatening situations. In many of the countries where our community members have come from, the police is corrupt, violent and most definitely not trustworthy. The New Haven police of done an extraordinary job of educating their residents and tearing those barriers down.

So when the Secure Communities program was implemented it was devastating and heart racing to watch and to witness the fear that it created in our community; fear that law enforcement was synonymous with ICE, fear that reporting crimes will result in getting deported, fear that individuals would be separated from their families.

For many of the people walking through our door, the possibility of getting caught by the deportation trackmen was scarier than being a victim of a crime. They came to us for help because they do not know where else to go. I don't believe that anyone should fear that those that are there to protect them are there to remove them. The residents of Connecticut deserve better than that.

Some of my poly's have said that we don't stand alone in recognizing that the Secure Communities is bad policy. New York City, Washington D.C., Cook County, Illinois, Santa Clara have all created policies or laws that limit compliance. The Department of Corrections in Connecticut has

also recognized the need of its residents by implementing protocols to limit the compliance of the Secure Communities program.

We believe that it is time that all law enforcement in Connecticut follows this practice. That is why today I urge you to pass House Bill 6659, a bill that will restore our community's trust. Thank you.

SENATOR COLEMAN: Are there questions for Miss Rivera? Senator Meyer?

SENATOR MEYER: Thanks Senator Coleman. I like the policy of this bill, but - - and I speak to you very frankly as a lawyer and someone who's practiced federal law as well. This bill looks to me to be illegal. And I've looked at - - at title 8 of the United States code, which deals with aliens. And it seems to me, from that that very clearly we in the states or local government are not legally allowed to interfere with immigration - - federal immigration authorities and federal immigration notices.

And that's what this bill does. As well intentioned as good policy, in many ways it is, it brings us into a direct conflict with federal law. And if we enacted it we'd be misleading our constituents, I think, the people of Connecticut to believe that it really could come about and be effectual in protecting immigrants from abusive practices, because as I read the federal law, we just can't do what this bill is requiring us to do. Has anybody raised this issue with you?

ANNA MARIA RIVERA: Right, I don't know if you're speaking specifically to the notification part of the bill. That - - that was part of the bill that the state attorney referred to earlier today when he was testifying and we have

actually addressed that with him earlier today. And we will be taking that part out. I don't believe that we will be interfering with federal law.

We believe that - - and we know that states are not required to honor detainers. It is not their responsibility to enforce federal laws. So we are telling law enforcement to not honor detainers unless an individual has been convicted of a serious crime, which is what the Secure Communities program was initially intended to do.

SENATOR MEYER: Okay, I think I made my point, thank you.

ANNA MARIA RIVERA: Thank you.

SENATOR MEYER: Thank you Mr. Chairman.

SENATOR COLEMAN: Thank you Senator. Are there other members with questions for Miss Rivera? If not, thank you, we appreciate your testimony.

ANNA MARIA RIVERA: Thank you for your time.

SENATOR COLEMAN: Joelle Fishman?

HB6659

JOELLE FISHMAN: Good afternoon, Senator Coleman and Rep. Fox and committee members. I'm here today as part of a delegation of many immigrants. We spent a lot of the day in the overflow room down in 1C and then some of us were able to come up here. A delegation of many immigrant workers in our community to support change in policy that will stop unnecessary deportations and keep families united.

The Secure Communities federal policy has resulted in innocent people facing deportation just because - - as was the case with Mr. Jose

Maria Islas, of being arrested due to racial profiling. The immigrant community has been put into a position of isolation, being unable to trust law enforcement officials for fear of deportation.

Living in fear and losing the families main wage earner is harmful to the individuals and their families. And it is also harmful to the communities in which they live and to the entire state of Connecticut. The personal stories reveal tremendous challenges that individuals are faced with and amazing fortitude as well as love of this country.

Immigration status is not relevant to and should not be brought into play in cases of minor violations of traffic stops. The Trust Act, HB 6659 is an effort to address these very real concerns. The time has come to reckon with the fact that many hard working immigrant families, our neighbors, our coworkers, contribute significantly to our state's economy and well being.

Undocumented workers make up 4.5 percent of Connecticut's workforce. Causing disruption and hard break and crisis to these families, hurts us all. The city of New Haven has hugely benefited from treating new immigrants as full community members. The state of Connecticut can also benefit by ending practices that are in fact discriminatory.

Secure Communities policies actually make Connecticut less secure. The judiciary committee and the general assembly have the opportunities to correct this urgent matter. Thank you.

REP. G. FOX: Thank you very much for - - for being here, for waiting all day for testifying. You

did mention the overflow room, so I should point out if anybody is in the overflow room that there are plenty of seats here now and they are welcome to come up. Are there questions? Rep. O'Dea.

REP. O'DEA: Thank you Mr. Chair. Thank you for your testimony. You mentioned the unnecessary deportation issue; how would you differentiate between unnecessary deportation versus necessary deportation?

JOELLE FISHMAN: Well, I don't know if it was the exactly right language, but the intent of Secure Communities was in terms of serious violent crimes as opposed to a traffic stop or, you know, a minor infraction. That's what I was referring to.

REP. O' DEA: Thank you very much Ma'am. Thank you, Mr. Chair.

REP. G. FOX: Thank you. Are there other questions from members of the committee? Thank you very much. Next is Shawn Madison - - Madison? Lisa Villa?

LISA VILLA: Good afternoon Senator Chairmen Coleman and Fox and members of the committee. My name is Lisa Villa. I'm here on behalf of the Connecticut Criminal Defense Lawyers Association to support Raised Bill 6659, known as the Trust and Responsibility Using State Tools Trust Act.

I'm a member of the Connecticut Criminal Defense Lawyers Association and I'm here speaking on its behalf, but I'm also a supervisory assistant public defender at the Bristol Superior Court. And I've been a public defender for the past 23 years. We're supporting Raised Bill 6659 because it provides a uniform protocol for state and local law enforcement to follow when ICE

issues of civil immigration detainer.

While this bill allows state and local authorities to hold individuals who have serious or violent felony convictions upon the request of ICE. It also reflects a civil detainer's functional limitations and provides an important mechanism for relief upon an agencies failure to abide by these restrictions.

In this regard, Raised Bill 6659 gives legislative force to the legal definition of a civil immigration detainer as a mere request from federal immigration agents for the detention of an individual. And as such, the civil immigration detainer carries no legal mandate for any state or local law enforcement agency.

Raised Bill 6659 will help restore the trust of our immigrant population and their local police department and the state judicial system. The recent implementation of the federal Secure Communities program in Connecticut has had deleterious effects on public safety, because noncitizen residents, including victims and witnesses are afraid to have any interaction with law enforcement or the courts for fear they will be targeted by ICE.

Raised Bill 6659 also will reduce law enforcement expenditures at the state and local levels, since it calls for a maximum 24 hour detention period and no further expenditure of state or local resources to facilitate an individual's transfer to ICE custody. It should be noted that once an individual is taken into federal custody, ICE generally does not transport that person back to resolve any pending criminal and motor vehicle charges.

This severely and negatively impacts the state

judicial process by depriving defendants their fundamental right to defend themselves denying victims any form of judicial regress and alienating the immigrant community as a whole. Finally, CCDLA supports the passage of Raised Bill 6659 as an important legislative proposal that was served to protect the legal rights of noncitizens, clarify the limitations of civil immigration detainers for law enforcement personnel, including the judicial branch, prevent the unauthorized use of state and local resources for immigration enforcement activities.

And most importantly help restore the trust of our immigrant residents and our local law enforcement agencies and our state judicial system. Thank you for allowing me to testify. I'd be happy to answer any questions.

REP. G. FOX: Thank you Rep. Shaban?

REP. SHABAN: Thank you Mr. Chairman. And thanks for your testimony. Can you hear me? [LAUGHS] This question may have been - - I've been bouncing around between committees, so I don't know if this question was asked or if you raised it for me. The section 1B, a law enforcement officer shall not give effect to a civil immigration detainer, has there been a discussion or you have a comfort level if that said may not give would that level of discretion be permissible near you?

LISA VILLA: No, it should be, it shall not, because by law a civil immigration detainer is, as I testified, is just a request, it's not supported by probably cause, it's not a warrant. It's simply a request by immigration authorities and it can be based on their - - a thought that they - - they think they might want to investigate an individual.

It's not based on necessarily any other reason. There's no - - so that - - the reason it shall not give effect is specifically to prevent certain situations from occurring, such as that the person would be held in custody for a period of time, just based on an immigration detainer rather than on some other reason.

And to give you an example, I've had - - because of confusion as to the definition of an immigration detainer, what that is and what it - - what it legally means. In my job I've seen both judicial marshals and judges take people into - - well the judge - - out of the judge's orders, judicial marshals take people into custody who have no criminal charges pending, no criminal convictions, no orders of removal, nothing.

And there's - - other than ICE requesting a detainer, that's all they have. And it's in those situations that we're concerned about, that people are being taken into custody for no basis. ICE will often issue detainers for what they call investigative purposes. And for the state - - our position would be for the state and local law enforcement authorities to facilitate that is not legally supported.

REP. SHABAN: Do these detainers - - and if I may Miss Chairman, do these detainers focus on both legal and illegal folks?

LISA VILLA: Well, first of all I'd like to clarify, I don't like the word illegal.

REP. SHABAN: Documented.

LISA VILLA: Documented or undocumented. Because entering - - people group everybody together, all immigrants together who may be undocumented.

And if you're undocumented that may be a civil violation. It's not a criminal violation; it's a federal civil violation, that's all it is. And so often when this term illegal has a connotation of criminal conduct, it's not criminal conduct.

So the civil detainers could be issued for - - they've been issued for undocumented people, documented people and US citizens. Us citizen have been deported by ICE, by mistake on more than a couple of occasions. So mistakes get made. But it refers - - it can be used against - - for anybody.

REP SHABAN: And - - and one more if I may, is there a concern that by setting a policy where the state would ignore a civil request or request from ICE that that could trigger a more formal - - I don't even know what's the next level of - - is it a warrant, I suppose?

LISA VILLA: It's a warrant.

REP. SHABAN: It could just work in the other direction?

LISA VILLA: I don't think so. I - - I've been sort of involved in the - - the research and - - and the use of detainers over a number of years, individually and with Yale and with other agencies with my - - with the public defender division and with the CTDLA. If ICE wants a person Ice gets all kind of information, they're crossed referenced, they're data bases are cross referenced federally and locally with state - - state and local agencies.

If they - - if they want a person and know of a violent criminal, they get a warrant, if they want it. The detainer - - the abuse of the detainer process is generally because they're

using it as, what they call it an investigative tool; they're picking up someone first and then figuring out if that person should be in this country or not. And then decide what to do. And they're using state and local resources to do that, a lot of state and local resources.

REP. SHABAN: Thank you.

REP. G. FOX: Thank you. Are there other questions or comments? Thank you for your testimony.

LISA VILLA: Thank you.

REP. G. FOX: Next is Robin - - Robin Edmond or Emond? Good afternoon.

ROBIN EMOND: Hi. My name is Robin Emond and I'm from the town of Cheshire. First of all I'd like to thank Senator Joe Markley and Rep. Al Adinolfi for cosponsoring Bill SB 123. And I would also like to thank Senator - - former Senator Glenn Suzio for keeping up the fight. I am here in full support of SB 123, an act of repealing the risk reduction credit program. From the day the risk reduction credit program was enacted, I felt offended, even violated by my government.

To think that our government would actually give any convicted criminal an opportunity to earn credits to get out of jail without fulfilling their sentence is like giving them a get out of free - - out of jail free card, except this isn't a game. Innocent law abiding citizens have been victimized, murdered, raped, even sexually assaulted by these people.

If only we can save one life, this statement has been repeated over and over again by legislatures and antigun groups. Tell me, why is this dangerous bill still on the books? Why

killed the guy in Meriden, he was a dangerous criminal and he was released. This shouldn't be happening. So I hope you really consider what you're doing.

REP. G. FOX: Thank you. No other questions. Thank you very much. Lieutenant Holly Wasilewski, is she here? Well, hope she can make it. Matt O'Connor? I had nothing to do with saying that Holly was stuck in (inaudible).

MATT O'CONNOR: I'm here to give a status report on the attendance of all speakers reigning on the list. Rep. Fox, members of the judiciary committee, thank you very much for your time here today. My name is Matt O'Connor. I am the Connecticut district political director for local 32 BJSEIU. We represent over 120 thousand building service workers throughout the northeast.

Our union represents the full breath of America today. Our members come from 64 different countries, speak 28 different languages and they include recent immigrants as well as families with long histories here in our country. On behalf of my union and the 4,500 working men and women we represent in the state of Connecticut, we are calling for passage of Raised Bill 6659, otherwise known as the Connecticut Trust Act.

I have submitted written testimony from our state director, Kurt Westby. I'd like to summarize it here for you, within the time limit that I have. 32 BJ supports the trust act because it would ensure that state and local law enforcement resources are not misspent on immigration enforcement activities that target working people and undermined community relations.

The expansion of the misguided federal Secure

Communities program throughout the state of Connecticut has threatened to indiscriminately draw hard working immigrants into detention and deportation proceedings. Thos Secure Communities is a federal program. The state of Connecticut continues to have the power to set policy with regard to whether it - - and when it will comply with voluntary requests from immigration and customs enforcement to hold individuals and immigration detainers.

In fact, the administration of Governor Dannel Malloy has administratively adopted such a policy for the department of correction and the state police, they did so last spring. Passing the Trust Act is necessary to build on that policy and ensure the best use of state and local law enforcement resources.

