



YOUTH LEADERSHIP INSTITUTE

Use Your Voice

June 15th, 2023

Assemblymember Wendy Carrillo
California State Assembly
Capitol Office (AD-52)
P.O. Box 942849
Sacramento, CA 94249-0052

RE: AB 1306 (Carrillo) - SUPPORT

DEAR ASSEMBLYMEMBER CARRILLO,

On behalf of Youth Leadership Institute, I write in strong support of AB 1306, the Harmonizing Our Measures for Equality (HOME) Act. Thank you for authoring and championing AB 1306, which would ensure that Californians are not excluded based on where they were born from benefiting from criminal justice reforms that were passed by this legislature. The HOME Act would prevent the California Department of Corrections and Rehabilitation (CDCR) from transferring to federal immigration authorities individuals who have earned release through these reforms. Instead, this bill would allow these individuals to return home and reunite with loved ones, the same as any other Californian. The HOME Act (AB 1306) takes urgent and necessary strides toward ensuring that our local and state tax dollars are not used to funnel immigrants into inhumane conditions in immigration detention, violate Constitutional protections, and separate families and communities.

yli partners with thousands of youth across the state, many of whom have family members who are immigrants and/or who are immigrants themselves. We have witnessed firsthand the impacts of family

separation - as well as the devastating impacts of living in constant fear of deportation - has on our immigrant community.

In particular, the HOME Act (AB 1306) would prevent CDCR from transferring any individual to immigration authorities who is eligible for release pursuant to specified provisions, including, youth offender, elderly, and medical parole releases. Those provisions also include clemency actions by the Governor, as well as re-sentencing or vacatur of one's conviction under SB 1437 (Skinner, 2018), AB 256 (Kalra, 2021), or AB 124 (Kamlager, 2021).

In recent years, the Legislature, California voters, and Governors have demonstrated a strong commitment to reforming our criminal legal system, and addressing systemic racism and mass incarceration by enacting landmark reforms. Tragically, solely because of their place of birth, immigrants and refugees who would otherwise benefit from these reforms approved by the legislature are instead released to ICE and subjected to the double punishment of ICE detention and deportation. Once in immigration detention, immigrants face dire consequences including lack of due process, no appointed legal counsel, no right to bail, and an arbitrary second detention never handed down in a criminal court in facilities beyond state oversight where abuses are well documented. Moreover, this unjust practice perpetuates a criminal legal system that treats individuals unequally simply because of where they were born. The state's role in voluntarily sending California residents to the custody of ICE undercuts our progress towards a more equitable society, and unfairly targets immigrants and refugees.

When California's prisons voluntarily and unnecessarily transfer immigrant and refugee community members eligible for release from state custody to ICE for immigration detention and deportation purposes, they also subject these community members to permanent separation from the country, their families, homes, and livelihoods. California should not be actively participating in the separation of immigrant and refugee families and inflict irreparable harm to those who came here fleeing war and genocide or to simply build a better life for themselves and their children.

In addition, state collaboration in federal immigration enforcement

programs has raised constitutional concerns, including arrests and detentions that violate the Fourth Amendment to the United States Constitution, and that target immigrants on the basis of race or ethnicity in violation of the Equal Protection Clause.¹

Finally, transferring California residents to ICE custody is costly. By passing AB 1306 California stands to save state resources that can be invested in mental health, housing, youth development, and access to living wages – all of which have been proven to reduce crime and stabilize communities.

As the state with the largest immigrant community, California has an ethical and moral obligation to be a national leader that ensures the steps the state has already taken towards reforming our criminal legal system includes our immigrants and refugee communities. California should not subject community members to double punishment, nor disregard otherwise applicable laws that would enable their return home purely because they are refugees or immigrants. Harmonizing broadly-supported, existing reforms to ensure equal application to immigrants and refugees will reunite families, strengthen communities, and fulfill the state's commitment to addressing racial injustice and upholding our values of fairness and equality.

For these reasons, Youth Leadership Institute is proud to support AB 1306, and strongly urges California to pass AB 1306 into law.

Sincerely,

A handwritten signature in black ink, appearing to read 'PB', with a long horizontal flourish extending to the right.

PATRICIA BARAHONA

CHIEF EXECUTIVE OFFICER

¹ See *Gonzalez v. Immigration and Customs Enforcement*, 2019 WL 4734579 (C.D. Cal. Sept. 27, 2019), *Sanchez Ochoa v. Campbell, et al.*, 2017 WL 3476777 (E.D. Wash. 2017); *Trujillo Santoya v. United States, et al.*, 2017 WL 2896021 (W.D. Tex. 2017); *Moreno v. Napolitano*, 213 F. Supp. 3d 999 (N.D. Ill. 2016); *Morales v. Chadbourne*, 793 F.3d 208 (1st Cir. 2015); *Miranda-Olivares v. Clackamas County*, 2014 WL 1414305 (D. Or. 2014); *Galarza v. Szalczyk*, 745 F.3d 634 (3d Cir. 2014).

Youth Leadership Institute

cc:

Senator Aisha Wahab, Chair of the Public Safety Committee

Members of the Senate Public Safety Committee