



Testimony in Support of HB 7039
The Connecticut TRUST Act
March 30, 2015

In 2013, the Connecticut General Assembly made history by unanimously passing the Connecticut TRUST Act to prevent racial profiling and unconstitutional detentions by Connecticut law enforcement.

The TRUST Act came about because of a civil rights movement in Connecticut. The Connecticut Department of Corrections (DOC) was holding individuals unconstitutionally after their eligible release date on the request of Immigration & Customs Enforcement (ICE) without any warrant. This prompted a lawsuit, *Brizuela v. Feliciano*. To settle the lawsuit, DOC created a policy, Administrative Directive 9.3, to review ICE detainer requests on a case-by-case basis and reject some ICE detainer requests.

In 2013, the Connecticut Immigrant Rights Alliance (CIRA) worked with the General Assembly to pass the TRUST Act so that all state and local law enforcement agencies would follow the same standard as the DOC.

Civil rights advocates testified that incarcerating people on ICE detainer requests was not only unconstitutional but also discriminatory. While only 77% of the undocumented population is Latino, 93% of those targeted and incarcerated subject to ICE detainer requests are Latino.

Law enforcement from various cities testified in favor of the TRUST Act, arguing that the practice of holding individuals for ICE was destroying trust between the police and the immigrant community, discouraging crime victims from contacting the police and damaging public safety.

The implementation of the Connecticut TRUST Act in January 2014 was a step forward, but the final version of the bill left out some key components of the DOC policy. Furthermore, significant changes have occurred in federal courts, federal policy and local policies, making it imperative for the Connecticut General Assembly to improve the TRUST Act this year.

In March and April of 2014, federal courts struck down the constitutionality of all ICE detainers. First, in the case of *Galarza v. Szalczyk, et al.*, the U.S. Court of Appeals for the Third Circuit ruled that ICE detainers are voluntary and that state or local jails may be liable for unconstitutional detention based on an ICE detainer.

Subsequently, the U.S. Federal District Court in Oregon found in *Miranda-Olivares v. Clackamas County* that Clackamas County (Oregon) had violated the Plaintiff's constitutional rights under the



Fourteenth and Fourth Amendments when it chose to hold her on an ICE detainer after she was eligible for release from custody. The court reasoned that continuing to hold Ms. Miranda-Olivares subject only to the ICE detainer constituted a new arrest, which required a judicial determination of probable cause, which had not been established by the detainer request.

After these court rulings, a national movement intensified to stop ICE from undermining local law enforcement agencies. More than 300 cities, counties and local police departments enacted policies to severely limit or entirely ban the practice of confining individuals subject to ICE detainees.

In June 2014, the Town of East Haven adopted a policy to prohibit East Haven Police from enforcing *all* ICE detainees, without exception, and all ICE administrative warrants. East Haven enacted the policy as part of a settlement agreement with the plaintiffs of *Chacon v. East Haven Police Department* whose claims of systematic police misconduct were corroborated by the US Department of Justice. East Haven also adopted a strict confidentiality policy so that immigrants need not fear being turned over to ICE for seeking police protection. Similar confidentiality policies have been adopted by New Haven, Hartford and hundreds of localities. We urge you to adopt HB 7039 and amend the bill as currently written to ensure a strong confidentiality policy, to restore trust and safety for all of us.

In light of the local and national clamor for better policing and less incarceration, we encourage you to once again be a leader on this issue and improve the Connecticut TRUST Act. The State of Connecticut should enact a policy similar to that of the East Haven Police. Connecticut cannot wait for another high-profile lawsuit or damning federal investigation before we learn from the lessons of East Haven. The stories, statistics, and findings from the US Department of Justice demonstrate that civil immigration enforcement by state and local police results in broken communities, inconsistent application of law, denial of unalienable rights, and negative consequences for law enforcement. President Obama's Task Force on 21st Century Policing came to the same conclusion earlier this month. The time is now for the Constitution State to continue its leadership in advancing immigrants' rights, and fulfill our commitment to peace, justice, and equality for all Connecticut residents.

Unidad Latina en Acción (Latinos United in Action) is a grassroots membership organization that defends human rights and workers' rights in greater New Haven since 2002.