Immigration status does not impact workers legal right to organize, joining union or otherwise enforce their workplace rights. In fact, our union 32 BJ has run successful organizing campaigns involving immigrant and nonimmigrant workers standing shoulder to shoulder to improve their workplace conditions right here in Connecticut.

However, bad actor employers often use threats of immigration enforcement or the need to re-verify workers status as tools of intimidation to chill workers from organizing or enforcing their rights. This increase in the emphasis on local law enforcement of immigration law, such as through the Secure Communities program, bolsters employers claims that workers who speak up are organized, could face arrest, deportation or job loss.

The consensus among economists is that immigrant's presence as consumers grows local economies and creates jobs. And in states like

Connecticut in which the volume of immigration is actually higher than the national average, a diverse workforce creates significant economic advantages that would be diminished if the state were to adopt unnecessarily restrictive and punitive immigration policies.

The detainer policies created under the Trust Act to keep Connecticut's best interests at heart and would be an important step in the right direction. That is why local 32 BJ urges passage of Raised Bill 6659 with improvements, including the replacement of a line that chief states attorney Cane referred to in his remarks earlier today and I discussed that matter with him personally. We're prepared to work with him on that. Thank you for your time today and I'd be happy to answer any questions the committee has at this time.

REP. G. FOX: Thank you. Are there questions from members of the committee? Thank for your testimony.

MATT O'CONNOR: Thanks Rep.

REP. G. FOX: Lee Everetts?

LEE EVERETTS: Hello everybody on the committee. I'm here representing Bill 123. I was assaulted by a drunk driver on June 7th, 2008 at 11:23 am. I was assaulted from the rear at 80 miles an hour by a 67 year old woman. I was stopped at a red traffic light. The auto was flipped over and broke the traffic light. The firemen had to rescue me by cutting my auto hood off. I was not breathing. And endotracheal tube was forced in me to give me oxygen.

My injuries include traumatic brain injury, right ear severed off, broken jaw, spinal cord severely injured, permanent throat damage from

of which I'll share with you, I'll try to limit them. But I also had questions on the detainer bill, which he also submitted testimony on. If I may - -

ANNE COUNNOYER: I don't believe he submitted testimony on the detainer bill.

SENATOR MCLACHLAN: Okay. It does - - it does effect corrections and so I wonder if you could comment on House Bill 6659, which specifically talks about detainers?

ANNE COUNNOYER: I actually am not familiar with that. The commissioner did not submit testimony regarding that bill. We can certainly review the bill and if you have any specific questions we'd be happy to get back to you.

SENATOR MCLACHLAN: Thank you. And so current process, how does department of corrections interact with ICE now?

HB6510

ANNE COUNNOYER: Well, when we have a detainer placed on an individual for any ICE related matters, what we - - we will do, is we will determine whether or not they have an interest or not. That'll end up making the determination of whether or not they would be eligible for any other sort of programs, like early release programs under the department of correction.

We do routinely place holds on them, which makes them serve the remainder of their sentence until ICE has determined to come and remand them into their custody. But it is our obligation to determine whether or not that's something that they're going to do. It is sometimes difficult to get that with certainty, so that we'll sometimes hold up offenders in the process of just going through the DOC sentence.

SENATOR MCLACHLAN: Okay. I think it's appropriate the department of corrections have an official statement on that bill as it is a program that you administer. HB 6659 seeks to dramatically change the process the state of Connecticut uses. And we do have written testimony from the judicial branch, which states, quote "the requirements of this bill directly conflict with federal law and therefore are unenforceable." So I think it's appropriate that the department of corrections comment on the bill.

And more specifically, comment on your current relationship with the federal immigration authorities and perhaps an opinion on the judicial branch opinion that it's a direct conflict with federal law. So I would appreciate some feedback. If it can't be done today then obviously some feedback in the very near future on that. Thank you.

I wonder, through you Mr. Chairman, can you answer the question which I asked of the parole and pardons board chair, and she was unable to answer the question, how many open parole violations are there?

ANNE COUNNOYER: I don't understand the question?

SENATOR MCLACHLAN: Well, I'm trying to get the answer to the question of how many, in the state of Connecticut, how many open parole violations are there? In other words, unenforced, a waiting enforcement, current - -

ANNE COUNNOYER: People that have violated parole that haven't been remanded?

SENATOR MCLACHLAN: Correct.

ANNE COUNNOYER: That would not be anything that I would know offhand.

today was his last day, we do appreciate him coming today. And I'm sure you're off to - - with (inaudible).

ANNE COUNNOYER: I am.

REP. G. FOX: So, I hope you have a good time.

ANNE COUNNOYER: Thank you very much.

REP. G. FOX: Is Lieutenant Holly Wasilewski - - we passed you before, but if you're here; if you wanted to testify please step forward. She'll be followed by Alexis Smith. Is Alexis Smith here? Okay, great. Please proceed. I'm sorry, good afternoon.

LIEUTENANT HOLLY WASILEWSKI: Good afternoon. First of all I'd like to apologize for being late. I had a lot of heavy traffic coming up 91 from New Haven. My name is Lieutenant Holly Wasilewski and I'm representing the New Haven police department today. May I begin?

REP. G. FOX: Good afternoon. Yes, yeah, please proceed.

LIEUTENANT HOLLY WASILEWSKI: Representative Fox, members of the committee to testify in support of the House Bill 6659, AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS, the trust act. Our department has worked hard to establish trust with all residents in the community. In 2006, we implemented General Order 06-2, a formal policy meant to encourage all residents, regardless of immigration status, to feel comfortable reporting crime and talking with the police.

This order has helped to create sense of trust, and we have seen people come out of the shadows, actively engage law enforcement, and as

partners, have worked to lower crime in our neighborhoods. Last year the Secure Communities or SComm program, went live in Connecticut, undermining the efforts we had made, creating fear in much of the immigrant community.

The program reminded many in our communities of raids conducted by ICE in 2007, when 29 individuals were detained two days after the city implemented its Resident ID Program. At that time we saw individuals keep kids home from school, stay home from work and withdraw from interactions with the police.

While the trust we have established within the immigrant community has helped to keep lines of communication open with many immigrants in our community, following the implementation of SComm some members of the community were again fearful of the police.

This bill will work to re-establish trust by encouraging the Department of Corrections, DOC, judicial martials who happen to manage the lock-up facility in New Haven, and local law enforcement to exercise discretion and only comply with ICE requests when a criminal suspect is convicted of a felony under Connecticut law, thereby setting a uniform standard for all law enforcement and bringing participation in the program back to its original goals.

The SComm program has only created barriers between residents and the police. We urge passage of House Bill 6659, which will go a long way towards restoring trust between local law enforcement and immigrant communities. Thank you for your consideration on this important matter.

REP. G. FOX: Thank you. Thanks for your testimony. Thanks for making it back here. Representative

Shaban.

REP. SHABAN: Thank you, Mr. Chairman. Thank you for working your way up here. We've heard some folks talk about the, you know, abuses of the civil detainer system, whether it be I guess predominantly by ICE. I mean, have you witnessed that?

LIEUTENANT HOLLY WASILEWSKI: Personally, in 2007 I saw some of the ramifications after people were detained, and the community members that were undocumented were -- were very scared. People -- it was like a ghost town after that.

REP. SHABAN: I guess what I'm asking, and thank you, because that's important -- my question really goes to more ICE using civil detainers as sort of a pretext of just cast a dragnet over a community and drag people in and then figure out who's good, who's bad, that kind of thing.

That's kind of the flavor I've been getting from testimony. That practice is what's sending the chilling effective you're talking about. Have you witnessed that, you know, sort of this broad, random dragnet for just, you know, civil -- civil detainers grab a whole group of people and we'll figure it out later?

LIEUTENANT HOLLY WASILEWSKI: No. It was only that one incident in 2007 that I could comment on.

REP. G. FOX: Thank you. Senator McLachlan.

SENATOR MCLACHLAN: Thank you, Mr. Chairman. Thank you, Lieutenant, for visiting Hartford in the middle of rush hour. I certainly have had personal experience with what you described in New Haven in 2007. I come from Danbury, and I saw the immigrant community shocked by federal immigration enforcement.

And so I understand your concern in that regard. But I'm -- I'm wondering if I could have your opinion as a law enforcement official, how you feel about House Bill 6659 potentially directly conflicting with federal law. And how do we balance that? This legislature struggled with this same topic with decriminalization of marijuana, and medical -- medical marijuana, thank you.

And I think that this is probably raising the bar, so to speak, on the State of Connecticut legally conflicting with federal law. So I wonder how do you settle that?

LIEUTENANT HOLLY WASILEWSKI: I think the bottom line is that we're interested in solving crime and keeping the community safe. That's very important to us. So whether someone is documented or undocumented, a witness or a victim of a crime, we want them to come forward.

And we feel that, you know, otherwise it's not going to work well at all to keep the community safe. You know, we need to know that people are, you know, being robbed and assaulted, and if they're going to be afraid to come forward, it's going to be a -- it's going to have a large impact on the city as a whole.

So I think that's what's most important to us. I understand what you're saying about the federal end of it, but you know, a couple years ago the crime rate in the city was higher. We've made great strides to reduce that number, and even the perception that crime is high isn't good for, you know, anything in New Haven.

So I -- we want people to come forward and let us know what's going on, and we want to help the people that are victims of crime. So I think

that's a little bit more, weighing out a little bit more than the federal end of it.

SENATOR MCLACHLAN: Thank you, Lieutenant. So just for clarification, you believe that we should look the other way at federal law because it's going to allow us to be more effective on the local level in law enforcement. And I would suggest that I understand your concern, but I think we got to find a better way to go about it.

I just don't see how we can be selective in law enforcement, being very concerned about state and local law, and not also be equally concerned about federal law. And -- and I'm not saying that this is an easy question to answer by any -- by any stretch of the imagination, but I also believe that this particular proposal is -- is lacking common sense in that argument, that the balance has to be set before you start policy, and in this case the policy is beginning before the balance is set. And that's a problem. So I thank you for your answers today. Thank you, Mr. Chairman.

REP. G. FOX: Thank you. And thank you, Lieutenant, for your testimony today. I don't think there's any more questions.

LIEUTENANT HOLLY WASILEWSKI: Thank you.

REP. G. FOX: Alexis Smith. She'll be followed by Pablo Soto. Good afternoon.

ALEXIS SMITH: Good afternoon, Mr. Chair, members of the committee. My name is Alexis Smith. I am an attorney at New Haven Legal Assistance, and I'm here on behalf of all of Connecticut's legal services programs to testify regarding Senate Bill 846, particularly Section 6 of that bill, which allows pardon applications and relevant

that it's open to the public. So I'm trying to reconcile that.

ALEXIS SMITH: I'm not sure if I said it should remain a closed process. I think my -- my words were that in terms of individuals -- in individual applications, those should not be disclosed to the public in terms of the content of the applications.

You're correct that the actual hearings are open to the public, and of course, a person's criminal record is also a matter of public records. And individuals can find that out through a variety of sources.

SENATOR KISSELL: Thank you for your patience. Thank you, Mr. Chairman.

REP. G. FOX: All right. Thank you. Thanks for your testimony. Is Pablo Soto here? Shari Davis? Kevin Dean? Good afternoon.

KEVIN DEAN: Good afternoon. Representative Fox and members of the committee, thank you for hearing my testimony today. My name is Kevin Dean, and I'm a student at Yale Divinity School, and I'm in the process to be ordained in the United Church of Christ. I come before you today in support of Raised Bill 6659, AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS, OR THE TRUST ACT, which would harmonize all of Connecticut's law enforcement agencies to honor ICE detainer requests only in cases of serious or violent felonies.

This legislation is about law enforcement gaining back the trust that it has lost for good reasons in the immigrant communities in this state. I'll be honest. I believe in a very radical political principle, that every human being is created equal. Every human being is to

be treated with equal dignity.

I happen to believe that because of the first chapter of a book called Genesis, but it can also be found in the Declaration of Independence. It's a principle written on a lot of paper in this country, and it's a principle that's written I think on so many pieces of paper and repeated in so many speeches and in dry, moral exhortations that I think we sometimes forget about what it actually means. We stop thinking -- we stop thinking about it. Now, as a church person, I know something about deeply powerful words that get sanitized, and bowdlerized by saying them over and over again without thinking about them.

So often our words are like lines of text on a piece of paper with a check box next to it, and all we have to do is pick up our mental pen and check the box. Yeah, I believe that. When was the last time now, let's be honest, that you carefully considered all of the words on a document on which you had to sign or mark a check box?

Given your position I'm not sure you should answer that question, but I would like you to think about it. In 1776, shortly after the Declaration of Independence was adopted by the Continental Congress, an abolitionist by the name of Thomas Day wrote these lines in ref to the contradiction already present at that time between the statement that all men are created equal, and the institution of slavery.

"If there be an object truly ridiculous in nature," says Day, "it is an American patriot signing resolutions of independency with the one hand and brandishing -- and with the other brandishing a whip over his affrighted slaves." He was, of course, very right then, and slavery

is not the only instance it has proven in which the hypocrisy that Day points out applies.

Today you are in a position to make a small step toward stopping from contradicting yourselves as elected officials when you affirm that all human beings are created equal. I know people in this country whose only crimes are to have born in the quote, unquote, "wrong country," to -- who have been unable to afford or to navigate the outrageous and politicized immigration bureaucracy to enter this country with government authorization, and then to have been, say, accused of a crime that they didn't commit, in the case of Jose (inaudible) for example, or caught trying to drive to their job.

The Trust Act ensures that people in this unenviable position are not treated with the condescending whip of being told, yeah, you're created equal, but it is criminal for you to try to live a dignified life here, so we're going to send you away from your family and your community.

