

RESOLUTION NO. 2023-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA
SUPPORTING ASSEMBLY BILL 1306 (The HOME Act)

Whereas, refugees and immigrants are a vital part of California’s heart and identity, and the City of Santa Ana recognizes 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 various 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 U.S. 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. United States*, 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 previously, these 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, the

California Department of Corrections and Rehabilitation 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.

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 is time for California 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 by the City Council of the City of Santa Ana as follows:

Section 1. The City of Santa Ana strongly 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.

Section 2. The City Council hereby directs the City Clerk to transmit a copy of this Resolution to the California Assembly Speaker Robert Rivas , California Assembly Appropriations Committee Chair Chris Holden, California Senate 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.

Section 3. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 29th day of August 2023.

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _____
Laura A. Rossini
Chief Assistant City Attorney

AYES: _____ Councilmembers

NOES: _____ Councilmembers

ABSTAIN: _____ Councilmembers

NOT PRESENT: _____ Councilmembers

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, JENNIFER L. HALL, City Clerk, do hereby attest to and certify the attached Resolution No. 2023-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on August __, 2023.

Date: _____

Jennifer L. Hall
City Clerk
City of Santa Ana