

## **Santa Ana City Council Resolution in Support of the HOME Act (Carrillo - AB 1306)**

**Whereas**, refugees and immigrants are a vital part of California's heart and identity, and we recognize the humanity of all people who call our community home,

**Whereas**, California's criminal justice system unjustly and disproportionately harms Black, Latinx, Indigenous, and Asian and Pacific Islander American communities.

**Whereas**, in recent years, the Legislature and California voters have demonstrated a strong commitment to reforming our criminal system and ending mass incarceration by enacting the following landmark reforms. Through these reforms, certain incarcerated individuals have the opportunity to be considered for resentencing or release.

**Whereas**, despite these reforms, when California's prisons voluntarily and unnecessarily transfer immigrant and refugee community members eligible for release from state custody to Immigration and Customs Enforcement (ICE) for immigration detention and deportation purposes, they subject these community members to double punishment and further trauma. This double-punishment devastates families and deprives our communities of beloved leaders who are eager to positively contribute to society. If not because of where they were born, these community members would be allowed to return home to their families and communities.

**Whereas**, immigrant community members can be incarcerated by ICE, often for prolonged periods and with no right to bail, and deported, permanently banishing them from the country, from their families, their homes, their livelihoods and "all that makes life worth living." *Ng Fung Ho v. White*, 259 U.S. 276, 284 (1922). The Supreme Court has repeatedly acknowledged that for many people deportation is a more severe penalty than any jail sentence. See, e.g., *Lee v. U.S.*, 137 S.Ct. 1958, 1968 (2017); *Padilla v. Kentucky*, 559 U.S. 356, 364 (2010).

**Whereas**, data shows that Black and Brown immigrants are disproportionately targeted by arrest, detention, and deportation.

**Whereas**, when the California legislature passed criminal justice reforms that are included in the HOME Act (AB 1306), these existing reforms were expected to save the state millions by reducing the length of draconian sentences. However, when Californians who are immigrants earn release through these reforms, CDCR expends additional funding unnecessarily to coordinate with and hand these community members over to ICE for a second, double punishment. The full intent, benefits, and cost savings from these reforms cannot be fully realized if CDCR continues to waste resources on assisting ICE with deportations.

**Whereas**, our immigration policies should be driven by our values: equality, fairness, compassion, and common humanity. Immigrants are part of our families, communities and workplaces. Every person who calls the U.S. home, including our neighbors who are immigrants, should be safe from profiling and harm by the government.

**Whereas**, California has an important opportunity to reunite families and strengthen communities by passing the HOME Act (Harmonizing Our Measures for Equality, AB 1306 by Assembly Member Wendy Carrillo) this year – and supporting our movement’s fight for justice.

**Whereas**, the HOME Act is a simple fix that will harmonize state policy with broadly-supported, existing criminal-justice reforms that have already been enacted into law. These laws are reducing mass incarceration and addressing racism in our legal systems.

**Whereas**, community members who have earned release under existing laws included in the HOME Act should be able to return home, reunite with their families, and rebuild their lives instead of being cruelly transferred to ICE. This is an issue of equality and fairness.

**Whereas**, Oregon, Illinois, and Washington DC have already enacted laws that stop all ICE transfers from jails and prisons, and it's time for California to start to catch up. Additionally, many counties within California have already stopped all ICE transfers including Los Angeles, San Joaquin, Santa Cruz, Humboldt, San Francisco, Santa Clara, and Contra Costa.

**Whereas**, the City of Santa Ana values all members of our community, embraces compassion, equality, and inclusion, and proudly defends the rights of all residents, including refugees and immigrants; now, therefore, be it

**Resolved**, that the City of Santa Ana is in strong supports California Assembly Bill No. 1306 and urges the California State Legislature to pass this bill in order to harmonize state policy with broadly-supported, existing criminal-justice reforms that have already been enacted into law; and be it

**Further resolved**, that the City of Santa Ana hereby directs the Clerk of the Board to transmit a copy of this Resolution to the California Assembly Speaker Anthony Rendon, California Assembly Appropriations Committee Chair Chris Holden, California State President Pro Tempore Toni Atkins, California Senate Public Safety Committee Chair Aisha Wahab, California Senate Judiciary Committee Chair Thomas Umberg, California Senate Appropriations Committee Chair Anthony Portantino, and the Bill’s author, Assembly Member Wendy Carrillo.