No. all people are created equal, regardless of national borders. So I invite you -- it's been a long day, and we're all yawning a little bit and getting tired, to do what we often forget to do when we say our good phrases over and over again with me for just a moment.

Join me in being silent and reflecting for a moment in what it means that every human being is a reflection of God, or if you prefer, that every human being is created equal. I urge you to vote for the Trust Act. After what you just considered, it's not only extremely important, it's also only a small step forward in light of that radical or perhaps just common sense principle on which all of us seem to agree. Thank you.

REP. G. FOX: Thank you very much, Mr. Dean. Thank you. Representative O'Dea.

REP. O'DEA: Thank you for your testimony. Were you here when the police chief from Reding had given us an example of why he thought it was a bad idea about the person in the -- passenger in the car that was pulled over?

KEVIN DEAN: I was here, yes.

REP. O'DEA: Okay. How would you respond to that dilemma that he described to us?

KEVIN DEAN: To me, it seems as though the person who is -- if the concern is that a -- an illegal activity has taken place, that could be determined in that context by finding out what the person in the car -- I mean, how many -- how many sex offenders have a sort of non-sex offender accomplice who drives them around to schools and says, here, you go. Get out here and do your thing?

I don't think that that's -- I mean, that's a hypothetical scenario that seems implausible to me, first of all. So that's my response to that, I think. That was -- that was what went through my mind when I heard that.

REP. O'DEA: I understand. My point is that the -- often a police officer on a routine stop will come upon a much bigger crime or problem, and so I'm just trying to weigh what you've told us, and, you know, you can't disagree that all people are created equal in the eyes of the Lord. And as a Roman Catholic I actually believe that with all my heart.

But I also understand the dilemmas that officers face every day, and I'm trying to balance the

two issues that you've tried to juxtapose to us. So I thank you for your testimony. Thank you, Mr. Chair.

KEVIN DEAN: Can I respond briefly? Yeah. So I -- I understand your concern there, and I appreciate your concern. I think that in the matter of -- regarding the Trust Act specifically and -- and regarding immigration, we have a criminal justice system to deal with people who are committing crimes, and there's no -- and the Trust Act in no way impinges upon that. It doesn't stop that from happening at all.

It does, however, stop people who have not committed crimes or have committed minor crimes, uh, from being separated from the people that they love and the communities that they're a part of as they're trying to live a dignified life here. So I think that's my response to that.

REP. G. FOX: Thank you. Are there other questions? Thank you very much for your testimony today.

KEVIN DEAN: Thank you.

REP. G. FOX: Next is E. Jonathan Harry.

SB123

E. JONATHAN HARDY: Good afternoon. It's E. Jonathan Hardy. I'm a resident of New Britain. I'm also the executive -- I'm an executive board member of the Connecticut Citizen's Defense League. We're a firearms rights organization. You might be wondering why I might be here today.

Usually I'm spending a whole lot of time here fighting to keep some of my rights. This is -- some of the legislation here is exactly what we've always been in support of for quite some

so much, and you had spoken to me in the hallway briefly and I just think for all -- everyone's edification, how many hours have you spent in the last two weeks in this building?

E. JONATHAN HARDY: About 65 hours in the past two weeks I've been here. Two nights past 1:00 in the morning.

SENATOR KISSELL: That is citizen participation and you deserve a medal for that.

E. JONATHAN HARDY: Thank you.

SENATOR KISSELL: Thank you for participating in our government. With people like you continually holding us accountable for our policies we will continue to make progress. So thank you, sir.

E. JONATHAN HARDY: I don't mind losing some sleep to come down here.

REP. G. FOX: Thank you.

E. JONATHAN HARDY: You bet.

REP. G. FOX: Mary Yannick. Oh, I'm sorry. John Lugo is the one, yes. But it was going to be John Lugo, but then it was -- then Livia Gutierez, is Livia Gutierez here?

LIVIA GUTIEREZ: Good afternoon, Senators. I'm sorry, my English is not well. I'm trying to do the best, and I'm testifying in favor of HB 6659. My name is Livia Gutierez, and I came to this country of dreams in 1994 when I was just 18 years old.

I'm sorry. I left my country Ecuador because the economy and political situation was not great. And I have one-year-old child to provide for. I had to -- I have to leave him with my

parents until I could establish myself in this country, a country that I love as if it were my own, because I have spent half of my life here as a resident of Connecticut.

It took me six years to be able to bring my child here, and then I have to -- a blessing to having three more childs who were born here in this state. For 19 years I've been live with the terror of being deported because I have tried every single day to give my children the most normal life possible.

I want to tell you an experience that occurred on January 2nd, 2013. Was my daughter's birthday. I went out to buy a cake to celebrate with my family. The police had never (inaudible) me before with a license for 18 years, but that day when I hear the sirens and saw the lights of the patrol car I told this is the end. I'm going to be deported.

My heart was beating so loudly like now, that my hands were shaking because I believe that I will never again see my little ones. When a young police approached my car window, asking for license and registration, as you must understand, I was only able to have over my registration and passport.

While the police returned to my car, I just have a chance to make a phone call to my best friend and I tell her the police have stopped me. Please if they call me the immigration I want to be able to see my children. Tell them I love them more than life itself.

When the police returned, he saw that I was distraught that he say relax. Just go. I am a good guy. I drove two blocks and I enter in a parking lot and I start to cry inconsolably. At the same time I think in God's eyes I'm not a

criminal. I have a clean record, and I do not deserve so many years of suffering.

I ask that you pass the Trust Act to keep our families together, so we can live without fear. Thank you very much for listening to my part -- a little part of my life.

REP. G. FOX: Well, thank you. And thanks for coming tonight. Representative O'Dea.

REP. O'DEA: Thank you, Mr. Chair. Ma'am. (Spanish spoken) So well done, thank you.

LIVIA GUTIEREZ: Thank you.

REP. G. FOX: And thank you very much. You did a good job. Mariano Cordozo. John Lugo?

JOHN LUGO: Thank you. Members of the committee, my name is John Lugo. I am a member on organized for (Spanish spoken). This is a human rights organization that we create like 10 years ago. Many, you know, we have hundreds of members around the -- the New Haven -- the greater New Haven area. We are here in support of Raised House Bill 6659, AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS because we believe that this bill is necessary for immigrants to report human rights abuses without fear of deportation.

For 10 years we have been able to create this trust between the immigrant community and the police department in New Haven. As a member, any member of (Spanish spoken), you know, is in some point of their lives they have been abused by the system or abused by their bosses, and we have cases of people working for $2 an hour, being slaves on farms here in Connecticut.

In factories, many of them, they have been sick, they have been injured, they have been killed.

You know, our job in many of these cases is to report to the Department of Labor, and most of the time when we are -- the people to report these abuses, there is always the question from the people is if I go to the police department, if I go to the Labor Department, should I -- am I going to be deported?

And we say no because the law says something different, you know, like the Labor Department is not related to immigration. And I think that's why the Labor Department has been greatly able to do their job because the people they are willing to speak up and our organization has been able to be a voice for these people.

You know, on -- because this issue of racial profiling has been affecting the -- all the communities around Connecticut and especially in New Haven, we came to a different like a public hearings with the police department in New Haven, and then trying to explain before, they pass this general order where tell the police department, they -- when they detain an immigration, they should not care of all their legal status in this country. They should care about the criminal activities that he's involved for the investigation that he's doing.

And that way the police department has a great relationship with the community. But the problem right now with this (inaudible) communities implementation in 2010 it's like that's breaking up the relationship. Now the people are now more willing -- the people they are scared to go to the police department because they feel like if they go to the police department, even if the police officer doesn't, you know, ask for the legal status, but if that person got detained by the police department and they go to the detention center in New Haven, eventually they can be reported to immigration.

And we had like a few cases, you know, like we had the case of Ian Suarez (phonetic), he was here waiting all day, but he returned like an hour ago, and the case of Luis Besile and Jose Maria Islas, these three guys they were detained by the police, basically I feel like strongly that they were like racially profiled by the police.

And eventually some of them, they got detained because they didn't have the proper documentation to drive and when they got taken to the detention center, immigration -- no (inaudible) in this cases they were taken to detention and eventually they were taken to the court.

The court find them non-guilty and eventually when they were -- when they were going to be released immediately by the order of the judge, there was like an order -- detainer order from immigration and eventually they got taken by immigration.

So we feel strongly that, you know, like this Secure Communities is not doing a lot of good for the -- is not making Connecticut safer. It's actually making more difficult for the people to report any crimes. Basically we're here like to, you know, to -- us members of the legislation to pass this bill, the 6659, and make the State of Connecticut more safer. Thank you.

REP. G. FOX: Thank you. Thanks for being here today. Questions? Thank you. Is Megan Fountain here? Hi.

HB6659

MEGAN FOUNTAIN: Hi. Good evening. I'm Megan Fountain. I'm also a volunteer with (Spanish spoken) and I've been accompanying some of the

families as they have been in the courts and in detention, and seen a lot of their suffering firsthand. There's not much that I can add, except in the three cases that John Lugo just mentioned, what's interesting about these cases but not unusual is that these people may not even be deportable.

The government may not be able to deport them. In the case of Ian Suarez, he is a young man who was brought here as a child and he is eligible for a program called Deferred Action for Childhood Arrivals. And so it's likely that his deportation will ultimately be dropped, and that he's not actually eligible for deportation because he was brought here as a child. He is studying to earn his GED, and he qualifies for this program.

In the case of Mr. Pesele, he is in deportation proceedings and his son has a heart condition. And he can have his deportation cancelled on humanitarian grounds. So what we see in these cases is that immigration detainers are often issued for people who aren't even deportable.

We heard from some people today that an immigration detainer is not a warrant, it's not an arrest warrant, and the ICE agents, when they issue detainers, don't have to meet a certain standard of proof to issue them. So ICE has issued detainers for 800 U.S. citizens, even though it's unconstitutional for ICE to detain U.S. citizens. But they mistakenly have issued ICE detainers for 800 U.S. citizens.

In these cases that we've seen in our community, people have been stopped on traffic stops, they've been arrested for crimes they didn't commit. They've been acquitted, handed over to immigration, and they're actually people who contribute to our society, who have family here,

who have lived here for a long time, who the government may not even be able to deport, and yet they're, you know, our local government are needlessly spending resources locking them up.

And I wanted to emphasize that matter. So thank you very much for your consideration, and I urge you to pass Bill 6659.

REP. G. FOX: Thank you. Are there questions? Oh, thank you. Good afternoon.

HB5938

MARIA CUERDA: Thank you, Senator Coleman, and Representative Fox for this opportunity, as well as other members of the committee. My name is Maria Christina Cuerdo. I am a fair housing specialist at the Connecticut Fair Housing Center here in Hartford.

I investigate and work on housing discrimination cases, and do outreach and training throughout the State of Connecticut to provide information about the rights of individuals under federal and state fair housing laws.

Thank you very much for this opportunity to share New York thoughts with you about the Trust Act. Connecticut Fair Housing Center is a statewide nonprofit dedicated to ending housing discrimination and affirmatively furthering fair housing.

Our work is part of the greater struggle for civil rights embodied by Martin Luther King, Jr., Chavez, and many individuals locked out of our society because of the color of their skin, their national origin and as well as the other protected categories under the Federal Fair Housing Act, sex, religion, age, disability, source of income, sexual orientation, gender expression or identify.

This is people who have not committed any crime being swept -- have never been convicted of a crime or may have been accused of trying to steal a bicycle and then that wasn't try, but they were swept up. That causes incredible fear in the communities that are law abiding.

SENATOR COLEMAN: Thank you. Other questions? Seeing no other questions, thank you very much for your testimony.

MARIA CUERDA: Thank you for your time.

SENATOR COLEMAN: Sujitno Sajuti?

SUJITNO SAJUTI: Good afternoon.

SENATOR COLEMAN: Good afternoon.

HB 6659

SUJITNO SAJUTI: Thank you very much for the time that you give, Senator Coleman and the members of committee. I speak on behalf of the immigrant community, Muslim community, which I work with in (inaudible) in 2004, but this is also that part of my experience because I was in detention and 67 days.

This happened in 2011. Why I got into the target of the ICE, this was the result of in 2003 there is (inaudible) in the community, and at the time I registered, because according to the rule that if I register the chance to get a green card is much higher than if you don't do it and if you didn't do it.

And I get a problem with my school with my (inaudible) because I want to finish my PhD, but if I try leaving without staying and (inaudible) until now, still a problem. And finally affect my immigration status. I use 23 lawyers to fix my problem, and cannot get through.

In 2011 I find a lawyer from New York, and before I file all the (inaudible) letter, ICE grabbed me when I was out with my wife on the road, and people screaming, it was telling that -- like that people saying that I was kidnapped. And even have been stopped (inaudible). ICE bring me to go there, and finally take me 67 days thereafter I fight there and the community fighting for me.

They know that I was part of the community, I'm a professional not a criminal, they know it. But still they try to get into it in September one month before, or two months before. But still they do it. This is the reality.

And I want also that when I see that there is possibility of state also involved in the case for the immigrant, it's not really good thing for the immigrants that even the fear. If me -- if I have been out, still sometimes is difficult to get the state license -- difficult to get the state exam. This is a real thing that when you go into it, ICE go to everywhere. And this is a real thing that I see and even my wife (inaudible) because she is in the -- when we file for 2001 for adjustment settle at the time under my wife's name.

But because qualification not met with the job we could not get it. The rule of the time that job must met with qualification is why I thought to if I arrival (inaudible). Until you die we cannot let anybody make what you call -- met with the qualifications.

You will get a job, not pick the welfare is good and it is the real thing that I face, and this is what I consider for the involvement of the state for the immigration rule. Thank you.

SENATOR COLEMAN: Thank you. Are there questions

for the gentleman? Seeing no questions, thank you very much for your testimony.

SUJITNO SAJUTI: Thank you.

SENATOR COLEMAN: Mary Sanders.

MARY SANDERS: Thank you, Senators and members of the committee for your long day and service to the community. I am here specifically to speak on the traffic stop bills, but after sitting through a few testimonies, I'd just like to comment on a couple other things.

HB6665

As the director -- I'm a resident of Hartford, but I'm the director of the Spanish-speaking center in New Britain, and I've worked with immigrant communities for 30 years, basically in adult education and training capacity, helping people learn English, get credentials and become productive members of our communities.

I have worked with a lot of people that have had to have their status adjusted. Either they came here and got married or they came here and family members have claimed them and helped them to do that and most of them are much more law-abiding citizens than natural-born citizens because they're so afraid to get in trouble that they are keeping their noses clean. So I am in favor of 6659 for the record.

I appreciate Bill Dyson's work, and the Racial Profiling Advisory Committee. I have sat in some of their meetings, but I am against Raised Bill 1143. Specifically because it does not contain language giving a copy of the traffic report stop to the motorist. There were questions earlier regarding the data purity.

I sat through -- this is the third year I'm here on this issue. And I actually submitted the --

for Ms. Sanders? There are apparently no questions. Thank you for your testimony. Mariano Cordoso?

MARIANO CORDOSO: Good afternoon.

SENATOR COLEMAN: Good afternoon

MARIANO CORDOSO: My name is Mariano Cordoso, and I am in support of the House Bill 6659. And I oppose Secure Communities and what it has done to immigrant families within our communities. And I am currently a student at CCSU, I'm 24 years old, and I'm originally from Mexico. I've been living here since before I was two years old.

And I guess my story starts when 2008, August 26th, 2008 when I was at an uncle's house and this was just a couple days before the semester began. And it was a beautiful, beautiful summer day and it's a day that I'll never forget.

With -- my whole family was outside and I saw that five, six, seven officers walked into the driveway and into the backyard. And we -- we knew that they were officers because they had badges either on their belts or their laniers, and two of them were New Britain police officers because they were uniformed.

And the others were civilian dressed. And they didn't say that -- they -- so I assumed that they were immigration -- they were from the place, and they started asking if they could go inside the house to search it. They said that they were told that there was a lady that was in the neighborhood and they wanted to search just to keep us safe.

And we said no. We kept telling them they needed a search warrant. I don't know, I still

don't know much about law, but I know that an officer needs some type of search warrant. And the persisted, and after 20 minutes they -- they got impatient and they started -- they put all the men on one side of the house outside and they -- they started getting our IDs, our names, our fingerprints. And I still -- I still thought that it was a big misunderstanding because I knew I hadn't done anything wrong.

I had never had a trouble with keeping my record clean and I always -- I don't know for some reason I always thought that it wasn't hard to keep a clean record. And my greatest fear, my biggest fear was getting deported. That was my -- my worst fear, and for that reason I think I even kept more of a clean record.

And so that day they -- it was the three of us that they put in the minivan, my uncle, my cousin and me. And as we were driving away I finally asked them so we're going downtown, thinking that they were -- they were just police officers. And they looked at each other and they said no, we're from immigration.

And I thought right there and then my whole world was over. I thought that before my eyes my greatest fear was coming true. I was getting deported, I was going to end up being deported. And that I would never be able to see my family again.

And so I think I'm fortunate because in the end I wasn't deported. I -- it was a good fought. I fought. I let everybody know that I wasn't documented and I was a student and I hadn't done anything wrong. And in the end the community came out in my support and so my deportation was stopped.

And I know that not everyone has that same

fortune of being -- of living through that and still calling the U.S. their home. And so I'm -- I guess I'm just -- I'm just against HB -- sorry -- HB 6659 because it's just -- these are arbitrary arrests that are done, and these are families at stake that are just trying to make a living. And so thank you all for listening.

SENATOR COLEMAN: Are there questions? There are apparently no questions. Thank you very much for your time and your testimony. Pablo Soto? Terry Davis? Harold Douglas? John Clooney? Lieutenant Holly -- she did? That apparently is everyone who signed the list to speak. There may be someone in the audience who wishes to address the committee.

If that's the case, and you haven't signed the list you may come forward and speak to the committee now. Would you please tell us your name?

CARMEN DUNN: Yes. My name is Carmen Dunn.

SENATOR COLEMAN: Spell your last name for us, please.

CARMEN DUNN: G-U-N-N.

SENATOR COLEMAN: Okay. Thank you very much.

SB123

CARMEN DUNN: Thank you for your time this evening and allowing me to speak. I don't know much of the summary of the bills that are on, but I just wanted to touch on the fact that based on the -- some of the testimony that I've heard here today, I am for House Bill 6659. I have a multitude of friends that have come from other countries, or were brought here as infants, and I have to say they are some of the most hard-working people. And you know, they really strive for the American dream.

They're here because they want a better life for themselves and their children, and with that being said, I mean, you can't put a blanket over any one, you know, race or whatnot. There's good and bad apples with everyone.

But like I said, my -- from my personal experience, you know, these are very hardworking people, and they come here because they want to better themselves, not because they want to come in and kind of be menaces.

SB 123

I'd also like to speak regarding the repealing the Risk Reduction Credit Program. And I'd like to say that I am kind of saddened to hear that because I mean, being that the Department of Corrections, yeah, we need to punish criminals for their crimes.

But there is also the fact that we want to kind of correct whatever their thinking or their behavior was that put them there in the first place. You know, you have people that are going to be there maybe for the rest of their lives or 50-60 years.

What about those that are going to come home in five or six? You know, we want to obviously lower recidivism, we want to kind of give them an incentive to change. And I think even as children we're taught that positive reinforcement of good behavior kind of makes you want to continue the good behavior rather than just punishing bad behavior.

I think it would make a big change. I'm also -- I don't have any data to support this in front of me obviously, and maybe Commissioner Anoni or someone in his staff would be better suited to answer these questions, but I believe that maybe even fiscally you know, reducing recidivism or

ADRIAN RODRIGUEZ: Hello. Thank you for having me. My name is Adrian Rodriguez. I work with a community organization called the Connecticut Center for a New Economy. And it advocates for things like workers' rights, universal healthcare and also immigrants' rights.

And I'm here to support House Bill 6659. I believe that Secure Communities is just overall a bad policy. It's picking up immigrants who are not what they were originally planned to do, which is to remove -- to remove immigrant criminals who pose a threat to the society.

There are people like Jose Mia Islas and Mariano Caldoso who have been picked up while on their lunch break or while having a picnic, and have not been convicted of anything like murder, rape, theft.

So overall I just feel like it's a bad policy and it's something that I'm working with though the Connecticut Immigration Reform Alliance, and that's all I have to share with you today. Thank you.

SENATOR COLEMAN: Thank you. Are there questions? There are apparently no questions. Thank you for your testimony. Is there anyone else who would like to address the committee? Please come forward. Is this the second time around? Thank you, Ms. Sanders. Anyone else? If not, I will declare this public hearing closed.

PAGE 14
LINE 18

Junta for Progressive Action's Testimony *in support* of H.B. 6659 An Act Concerning Civil Immigration Detainers ("Trust Act")

Before the Joint Committee on Judiciary
March 22nd, 2013

Senator Coleman, Representative Fox and members of the committee, thank you for the opportunity to be here today and testify in support of H.B. 6659 An Act Concerning Civil Immigration Detainers, commonly referred to as the TRUST Act.

My Name is Ana María Rivera, and I work for Junta for Progressive Action, the oldest Latino community-based non-profit organization in the City of New Haven. We serve over 6,000 individuals and their families a year. These families come from over 10 different countries seeking to participate in one of the many programs we offer including: ESL, GED and Economic Development. Junta has developed a very strong bond with the community and has built a relationship of trust that is only achieved by being open, respectful and mindful of other cultures.

Developing those relationships has allowed us to be in a position where individuals confide in us when they are confronted with serious and life-threatening situations. In many of the countries were our community members have come from, the police is corrupt, violent and most definitely not trustworthy. The New Haven Police has done an extraordinary job of educating residents and tearing those barriers down, so when S-Comm was implemented it was devastating and heart-wrenching to witness the fear that it created in our community. Fear that law enforcement was synonymous with ICE, fear that reporting crimes would result in getting deported, fear that individuals would be separated from their families. For many of the people walking through our door, the possibility of getting caught by the deportation dragnet was scarier than being a victim of a crime. They came to us for help because they did not know where else to go.

No one should fear those that are there to protect them in the first place. The residents of Connecticut deserve better than that. We do not stand alone in recognizing that the S-Comm program is bad policy. New York City, Washington D.C., Cook County, IL, Santa Clara have all created policies or laws that limit compliance. The Department of Corrections in Connecticut has also recognized the need to protect its residents by passing protocols to limit compliance with the program. It is time that all law enforcement in Connecticut follows this practice. That is why today I urge you to pass H.B. 6659, a bill that will restore our community's trust.

Thank you for your time.

PAGE 20
LINE 12

March 22, 2013
State Senator Eric Coleman
State Representative Gerald Fox, III
Joint Committee on Judiciary
Legislative Office Building Room 2500
Hartford, CT 06106

RE: RB 6659 □ An Act Concerning Civil Immigration Detainers

Dear Senator Coleman, Representative Fox, and Members of the Joint Committee on Judiciary:

My name is Kevin Dean, and I am a student at Yale Divinity School and in the process leading to ordination in the United Church of Christ. I come before you in support of the TRUST Act to harmonize all of Connecticut's law enforcement agencies to honor ICE detainer requests in cases of serious or violent felonies. This legislation is about law enforcement gaining back the trust of the immigrant communities in this state.

I believe in a very radical political principle: that every human being is created equal. Every human being is to be treated with equal dignity. I happen to believe it because of the first chapter of a book called *Genesis*, but it can also be found in the *Declaration of Independence*. It is a principle written on a lot of paper in this country, and slowly, with lots of work and a lot of strife, we hope, becoming one that we take seriously. In fact, it is a principle that is written on so many pieces of paper and repeated in so many speeches and dry moral exhortations that I am not confident that anyone thinks about it any longer.

Now I am in the process to become ordained as a minister in the United Church of Christ; and as a church person, I know something about deeply powerful words that get sanitized and bowdlerized by saying them over and over again. So often our words are like lines next to a checkbox on a piece of paper – all we have to do is pick up our mental pen and put an 'X' in the box. When was the last time any of you carefully considered the words on a document on which you had to sign or mark a checkbox? I am not sure that any of you should answer that question.

In 1776, shortly after the Declaration of Independence was adopted by the Continental Congress, an abolitionist by the name of Thomas Day wrote these lines in reference to the contradiction, already, between the statement that 'all men [sic] are created equal' and the institution of slavery, "If there be an object truly ridiculous in nature, it is an American patriot, signing resolutions of independency with the one hand, and with the other brandishing a whip over his affrighted slaves" (quoted in David Armitage's book *The Declaration of Independence: A Global History*, page 77). He was right, and slavery is not the only instance to which the hypocrisy that Day points out applies.

Today, you are in a position to make a small step toward stopping from contradicting yourselves when you affirm that all human beings are created equal. I know people in this country whose only crimes are to have been born in the "wrong" country, been unable to afford or navigate the outrageous and politicized immigration bureaucracy to enter this country with government authorization, and then to have been, say, accused of a crime they didn't commit, or caught trying to drive to their job. The TRUST Act ensures that people in this unenviable position are not treated with the condescending whip of being told, "Yeah, you're created equal, but it is criminal for you to

try to live a dignified life here. So we're going to send you away from your family and community." No. All people are created equal, and national borders are not part of creation.

So I invite you to do what we often forget to do when we say our good phrases over and over again. First, join me in being silent and reflecting for a moment on what it means that every human being is a reflection of God, or if you prefer, that all human beings are created equal. Now, vote for the TRUST Act, because after what you've just considered, it is not only extremely important, but also only a small step forward in light of that radical principle on which all of us seem to agree.

PAGE 12
LINE 6

Testimony for Hearing on HB6659
Mary Yanik, Worker and Immigrant Rights Advocacy Clinic, Yale Law School

Good morning, thank you to Senator Coleman, Representative Fox, and the entire Judiciary Committee for the opportunity to speak with you on this issue. My name is Mary Yanik. I am a law student intern with the Worker and Immigrant Rights Advocacy Clinic at Yale Law School. Our clinic provides representation on a range of legal needs to individuals and organizations that otherwise would be unable to afford a lawyer. For several years, we have been representing clients who have been harmed by the entanglement of federal, civil immigration enforcement and local, criminal law enforcement. We have met and represented Connecticut residents who have been detained, transferred to the custody of U.S. Immigration and Customs Enforcement (ICE), and placed in deportation proceedings after being arrested for minor offenses: a mother of three who was arrested for leaving her kids in the car while she ran inside a store on a brief errand; a young man jailed for driving without a license; and a father and construction worker arrested after breaking up a bar fight in East Haven, to name just a few examples.

Since the implementation of the Secure Communities program, Connecticut's law enforcement officials have been receiving requests from ICE, known as immigration detainers, to hold Connecticut residents for transfer to federal immigration authorities. In many cases, these Connecticut residents have been targeted for deportation even though they have no or only minor criminal histories. Local law enforcement's involvement in immigration enforcement sows distrust between local law enforcement and immigrant communities, leading to a breakdown in community policing efforts underway in our cities and towns.

After our clinic brought a lawsuit against the Connecticut Department of Correction on behalf of one of our clients, Sergio Brizuela, DOC put into place a policy to review these detainers on a case-by-case basis. While this policy is an important step forward, it currently only applies to individuals held in DOC custody. It does not extend to other law enforcement agencies who may hold Connecticut residents on immigration detainers, like local police and the judicial marshals. HB 6659 would address this and other gaps in the DOC policy.

Connecticut stands on firm legal ground in seeking to release residents to their families rather than hold them for ICE after their state custody expires. Immigration detainers have come under fire repeatedly as legally invalid. Immigration detainers do not provide a legal basis for holding someone and many are not authorized by statute. Detainers also violate the Fourth Amendment because they are issued without a warrant or any finding of probable cause by a neutral magistrate. Local law enforcement agencies are not obligated to honor an ICE detainer. Therefore, Connecticut is fully within its rights to decline to honor immigration detainers, as it is doing now with certain individuals held in DOC custody.

By adopting this bill, the Connecticut legislature would join many other local jurisdictions that are limiting compliance with immigration detainers in an effort to protect local community policing initiatives. Washington, D.C., New York City, Cook County, Illinois, home of Chicago, and San Francisco and Santa Clara Counties all have implemented policies limiting their cooperation with ICE and refusing to honor some—and in some cases, all—immigration detainers.

HB6659 would be in keeping with a nationwide trend of limiting participation in this controversial ICE practice. Connecticut has taken steps through administrative policy to protect its residents and disentangle local law enforcement from federal immigration actions, but more is needed. This bill will uphold Connecticut's commitment to fostering safe communities for all its residents, immigrant and non-immigrant alike.

PAGE 22
LINE 11

Testimony in Support of HB 6659
"AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS"
Mariano Cordoso Jr.

March 22, 2013

Members of the Judiciary Committee:

My name is Mariano Cardoso Jr., I am in support of the House Bill 6659 and I oppose Secure Communities and what it has done to immigrant families within our communities.

I am currently a student at Central Connecticut State University and am pursuing a career as a Civil Engineer. I am 24 years old. I call New Britain and Connecticut my home for the opportunities it has given my family and me.

I was born in Mexico and I have been living in the United States since before I was two years old. Ever since then, I have been "without papers". My parents tried many times, to no avail, to adjust my immigration status. Too many crooked and dishonest lawyers and "notarios" stood in their path. My status was not adjusted and I grew up with the notion throughout my adolescent years that I was different and that being undocumented was a barrier that we could not overcome. As I became old enough, I began to comprehend what the consequences would be if, for whatever reason, Immigration knew about my whereabouts. Therefore, being deported and losing my family were among the worst fears I had growing up.

Normal people have fears like: being afraid of heights, public speaking and dying. As a human being, I had those same ones, but none were worse than being deported. For this reason, I always tried with all my might to not get noticed. I never had any problem behaving, but I had to be extra careful. I began to believe that I could not even risk raising eyebrows. I began to assimilate to the shadows.

This, I believed would keep me safe. This was true until my most awful fear started to become real. It was a couple days before the fall semester started. August 26, 2008, a day to remember. I was at my uncle's house with most of my family, bother, sister, cousins, aunt and uncle. We were all in the backyard as 7 officers walked in through the driveway, that afternoon. There were two that were uniformed as New Britain police officers and the rest were dressed as civilians. I knew that the rest were officers because they had a badge either on the belt buckle or on a lanyard across their chest. They wanted to search inside the house. They had a black and white sketch of the face of a lady. The officers explained that they were warned that the lady was seen in the neighborhood. My family knew that the neighborhood was not a bad one. The officers were told that they needed a warrant to enter. They argued that it was for our own safety. After almost 20 minutes of persisting they became impatient. Afterwards, my uncle, a cousin and I were asked for our names, fingerprints and identifications. We were put in handcuffs. I understood that it was a big misunderstanding. I had done nothing wrong. As I stood there, I listened to everything the officers said. The uniformed officers started checking all the cars for they said that they would not be surprised if a car was unlawfully there. Their insolence could not go unnoticed. I also noticed that the civilian clad officers were the ones in charge. The ones in uniform were there just for the ride or just as a front.

After, they finished with the questions they put the three of us in a white unmarked minivan. As the officers drove away with us inside I still believed that it was a huge misunderstand and I asked them if we were going "downtown". The two officers looked at each other, directly into each other's eyes, for a brief moment and looked back to answer "We are from immigration. We are ICE." I felt like my world was quaking for I could not believe that my greatest fear had become a reality.

My story is not that different from the many immigrant families in the state. Most families that are separated due to "Secure Communities" are working families just trying to make a living. The only difference is that is not many families with similar background are as fortunate as mine. They end up being separated, torn apart, deported. However all that could change, we have an opportunity to change it. To change the conditions for the families at risk. So I am in support of this legislation which could end these arbitrary arrests and deportations.

PEDRO E. SEGARRA
MAYOR

Testimony by Mayor Pedro E. Segarra & Chief of Police James C. Rovella
City of Hartford
House Bill 6659
An Act Concerning Civil Immigration Detainers
March 22, 2013, 11:30AM in Hearing Room 2B

Co-Chairmen Coleman and Fox, Vice Chairs Doyle and Ritter, Ranking Members Kissel and Rebimbas and Distinguished Members of the Judiciary Committee:

Thank you for the opportunity to submit written testimony on House Bill 6659, AAC Civil Immigration Detainers.

This bill will greatly alter, and in a positive way, how our state engages in the Secure Communities ("S-Comm") Program. Present law requires local law enforcement officials and the Department of Corrections to detain, under federal authority, and fingerprint suspected undocumented immigrants; preparing them for detention or deportation. This bill would amend that require and instead allow for discretion and only require compliance if a criminal suspect is convicted of a felony under Connecticut law. This critical modification will set a uniform standard and practice and better mirrors the original intent of S-Comm.

Hartford, your Capital City, is a welcoming community, providing opportunity to those who have been otherwise prevented from pursuing the most basic and fundamental of human rights: the pursuit of happiness. As presently designed, S-Comm divides families, undermines public safety by forcing local police officers to act as ICE (Immigration Customs Enforcement) agents, encourages racial profiling, is biased in its outcomes and lacks transparency and accountability. Passage of this bill would allow Connecticut to join other jurisdictions, including California, Washington, D.C., Massachusetts and New York City in repairing a broken system and prove that we – municipal and state leaders – understand the role, importance and influence that immigrant families have had on the development of the great State of Connecticut.

As others have no doubt indicated about this bill, when we create further separations between resident communities and the services they need – especially when public safety personnel are one of those barriers – our urban centers, suburban regions and the entire state suffers.

Thank you again for allowing us to submit testimony on this very important issue. The City of Hartford and the Hartford Police Department urges favorable passage of House Bill 6659.

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Facsimile (860) 722-6606

HARTFORD
HAS IT

State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF CHIEF PUBLIC DEFENDER
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HARTFORD, CONNECTICUT 06106

DEBORAH DEL PRETE SULLIVAN
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Testimony of
Deborah Del Prete Sullivan, Legal Counsel
Office of Chief Public Defender

R. B. No. 6659, An Act Concerning Civil Immigration Detainers

Judiciary Committee Public Hearing - March 22, 2013

The Office of Chief Public Defender supports *Raised Bill No. 6659, An Act Concerning Civil Immigration Detainers.* Passage of this bill would be a step forward in creating a process that would provide consistency in how civil immigration detainers are handled in this state. The Office of Chief Public Defender adopts and endorses the testimony as submitted by the Connecticut Criminal Defense Lawyers Association and requests that this bill be voted upon favorably by this Committee.

CCDLA
"READY IN THE DEFENSE OF LIBERTY"
FOUNDED IN 1988

Connecticut Criminal Defense
Lawyers Association
P.O. Box 1766
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March 22, 2013

Hon. Eric D. Coleman, Co-Chair
Hon. Gerald M. Fox, Co-Chair
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

Re: Raised Bill 6659

Dear Chairmen Coleman and Fox:

CCDLA is a not-for-profit organization of approximately three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is a statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA supports Raised Bill No. 6659, the Transparency and Responsibility Using State Tools (TRUST) Act, which clarifies how state and local law enforcement agencies respond to requests from Immigration and Customs Enforcement (ICE) for civil immigration detainers for non-citizen Connecticut residents and requires correlated annual statistical reporting by these agencies.

Raised Bill 6659 provides a uniform protocol for state and local law enforcement to follow when ICE issues a civil immigration detainer. While this bill allows state and local authorities to hold individuals who have serious or violent felony convictions upon the request of ICE it also reflects a civil detainer's functional limitations and provides an important mechanism for relief upon an agency's failure to abide by these restrictions. In this regard, Raised Bill 6659 gives legislative force to the legal definition of a civil immigration detainer as a mere request from federal immigration agents for the detention of an individual, and as such, a civil immigration detainer carries no legal mandate for any state or local law enforcement agency.

Raised Bill 6659 will help restore the trust of our immigrant population in their local police departments and the state judicial system. The recent implementation of the federal Secure Communities program in Connecticut has had deleterious effects on public safety because

noncitizens residents, including victims and witnesses, are afraid to have any interaction with law enforcement or the courts for fear that they will be targeted by ICE.

Raised Bill 6659 also will reduce law enforcement expenditures at the state and local levels since it calls for a maximum 24 hour detention period and no further expenditure of state or local resources to facilitate an individual's transfer to ICE custody. It should be noted that once an individual is taken into federal custody, ICE generally does not transport that individual back to resolve any pending criminal or motor vehicle charges. This severely and negatively impacts the state judicial process by depriving defendants their fundamental right to defend themselves; denying victims any form of judicial redress; and alienating the immigrant community as a whole.

In conclusion, CCDLA supports the passage of Raised Bill 6659 as an important legislative proposal that will serve to protect the legal rights of non-citizens; clarify the limitations of civil immigration detainers for law enforcement personnel; prevent the unauthorized use of state and local resources for immigration enforcement activities; and most importantly help restore the trust of our immigrant residents in our local law enforcement agencies and our state judicial system.

Please feel free to contact me if you wish to discuss this further. Thank you for your time and consideration.

Sincerely,

Elisa L. Villa
Secretary– CCDLA
(860) 589-5976

PAGE 21
LINE 10

Unidad Latina en Acción
37 Howe Street, New Haven, CT 06511 (203) 606-3484 • (203) 479-2959

March 22, 2013

RE: H.B. No. 6659 - An Act Concerning Civil Immigration Detainers

Dear Senator Coleman, Representative Fox, and Members of the Joint Committee on Judiciary,

My name is John Jairo Lugo, and I am a member and organizer of Unidad Latina en Acción (ULA), a human rights organization with several hundred members in Greater New Haven. We support Raised House Bill 6659 - An Act Concerning Civil Immigration Detainers, because we believe that this bill is necessary for immigrants to report human rights abuses without fear of deportation.

For ten years, ULA has worked to build trust between the immigrant community and the police, so that victims can report crimes without fear of deportation.

The members of ULA are immigrants who face serious abuses in the workplace. Some of them have been paid as little as $2 per hour working in restaurants, farms, factories and construction sites in Connecticut. Some of them have been fired for refusing sexual advances from a supervisor. Some of them have been sickened, injured, or even killed by workplace hazards.

We help them complain to the Connecticut Department of Labor, police, and other government agencies. We help immigrants and non-immigrants organize together to improve terrible working conditions, which are widespread. The workers always ask, "If I complain, will I end up in immigration prison?" Their bosses tell them that they will be detained by Immigration & Customs Enforcement (ICE) if they report abuses to the government. We tell them that the Connecticut Department of Labor does not share their personal information with ICE. The Department of Labor knows that when immigrants are afraid to report wage violations, it is impossible for the government to enforce the minimum wage.

Immigrants also come to us because their landlords have turned off the heat in the winter and violated housing codes. They call us to the hospital when they have been attacked by a husband or a boyfriend. We tell them that they should report these abuses to the police without fear. The New Haven Police in 2006 established a General Order that forbids police from asking people about their immigration status. Police chiefs across the country know that when immigrants are scared of police, it is impossible for the police to create public safety.

Unfortunately, because of the federal Secure Communities program (S-Comm), all police departments in Connecticut have been recruited to funnel people into deportation proceedings. This has shattered the trust that used to exist between the police and the community. We used to feel safe reporting abuses to the police in New Haven. We no longer feel that way.

Right now three members of our organization are in deportation proceedings because of S-Comm.

Mr. Suarez, Mr. Piscil, and Mr. Islas have similar stories. They were arrested by mistake or because of racial profiling. The charges were later dismissed. The judge, after considering the

evidence, ordered them to go free Nevertheless, instead of being released from custody, they were held by court marshals on immigration detainers and turned over to ICE.

Some law enforcement believe that an ICE detainer is a legally binding order. In truth, an ICE detainer is merely a request, and local governments can use discretion and set guidelines to prevent unwarranted detentions. ICE detainers frequently have no merit, because the agent who issues the detainer does not need to meet any standard of proof. ICE has mistakenly issued detainers for more than 800 US citizens, even though the Constitution prohibits ICE from detaining US citizens.

In the case of Mr. Suarez, Mr. Piscil, and Mr. Islas, their families have suffered needlessly because of ICE detainers. It is possible that they are not even deportable.

Mr. Suarez is a twenty-one-year-old young man who lives in New Haven. He was brought to Connecticut as a child and is studying to earn his GED. He was ensnared by S-Comm when he was arrested for traffic charges that were later dismissed. However, his deportation can be halted, because he is eligible for a program called Deferred Action for Childhood Arrivals.

Mr. Piscil has two children in New Haven, and one of them is a five-month-old baby with a heart condition. His deportation may be cancelled on humanitarian grounds. He was trapped by S-Comm when his cousin called the police on him after they argued about rent payments. The charge was later dropped.

Mr. Islas has lived in New Haven with his sister, nephews and niece for eight years. He was taken by ICE after Hamden police mistakenly arrested him during his lunch break. They were looking for a Latino man who had tried to steal a bike, and they thought that he fit the profile. He was acquitted, and he had no prior arrests on his record, but he was still turned over to ICE.

These are working people who contribute to our society and have done no harm. Their families, Connecticut families and Connecticut children, have suffered from their incarceration. They have lost income while in jail and have barely scraped together enough money for legal defense. If the TRUST Act had existed a year ago, they never would have ended up in immigration prison.

ICE says that the goal of S-Comm is to funnel criminals into deportation. However, ICE data shows that the majority of people issued immigration detainers, 77%, had no criminal convictions. They were simply arrested for charges that were later dismissed. In Connecticut, 40% of people deported had no criminal convictions. Another 40% were convicted of misdemeanors including traffic offenses.

H.B. 6659 would create the guidelines that we need to stop needless detentions and deportations. The lack of guidelines has led Connecticut law enforcement to detain people without due process beyond their court-ordered release date. We can pass H.B. 6659 to restore due process and restore TRUST in the community.

Sincerely,

John Jairo Lugo

Good morning, co-chairs Senator Coleman, Representative Fox and members of the joint Judiciary committee. My name is Rochelle Palache. I am an immigrant and an organizer with the Service Employees International Union CT State Council. Thank you for this opportunity to speak.

I am here to speak on behalf of our more than 55,000 members in CT-health care workers, janitors, building services and public sector workers. We are proud of our diverse and growing membership which includes an increasing number of immigrants.

As a union founded by immigrants SEIU stands in strong support of HB 6659-The Trust Act. The Trust Act will allow state and local law enforcement officers to use their discretion in carrying out the detention policies of the secure communities federal program only in the case of individuals convicted of a serious felony. It will set one cohesive standard for all law enforcement in the state and help restore the trust that has been lost between local law enforcement and the community by providing safeguards against profiling and wrongful detention.

Immigrants have come here in pursuit of the American Dream-a safe place to live and prosper. Our members, regardless of immigration status are hard working contributing members of society, not criminals.

I would like to see our limited law enforcement resources refocused on responding to real threats to our communities, instead of being used to break up our families and racially profile our people.

SEIU believes the fight for racial justice and immigrant rights is critical to the rebuilding of our economy and essential to fostering unity and safety in our communities.

Thank you

Rochelle Palache

SEIU CT State Council

Dear Senators Coleman and Fox,

I am writing in strong support of RB6659 - An Act Concerning Civil Immigration Detainers and urge your committee to approve this legislation. I am unable to attend Friday's hearing so am submitting this written testimony to which I have attached a Faith Matters article I wrote last month for the New Haven Register. In that article I express my support for the Trust act, encouraging others to support it as well. It will be a critical and much needed corrective to the injurious consequences of the so-called "Secure Communities" program which wrongly, in my opinion, presses local police departments and court marshals to engage in the work of immigration enforcement. It also does the opposite of securing our communities, creating instead a climate of mistrust and fear between residents and local police.

In the New Haven Register article, I wrote:

"In the spirit of a "great fellowship of love," a group of Yale Divinity Students, Seminarians for a Democratic Society, have a proposal this year for those of us who practice the Lenten disciple of giving something up. They are proposing that we give up borders, that we declare the season of Lent to be a "season without borders."

Specifically, they are urging us to contest a Department of Homeland Security program, called (with no sense of irony) 'Secure Communities.' Under that Federal program, which mandates immigration checks of everybody booked in local jails, over 400 Connecticut residents, most with no criminal record, have been deported, wrenching parents from children and tearing apart families.

In a Declaration entitled Lent Without Borders, these students are calling people of faith and justice to "dare to imagine and declare publicly that a world without borders is not only possible but is demanded by a faith that declares we are all 'strangers and aliens in the world' (1 Peter 2:11)." Specifically, the Declaration urges us to advocate at the CT State Legislature for the passage of the Trust Act. Trust Act legislation allows local police departments to release people who have been arrested once their bond is posted or their sentence is up as long as they have no serious convictions rather than detain them at the behest of Immigration and Customs Enforcement."

All of us in this country (with the exception of native, indigenous Americans) are immigrants, and while by current US laws some are considered 'illegal' because of their documentation, the issue of immigration reform needs to be addressed at the Federal level. It is a mistake and an injustice to try to enforce immigration by pressing local enforcement agents to become in effect an arm of ICE. Such practices are corrosive to local communities.

I urge you and your committee members to approve RB 6659 - Act Concerning Civil Immigration Detainers so trust can be restored to our communities. I hope and pray that this legislation will then be passed by the General Assembly and signed by the Governor. I urge you to do all you can to accomplish that.

Gratefully and sincerely,

Allie Perry

The Rev. Dr. Allie Perry
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STATE OF CONNECTICUT

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APAAC Interns
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March 22, 2013

Senator Eric Coleman
Representative Gerald Fox, III
Joint Committee on Judiciary
Legislative Office Building Room 2500
Hartford CT, 06106

RE: Testimony in Support of Raised Bill No. 6659 An Act Concerning Civil Immigration Detainers

Dear Senator Coleman, Representative Fox and members of the Judiciary Committee

My name is Mui Mui Hin-McCormick, Executive Director of Asian Pacific American Affairs Commission (APAAC). On behalf of the Asian Pacific American Affairs Commission I submit testimony supporting Raised Bill No. 6659.

Our Commission represents one of the fastest growing minority populations U. S. Census reported Asian Pacific American (APA) population grew in Connecticut from 95,368 in 2000 to 157,088 in 2010, which is remarkable as this is a 65% increase in just ten years. APAAC represents almost fifty countries and numerous Asian languages. APAAC makes recommendations to the Governor, General Assembly, state agencies, service providers, etc. on health, safety, education, economic self-sufficiency and efforts to remain free from discrimination within the APA community in Connecticut. APAAC focuses on APA issues, partnering with various agencies, groups, and communities to address the multiple issues such as immigration. APAAC participates on the Connecticut Immigration Rights Alliance (CIRA) which is a statewide alliance representing our diverse populations in Connecticut Additionally 24% of the state's population is immigrant or children of immigrants, who contribute to Connecticut's overall wellbeing at all levels such as economically, socially, culturally, academically, etc. CIRA members will be testifying in support of Raised Bill No. 6659 and discussing the following points in detail.

- This bill is another important step towards rolling back the entanglement between local law enforcement and civil immigration that is destroying our communities.
- Collaboration between local law enforcement and ICE jeopardizes public safety for ALL of us. It is bad public policy
- This legislation is yet another expression of Connecticut's condemnation of the federal government's mass deportation programs. The DOC already has protocols in place that have proven very effective but they do not reach all law enforcement. This bill is an expansion of an already existing policy.
- Despite its name, Secure Communities undermines public safety: Under S-Comm, many believe that local police officers are acting as ICE agents. As

STATE OF CONNECTICUT

ASIAN PACIFIC AMERICAN AFFAIRS COMMISSION

a result, immigrant residents, including victims and witnesses of a crime, are afraid to cooperate with the police out of fear of deportation.

- This bill will set a standard that brings participation in S-Comm back in line with the program's original goals of targeting individuals with violent convictions
- This bill will minimize the horrendous effects that senseless deportations have on our communities. Each time somebody's children are left without parents, employers are left with uncompleted work, landlords are left without rent checks, and communities are left to pick up the pieces.
- Several jurisdictions have passed or proposed similar legislation to remedy the detrimental effects of their state's participation in S-Comm, including California,Washington D.C., Massachusetts, Washington, and New York City

I urge you to support Raised Bill No. 6659 as this legislation will improve our current system, commit to the importance of keeping families together, and help protect all of our communities. Thank you for your consideration

Sincerely,

Mui Mui Hin-McCormick

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Capital Area District
Washington 202 387 3211
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Virginia 703 845 7760

District 1201
215 923 5488

Florida District
305 672 7071

Hudson Valley District
914 637 7000

Mid-Atlantic District
215 226 3600

National Conference of Firemen and Oilers
202 962 0981

New Jersey District
973 824 3225

Western Pennsylvania District
412 471 0690

www.seiu32bj.org

March 22, 2013

State Senator Eric Coleman
State Representative Gerald Fox, III
Joint Committee on Judiciary
Legislative Office Building Room 2500
Hartford, CT 06106

RE: RB 6659 - An Act Concerning Civil Immigration Detainers

Dear Senator Coleman, Representative Fox, and Members of the Joint Committee on Judiciary:

My name is Kurt Westby, and I am a Vice President and Connecticut State Director for Service Employees International Union, Local 32BJ, which represents over 120,000 building service workers throughout the Northeast region. Our union includes the full breadth of America today. 32BJ members come from 64 different countries, speak 28 different languages, and represent a microcosm of immigrants as well as families with long histories in the U.S. We all share the American Dream, a commitment to making life better for working families, and a fundamental respect for the dignity of all people.

On behalf of my union, and the 4,500 working men and women we represent in the state of Connecticut, we are calling for passage of Raised Bill 6659, also known as the Connecticut TRUST Act, which would ensure that state and local law enforcement resources are not misspent on immigration enforcement activities that target working people and undermine community relations.

The expansion of the misguided federal Secure Communities Program throughout the state of Connecticut threatens to indiscriminately draw hard working immigrants into detention and deportation proceedings. This is not good policy for Connecticut or its residents. Though Secure Communities is a federal program, the State of Connecticut continues to have the power to set policy with regard to whether and when it will comply with requests from Immigration and Customs Enforcement (ICE) to hold individuals on immigration detainers. In fact, the Administration of Governor Daniel Malloy has administratively adopted such a policy for the Department of Corrections and the State Police. Passing the legislation before you is necessary to build on that policy and ensure the best use of state and local law enforcement resources.

A growing number of jurisdictions, including New York City, Washington, DC, San Francisco, Cook County, Illinois, Santa Clara County, California, and Taos, New Mexico, have enacted state and local detainer policies that establish when they will and when they will not hold a person for additional time at ICE's request.

Immigration status does not impact workers' legal right to organize, join a union or otherwise enforce their workplace rights. In fact, 32BJ has run successful organizing campaigns involving immigrant and non-immigrant workers standing

Connecticut District
Kurt Westby, District Director

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Hartford, CT 06103
860 560 8674

Stamford Office
777 Summer Street, 5th Floor
Stamford, CT 06901
203 602 6615

shoulder to shoulder to improve their workplace conditions here in Connecticut. However, bad-actor employers often use threats of immigration enforcement or the need to re-verify workers' status as tools of intimidation to chill workers from organizing or enforcing their rights.

The increase in emphasis on local enforcement of immigration law such as through the Secure Communities program bolsters employers' claims that workers who speak up or organize could face arrest, deportation or job loss. This fear does not just harm undocumented immigrants; entire communities suffer when immigrants are arbitrarily swept into detention and deportation proceedings. The consensus among economists is that immigrants' presence as consumers grows local economies and creates jobs.

In states like Connecticut, in which the volume of immigration is slightly higher than the national average, a diverse workforce creates significant economic advantages that will be diminished if the state adopts unnecessarily restrictive and punitive immigration policies. Creating detainer policies that keep Connecticut' s interests at heart would be an important step in the right direction.

In Solidarity,

Kurt Westby
Vice-President and Connecticut District Director
Local 32BJ, SEIU

CITY OF NEW HAVEN
OFFICE OF THE MAYOR
165 Church Street, New Haven, CT 06510
Phone (203)-946-8200, Fax (203)-946-7683

John DeStefano, Jr.
Mayor

Testimony of the City of New Haven
Before the Judiciary Committee

In Support of
H.B. 6659 AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS

Submitted by
Sean Matteson, Chief of Staff
March 22, 2013

Senator Coleman, Representative Fox, members of the committee, thank you for the opportunity to testify in support of HB 6659 An Act Concerning Civil Immigration Detainers – the "Trust Act".

This bill will reform Connecticut's participation in the Secure Communities, "S-Comm" Program by encouraging the Department of Corrections (DOC), Judicial Marshals and local law enforcement to exercise discretion and only comply with ICE requests when a criminal suspect is convicted of felony under Connecticut law, thereby setting a uniform standard for all law enforcement and bringing participation in the program back to its original goals.

New Haven is a welcoming and open community, and we are at our best when we provide opportunities for economic and social mobility for all families. "S-comm" runs counter to what we value as a community: it divides families when we are working to keep them together; it creates barriers between law enforcement and residents when we are working to build trust; it creates fear when we are looking to build hope.

We are all sons and daughters of immigrants, that is our history as a city, a state, and a country, and that is something we should celebrate, not attack. The hard work of immigrant families made this nation, and it made this city, and we cannot forget that.

When we create barriers between residents and police, between residents and the services they need, our state as a whole suffers. We believe Connecticut can do better. We urge passage of HB 6659 which will go a long way toward restoring trust between local law enforcement and immigrant communities.

Thank you for your consideration of this important matter.

STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

Testimony of Deborah J. Fuller
Judiciary Committee Public Hearing
March 22, 2013

H.B. 6659, An Act Concerning Civil Immigration Detainers

Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee, thank you for the opportunity to testify, on behalf of the Judicial Branch, on **H.B. 6659,** ***An Act Concerning Civil Immigration Detainers.*** The Judicial Branch is concerned that the requirements of this bill directly conflict with federal law and are, therefore, unenforceable.

Section 1(b) of the bill provides, in part, that "[a] law enforcement officer shall not give effect to a civil immigration detainer by...(2) Notifying federal immigration authorities of such individual's release...." However, 8 U.S.C. 1373 and 8 U.S.C. 1644 (copy attached) essentially bar a state from prohibiting or restricting a state government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the immigration status of an alien in the United States. These provisions were upheld in *City of New York v. U.S.*, 179 F.3d 29 (2nd Cir. 1999), a case in which the City of New York challenged the constitutionality of these laws, which conflicted with an executive order issued by the mayor that prohibited city "employees from voluntarily providing federal immigration authorities with information concerning the immigration status of any alien." 179 F.3d at 31.

Section 1(a) of the bill provides that "(1) 'Civil immigration detainer' means a detainer issued pursuant to 8 CFR 287.7." 8 CFR 287.7 (copy attached) provides in part that "[a]ny authorized immigration officer may at any time issue a Form I-247, Immigration Detainer-Notice of Action, to any other Federal, State, or local law enforcement agency." Form I-247 (copy attached) is the Immigration Detainer form used by the Department of Homeland Security to request information from, among others, Judicial Marshal Services about the status of individuals in its custody.

Section 1(b)(3) of the bill may also be unenforceable. That section provides that a law enforcement officer, including judicial marshals, may not "[o]therwise expend... time or resources to facilitate the individual's transfer to United States Immigration and Customs Enforcement....." To the extent that expending time and using resources are integral to communicating with Homeland Security in response to a detainer, this subsection may also violate 8 U.S.C. 1373 and 8 U.S.C. 1644.

In conclusion, we are concerned that this bill would create an untenable conflict between federal and state laws directly impacting our operations.

Thank you for your consideration.

-CITE-

8 USC Sec. *1373* 01/03/2012 (112-90)

-EXPCITE-

TITLE 8 - ALIENS AND NATIONALITY

CHAPTER 12 - IMMIGRATION AND NATIONALITY

SUBCHAPTER II - IMMIGRATION

Part IX - Miscellaneous

-HEAD-

Sec. 1373. Communication between government agencies and the Immigration and Naturalization Service

-STATUTE-

(a) In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

(1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization

Service.

(2) Maintaining such information.

(3) Exchanging such information with any other Federal, State, or local government entity.

(c) Obligation to respond to inquiries

The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

-SOURCE-

(Pub. L. 104-208, div. C, title VI, Sec. 642, Sept. 30, 1996, 110 Stat. 3009-707.)

-COD-

CODIFICATION

Section was enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and also as part of the Omnibus Consolidated Appropriations Act, 1997, and not as part of the Immigration and Nationality Act which comprises this chapter.

-TRANS-

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

-CITE-

8 USC Sec. 1644 01/03/2012 (112-90)

-EXPCITE-

TITLE 8 - ALIENS AND NATIONALITY

CHAPTER 14 - RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

SUBCHAPTER IV - GENERAL PROVISIONS

-HEAD-

Sec. 1644. Communication between State and local government agencies and Immigration and Naturalization Service

-STATUTE-

Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States.

-SOURCE-

(Pub. L. 104-193, title IV, Sec. 434, Aug. 22, 1996, 110 Stat. 2275.)

-TRANS-

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

C

Effective: November 28, 2011

Code of Federal Regulations Currentness
Title 8. Aliens and Nationality
Chapter I. Department of Homeland Security (Refs & Annos)
Subchapter B. Immigration Regulations
Part 287. Field Officers; Powers and Duties (Refs & Annos)
§ 287.7 Detainer provisions under section 287(d)(3) of the Act.

(a) Detainers in general. Detainers are issued pursuant to sections 236 and 287 of the Act and this chapter 1. Any authorized immigration officer may at any time issue a Form I–247, Immigration Detainer–Notice of Action, to any other Federal, State, or local law enforcement agency. A detainer serves to advise another law enforcement agency that the Department seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. The detainer is a request that such agency advise the Department, prior to release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible.

(b) Authority to issue detainers. The following officers are authorized to issue detainers:

(1) Border patrol agents, including aircraft pilots;

(2) Special agents;

(3) Deportation officers;

(4) Immigration inspectors;

(5) Adjudications officers;

(6) Immigration enforcement agents;

(7) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

(8) Immigration officers who need the authority to issue detainers under section 287(d)(3) of the Act in order to effectively accomplish their individual missions and who are designated individually or as a class, by the Commissioner of CBP, the Assistant Secretary for ICE, or the Director of the USCIS.

(c) Availability of records. In order for the Department to accurately determine the propriety of issuing a detainer, serving a notice to appear, or taking custody of an alien in accordance with this section, the criminal justice agency requesting such action or informing the Department of a conviction or act that renders an alien inadmissible or removable under any provision of law shall provide the Department with all documentary records and information available from the agency that reasonably relates to the alien's status in the United States, or that may have an impact on conditions of release.

(d) Temporary detention at Department request. Upon a determination by the Department to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by the Department.

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(e) Financial responsibility for detention. No detainer issued as a result of a determination made under this chapter I shall incur any fiscal obligation on the part of the Department, until actual assumption of custody by the Department, except as provided in paragraph (d) of this section.

[52 FR 16373, May 5, 1987; 53 FR 9283, March 22, 1988; 55 FR 43327, Oct. 29, 1990; 56 FR 33205, July 19, 1991; 59 FR 42418, Aug. 17, 1994; 62 FR 10392, March 6, 1997; 68 FR 35279, June 13, 2003; 76 FR 53797, Aug. 29, 2011]

SOURCE: 52 FR 16372, May 5, 1987; 53 FR 9283, March 22, 1988; 54 FR 39337, Sept. 26, 1989; 54 FR 48851, Nov. 28, 1989; 68 FR 10923, March 6, 2003; 68 FR 35275, June 13, 2003; 68 FR 35276, June 13, 2003, unless otherwise noted.

AUTHORITY: 8 U.S.C. 1103, 1182, 1225, 1226, 1251, 1252, 1357; Homeland Security Act of 2002, Pub.L. 107–296 (6 U.S.C. 1, et seq.); 8 CFR part 2.

8 C. F. R. § 287.7, 8 CFR § 287.7

Current through March 14, 2013; 78 FR 16391

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END OF DOCUMENT

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DEPARTMENT OF HOMELAND SECURITY

IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: Event #:	File No: Date:

TO (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)	FROM: (Department of Homeland Security Office Address)

MAINTAIN CUSTODY OF ALIEN FOR A PERIOD NOT TO EXCEED 48 HOURS

Name of Alien: _____

Date of Birth: _____ Nationality: _____ Sex: _____

THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY:

☐ Determined that there is reason to believe the individual is an alien subject to removal from the United States. The individual (*check all that apply*):

- ☐ has a prior a felony conviction or has been charged with a felony offense,
- ☐ has three or more prior misdemeanor convictions,
- ☐ has a prior misdemeanor conviction or has been charged with a misdemeanor for an offense that involves violence, threats, or assaults, sexual abuse or exploitation; driving under the influence of alcohol or a controlled substance; unlawful flight from the scene of an accident; the unlawful possession or use of a firearm or other deadly weapon, the distribution or trafficking of a controlled substance; or other significant threat to public safety;
- ☐ has been convicted of illegal entry pursuant to 8 U.S.C. § 1325;
- ☐ has illegally re-entered the country after a previous removal or return;
- ☐ has been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud,
- ☐ otherwise poses a significant risk to national security, border security, or public safety; and/or
- ☐ other (specify): _____.

☐ Initiated removal proceedings and served a Notice to Appear or other charging document. A copy of the charging document is attached and was served on _____ (date).

☐ Served a warrant of arrest for removal proceedings. A copy of the warrant is attached and was served on _____ (date).

☐ Obtained an order of deportation or removal from the United States for this person.

This action does not limit your discretion to make decisions related to this person's custody classification, work, quarter assignments, or other matters. DHS discourages dismissing criminal charges based on the existence of a detainer.

IT IS REQUESTED THAT YOU:

☐ Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS**, excluding Saturdays, Sundays, and holidays, beyond the time when the subject would have otherwise been released from your custody to allow DHS to take custody of the subject. This request derives from federal regulation 8 C.F.R. § 287.7. For purposes of this immigration detainer, **you are not authorized to hold the subject beyond these 48 hours.** As early as possible prior to the time you otherwise would release the subject, please notify DHS by calling _____ during business hours or _____ after hours or in an emergency. If you cannot reach a DHS Official at these numbers, please contact the ICE Law Enforcement Support Center in Burlington, Vermont at: (802) 872-6020

☐ Provide a copy to the subject of this detainer.

☐ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.

☐ Notify this office in the event of the inmate's death, hospitalization or transfer to another institution.

☐ Consider this request for a detainer operative only upon the subject's conviction

☐ Cancel the detainer previously placed by this Office on _____ (date)

_____ (Name and title of Immigration Officer) _____ (Signature of Immigration Officer)

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS using the envelope enclosed for your convenience or by faxing a copy to _____. You should maintain a copy for your own records so you may track the case and not hold the subject beyond the 48-hour period.

Local Booking/Inmate #: _____ Latest criminal charge/conviction: _____ (date) Estimated release: _____ (date)

Last criminal charge/conviction _____

Notice: Once in our custody, the subject of this detainer may be removed from the United States. If the individual may be the victim of a crime, or if you want this individual to remain in the United States for prosecution or other law enforcement purposes, including acting as a witness, please notify the ICE Law Enforcement Support Center at (802) 872-6020.

_____ (Name and title of Officer) _____ (Signature of Officer)

NOTICE TO THE DETAINEE

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice from DHS informing law enforcement agencies that DHS intends to assume custody of you after you otherwise would be released from custody DHS has requested that the law enforcement agency which is currently detaining you maintain custody of you for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays) beyond the time when you would have been released by the state or local law enforcement authorities based on your criminal charges or convictions. **If DHS does not take you into custody during that additional 48 hour period, not counting weekends or holidays, you should contact your custodian** (the law enforcement agency or other entity that is holding you now) to inquire about your release from state or local custody **If you have a complaint regarding this detainer or related to violations of civil rights or civil liberties connected to DHS activities, please contact the ICE Joint Intake Center at 1-877-2INTAKE (877-246-8253). If you believe you are a United States citizen or the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.**

NOTIFICACIÓN A LA PERSONA DETENIDA

El Departamento de Seguridad Nacional (DHS) de EE UU ha emitido una orden de detención inmigratoria en su contra Mediante esta orden, se notifica a los organismos policiales que el DHS pretende arrestarlo cuando usted cumpla su reclusión actual El DHS ha solicitado que el organismo policial local o estatal a cargo de su actual detención lo mantenga en custodia por un período no mayor a 48 horas (excluyendo sábados, domingos y días festivos) tras el cese de su reclusión penal **Si el DHS no procede con su arresto inmigratorio durante este período adicional de 48 horas, excluyendo los fines de semana o días festivos, usted debe comunicarse con la autoridad estatal o local que lo tiene detenido** (el organismo policial u otra entidad a cargo de su custodia actual) para obtener mayores detalles sobre el cese de su reclusión **Si tiene alguna queja que se relacione con esta orden de detención o con posibles infracciones a los derechos o libertades civiles en conexión con las actividades del DHS, comuníquese con el Joint Intake Center (Centro de Admisión) del ICE (Servicio de Inmigración y Control de Aduanas) llamando al 1-877-2INTAKE (877-246-8253). Si usted cree que es ciudadano de los Estados Unidos o que ha sido víctima de un delito, infórmeselo al DHS llamando al Centro de Apoyo a los Organismos Policiales (Law Enforcement Support Center) del ICE, teléfono (855) 448-6903 (llamada gratuita).**

Avis au détenu

Le département de la Sécurité Intérieure [Department of Homeland Security (DHS)] a émis, à votre encontre, un ordre d'incarcération pour des raisons d'immigration. Un ordre d'incarcération pour des raisons d'immigration est un avis du DHS informant les agences des forces de l'ordre que le DHS a l'intention de vous détenir après la date normale de votre remise en liberté. Le DHS a requis que l'agence des forces de l'ordre, qui vous détient actuellement, vous garde en détention pour une période maximum de 48 heures (excluant les samedis, dimanches et jours fériés) au-delà de la période à la fin de laquelle vous auriez été remis en liberté par les autorités policières de l'État ou locales en fonction des inculpations ou condamnations pénales à votre encontre **Si le DHS ne vous détient pas durant cette période supplémentaire de 48 heures, sans compter les fins de semaines et les jours fériés, vous devez contacter votre gardien** (l'agence des forces de l'ordre qui vous détient actuellement) pour vous renseigner à propos de votre libération par l'État ou l'autorité locale. **Si vous avez une plainte à formuler au sujet de cet ordre d'incarcération ou en rapport avec des violations de vos droits civils liées à des activités du DHS, veuillez contacter le centre commun d'admissions du Service de l'Immigration et des Douanes [ICE - Immigration and Customs Enforcement] [ICE Joint Intake Center] au 1-877-2INTAKE (877-246-8253). Si vous croyez être un citoyen des États-Unis ou la victime d'un crime, veuillez en aviser le DHS en appelant le centre d'assistance des forces de l'ordre de l'ICE [ICE Law Enforcement Support Center] au numéro gratuit (855) 448-6903.**

AVISO AO DETENTO

O Departamento de Segurança Nacional (DHS) emitiu uma ordem de custódia imigratória em seu nome. Este documento é um aviso enviado às agências de imposição da lei de que o DHS pretende assumir a custódia da sua pessoa, caso seja liberado. O DHS pediu que a agência de imposição da lei encarregada da sua atual detenção mantenha-o sob custódia durante, no máximo, 48 horas (excluindo-se sábados, domingos e feriados) após o período em que seria liberado pelas autoridades estaduais ou municipais de imposição da lei, de acordo com as respectivas acusações e penas criminais. **Se o DHS não assumir a sua custódia durante essas 48 horas adicionais, excluindo-se os fins de semana e feriados, você deverá entrar em contato com o seu custodiante** (a agência de imposição da lei ou qualquer outra entidade que esteja detendo-o no momento) para obter informações sobre sua liberação da custódia estadual ou municipal. **Caso você tenha alguma reclamação a fazer sobre esta ordem de custódia imigratória ou relacionada a violações dos seus direitos ou liberdades civis decorrente das atividades do DHS, entre em contato com o Centro de Entrada Conjunta da Agencia de Controle de Imigração e Alfândega (ICE) pelo telefone 1-877-246-8253. Se você acreditar que é um cidadão dos EUA ou está sendo vítima de um crime, informe o DHS ligando para o Centro de Apoio à Imposição da Lei do ICE pelo telefone de ligação gratuita (855) 448-6903**

PAGE 19
LINE 12

CITY OF NEW HAVEN
OFFICE OF THE MAYOR
165 Church Street, New Haven, CT 06510
Phone (203)-946-8200, Fax (203)-946-7683

John DeStefano, Jr.
Mayor

Testimony of the City of New Haven
Before the Judiciary Committee

In Support of
H.B. 6659 AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS

Submitted by
Lieutenant Holly Wasilewski, New Haven Police Department
March 22, 2013

Senator Coleman, Representative Fox, members of the committee, thank-you for the opportunity to testify in support of HB 6659 An Act Concerning Civil Immigration Detainers – the "Trust Act".

Our department has worked hard to establish trust with all residents in the Community. In 2006, we implemented General Order 06-2 a formal policy meant to encourage all residents, regardless of immigration status, to feel comfortable reporting crime and talking with the police. This order has helped to create a sense of trust, and we have seen people come out of the shadows, actively engage law enforcement and as partners have worked to lower crime in our neighborhoods.

Last year the Secure Communities or "S-Comm" Program went live in Connecticut undermining the efforts we had made, creating fear in much of the immigrant community. The program reminded many in our communities of raids conducted by ICE in 2007 when 29 individuals were detained two days after the City implemented its Resident ID Card. At that time we saw individuals keep kids home from school, stay home from work and withdraw from interactions with police. While the trust we have established within the immigrant community has helped to keep lines of communication open with many immigrants in our community following the implementation of S-Comm, some members of the community were again fearful of the police.

This bill will work to help re-establish trust by encouraging the Department of Corrections (DOC), Judicial Marshals – who happen to manage the lockup in New Haven – and local law enforcement to exercise discretion and only comply with ICE requests when a criminal suspect is convicted of felony under Connecticut law, thereby setting a uniform standard for all law enforcement and bringing participation in the program back to its original goals.

The S-Comm program has only created barriers between residents and police. We urge passage of HB 6659 which will go a long way toward restoring trust between local law enforcement and immigrant communities.

Thank you for your consideration of this important matter.

PAGE 15
LINE 6

New Haven Peoples Center

37 Howe Street, New Haven CT 06511
(203) 624-8664 peoplescenter@pobox.com
peoplescenter.blogspot.com/

Testimony to the Judiciary Committee
Joelle Fishman, Coordinator
New Haven Peoples Center
Friday, March 22, 2013

Sen. Coleman, Rep Fox and committee members,

I am here today as part of a delegation of many immigrant workers in our community to support changes in policy that will stop unnecessary deportations and keep families united.

The Secure Communities federal policy has resulted in innocent people facing deportation just because, as was the case with Mr. Josemaria Islas, of being arrested due to racial profiling. The immigrant community has been put into a position of isolation, being unable to trust law enforcement officials for fear of deportation.

Living in fear, and losing the family's main wage earner, is harmful to the individuals and their families, and it is also harmful to the communities in which they live and to the entire state of Connecticut.

The personal stories reveal tremendous challenges that individuals are faced with, and amazing fortitude as well as love of this country.

Immigration status is not relevant to, and should not be brought into play, in cases of minor violations or traffic stops.

The Trust Act, HB 6659 is an effort to address these very real concerns.

The time has come to reckon with the fact that many hard working immigrant families, our neighbors and co-workers, contribute significantly to our state's economy and well being. Undocumented workers make up 4.5% of Connecticut's workforce. Causing disruption and heartbreak and crisis to these families hurts us all.

The City of New Haven has hugely benefited from treating new immigrants as full community members. The State of Connecticut can also benefit by ending practices that are in fact discriminatory.

"Secure Communities" policies actually make Connecticut less secure. The Judiciary Committee and the General Assembly have the opportunity to correct this urgent matter.

PAGE 11
LINE 16

330 Main Street
Hartford, CT 06106
860-523-9146

Written Testimony In Support of Raised Bill No. 6659
An Act Concerning Civil Immigration Detainers

Good morning Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. I'm Sandra J. Staub, Legal Director for the American Civil Liberties Union of Connecticut, and I am testifying in support of House Bill No. 6659, An Act Concerning Civil Immigration Detainers.

Under Secure Communities (S-Comm), any time an individual is arrested and booked into a participating local jail for any reason, his or her fingerprints are run through an immigration database maintained by Immigration and Customs Enforcement. ICE may then choose to issue an immigration detainer. When local law enforcement authorities rely on these detainers to keep people in jail, both public safety and civil liberties are in jeopardy. With this proposed legislation, Connecticut will demonstrate respect for civil rights, increase public safety and restore local government control.

S-Comm undermines public safety by eroding trust between police and immigrant communities. Law enforcement officials, mayors, and governors across the state and the country have raised concerns about the program, saying it undermines community policing by making immigrants fear that any contact with the police will result in their deportation. Under S-Comm, crime victims and witnesses are reluctant to work with the police out of fear that they or their family members may be detained or deported. Everyone in the community is less safe when people are afraid to report crimes or suspicious activity.

S-Comm detainers are issued without any evidence demonstrating that the Fourth Amendment and due process requirements in the U.S. Constitution have been met. Law enforcement agencies in Connecticut are being asked to deprive people of their liberty without any indication from ICE that the detainer satisfies these important constitutional requirements. Some law enforcement agencies in other states, citing among other problems the lack of review by a judicial officer, have concluded that ICE detainers are simply requests that they are not required to fulfill. A copy of a December 4, 2012 memorandum from the California Attorney General is attached as an example.

There is a very good reason why state criminal law enforcement and federal civil immigration law enforcement are kept separate: when local law enforcement gets into the business of funneling people into the deportation system, it increases the likelihood of racial profiling. In October 2011 the Chief Justice Earl Warren Institute on Law and Social Policy and the University of California, Berkeley Law School issued a report analyzing the the S-Comm data then available. The report included this key finding: Latinos comprise 93 percent of individuals arrested through S-Comm. The program invites local law enforcement officials to target and arrest individuals who appear "foreign," in blatant disregard for America's fundamental values of fairness and equality.

Connecticut residents deserve to live in safe communities, supported by fair, transparent, and responsible policing. S-Comm creates a culture of fear and mistrust. We need this appropriately named "TRUST" Act, to build trust in our communities.

Kamala D. Harris, Attorney General

California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Larry Wallace, Director, Division of Law Enforcement	INFORMATION BULLETIN	
Subject: Responsibilities of Local Law Enforcement Agencies under Secure Communities	No. 2012-DLE-01 Date: 12-4-12	Contact for information: Larry Wallace, Director, Division of Law Enforcement 916-319-8200

TO: Executives of State and Local Law Enforcement Agencies

The California Department of Justice (CalDOJ) and the Office of the Attorney General have received inquiries about state and local law enforcement responsibilities under Secure Communities, a federal program administered by the Immigration and Customs Enforcement agency (ICE) of the United States Department of Homeland Security (DHS). These inquiries have included whether local law enforcement must fulfill a federal detainer request even if that agency determines that fulfilling the request would not be consistent with public-safety priorities or the best use of limited local law enforcement resources; and whether a local law enforcement agency may adopt guidelines for fulfilling federal detainer requests. To provide needed clarity on these matters, this bulletin:

- Provides information on the purpose and operation of the Secure Communities program;
- Outlines the responsibilities of state and local law enforcement agencies regarding custody of unlawfully present immigrants subject to federal detainer requests;
- Clarifies that individual federal detainers are requests, not commands, to local law enforcement agencies, who make their own determination of whether to use their resources to hold suspected unlawfully present immigrants; and
- Determines that the Secure Communities program does not prohibit local law enforcement agencies from adopting a protocol governing the circumstances under which they will fulfill federal detainer requests.

What is Secure Communities?

DHS implemented the Secure Communities program as a way to identify, detain, and remove from the United States unlawfully present immigrants who have been convicted of a crime and those who pose a threat to public safety. The program does not require California law enforcement agencies to determine an individual's immigration status or to enforce federal immigration laws.

Secure Communities works when fingerprints taken by state and local law enforcement agencies are sent to CalDOJ to positively identify the arrestee and to check his or her criminal history. In addition to checking its own records, CalDOJ forwards the fingerprints to the FBI's Criminal Justice Information Services division to search for federal and out-of-state arrest, warrant, and conviction history—an action that is essential both for officer safety and to identify and detain fugitives who may have fled other jurisdictions. Under the Secure Communities program, the FBI forwards the fingerprints to DHS to be checked against immigration and other databases. DHS then sends the immigration response, if any, to the FBI, which sends it, along with any criminal history information, to CalDOJ, which generally delivers all the information to the requesting law enforcement agency.

If fingerprints match an immigration record, ICE evaluates whether to take action. In deciding how to respond, ICE has purported to use a risk-based approach that classifies arrestees into levels, beginning with those who have serious prior convictions and those who present the greatest threat to public safety, which it has described as a "worst first" approach. If ICE chooses to assume custody of a detainee, it sends an "Immigration Detainer – Notice of Action" (DHS Form I-247) to the jailor asking that the jailor hold the individual for up to 48 hours after he or she would otherwise be released to give ICE time to complete its evaluation or to take the person into immigration custody. Unlike arrest warrants and criminal detainers, however, immigration detainers may be issued by border patrol agents, including aircraft pilots, special agents, deportation officers, immigration inspectors, and other employees of ICE, without the review of a judicial officer and without meeting traditional evidentiary standards.

What Responsibilities Do State and Local Law Enforcement Agencies Have under Secure Communities?

As explained above, the Secure Communities program does not require state or local law enforcement officers to determine an individual's immigration status or to enforce federal immigration laws. Under the Secure Communities program, anyone who is arrested is automatically screened for immigration violations when his or her fingerprints are sent to the FBI to check for federal and out-of-state criminal history. And while the results of the immigration search generally are returned to the arresting law enforcement agency along with any criminal history, ICE alone evaluates whether to take immigration enforcement action based upon the facts of each case.

Are Local Law Enforcement Agencies Required to Fulfill Individual ICE Immigration Detainers?

No. Local law enforcement agencies in California can make their own decisions about whether to fulfill an individual ICE immigration detainer. After analyzing the public-safety risks presented by the individual, including a review of his or her arrest offense and criminal history, as well as the resources of the agency, an agency may decide for itself whether to devote resources to holding suspected unlawfully present immigrants on behalf of the federal government.

Several local law enforcement agencies appear to treat immigration detainers, sometimes called "ICE holds," as mandatory orders. But immigration detainers are not compulsory. Instead, they are merely requests enforceable *at the discretion of the agency* holding the individual arrestee. (See ICE Website, *available at* http://www.ice.gov/secure_communities ["Secure Communities imposes no new or additional requirements on state and local law enforcement"].) We reach this conclusion both because the I-247 form is couched in non-mandatory language and because the Tenth Amendment to the U.S. Constitution reserves power to the states to conduct their affairs without specific mandates from the federal government. Under the Secure Communities program, the federal government neither indemnifies nor reimburses local law enforcement agencies for complying with immigration detainers. (See 8 C.F.R. § 287.7(e).) Under principles of federalism, neither Congress nor the federal executive branch can require state officials to carry out federal programs at their own expense. If such detainers were mandatory, forced compliance would constitute the type of commandeering of state resources forbidden by the Tenth Amendment. (*Printz v. United States* (1997) 521 U.S. 898, 925 ["The Federal Government . . . may not compel the States to implement, by legislation or executive action, federal regulatory programs"]; *New York v. United States* (1992) 505 U.S. 144, 161 ["the Constitution has never been understood to confer upon Congress the ability to require the States to govern according to Congress's instructions"].)

In a time of shrinking financial resources, a growing range of critical public-safety priorities, limited space for housing prisoners, and layoffs of police officers and sheriffs deputies, it is appropriate that California law enforcement agencies that receive immigration detainer requests consider them carefully and determine what

course of action best protects public safety in light of the facts of each case. All efforts must be made to identify, detain, and remove from the United States unlawfully present immigrants who may be dangerous, pose a public-safety risk, or have been convicted of offenses of a serious or violent nature. Any action to the contrary could pose a great risk to public safety.

Does the Secure Communities Program Prohibit a Local Law Enforcement Agency from Adopting a Protocol Governing Its Response to ICE Immigration Detainers?

No. Immigration detainer requests are not mandatory, and each agency may make its own decision about whether or not to honor an individual request. Accordingly, local law enforcement agencies may establish a protocol to assist them in determining how to respond to a federal request to hold, at the local agency's own expense, suspected unlawfully present immigrants with minor or no criminal history, so long as any such protocol gives primary consideration to protecting public safety in determining whether to honor a detainer request.

Local agencies are best positioned to determine the highest use of local resources, and if the local law enforcement agency determines that releasing certain individuals does not present a risk to public safety, a federal detainer request cannot, by itself, reverse that determination.

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