



September 20, 2012

[VIA EMAIL TO: [june.clark@gov.ca.gov](mailto:june.clark@gov.ca.gov)]

The Honorable Edmund G. Brown Jr.  
Governor of the State of California  
State Capitol Building, Suite 1173  
Sacramento, CA 95814

**Re: The TRUST Act (AB 1081)**

Dear Governor Brown:

On behalf of the signatories below, Lambda Legal and the Transgender Law Center write in support of the Transparency and Responsibility Using State Tools (TRUST) Act (AB 1081), sponsored by California State Assemblymember Tom Ammiano of the 13th Assembly District. The TRUST Act would help restore the much needed trust between people in immigrant communities, including many who are lesbian, gay, bisexual, or transgender (LGBT), and/or who are living with HIV, and the local and state law enforcement officials sworn to protect and serve them. We urge you to sign the TRUST Act into law.

Under the TRUST Act, California law enforcement officers would further the goal the U.S. Department of Homeland Security's Secure Communities program ("S-Comm") promised but has failed to deliver: prioritizing the deportation of the "most dangerous and violent offenders" who pose a threat to public safety and national security. Instead of that goal, S-Comm has resulted in the arrest and detention of immigrants for minor traffic infractions and interfered with the ability of state and local law enforcement to focus on serious crimes. Currently, S-Comm sweeps people with no criminal history into immigration proceedings, tears families apart, and erodes trust between communities and local police. Cities across the country are challenging this controversial program.<sup>1</sup>

People who are LGBT and those living with HIV, like members of immigrant communities, are all too familiar with the fear that disclosure of a personal characteristic – whether sexual orientation,

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<sup>1</sup> See, e.g., Julia Preston, *Obama Policy on Immigrants is Challenged by Chicago*, NEW YORK TIMES (July 10, 2012), available at <http://www.nytimes.com/2012/07/11/us/obama-policy-on-illegal-immigrants-is-challenged-by-chicago.html> (noting that Chicago and other cities are refusing to participate in Secure Communities).

gender identity, HIV status, or immigration status – may be met with a negative response from law enforcement officers, even where the characteristic is completely unrelated to the reason for the encounter. For communities whose trust in law enforcement may be precarious, programs like S-Comm are yet another incentive to avoid law enforcement altogether. As a result, individuals are reluctant to report a crime and afraid to come forward to assist police in solving crimes. The threat of detention and specter of deportation impedes police officers from the vital communication that is so crucial to their ability to protect and serve our communities.

California's current participation in S-Comm contributes to and validates the strong trend of anti-immigrant animus that has swept the nation. Acutely affected by these dynamics are people of color and immigrants who are LGBT and/or living with HIV, many of whom already experience heightened hostility, harassment, and even violence based on their appearance, behavior, dress, and other characteristics. Regrettably, the historical experiences within the LGBT and HIV-affected communities have left many with reasons to fear the police. Sadly, police mistreatment and profiling of people who are LGBT is not yet relegated to history. The LGBT community knows all too well how easily people who are perceived to "look different" or "act different" can be singled out for harassment and persecution. For example, in a recent study of 220 Latina transgender women in Southern California, over 70% described police interactions with their community in negative terms, and almost 60% believed themselves to have been stopped by law enforcement in the previous year without violating any law.<sup>2</sup>

The TRUST Act would realign California's implementation of S-Comm with the values of our state and its concern for its communities. We urge you to sign AB1081 into law. This letter is joined by the broad coalition of state, local and national LGBT and HIV civil rights organizations whose signatures appear at the end of this letter. If you have any questions or require further information, please contact Jon Davidson of Lambda Legal at [jdavidson@lambdalegal.org](mailto:jdavidson@lambdalegal.org) or Kristina Wertz of the Transgender Law Center at [kristina@transgenderlawcenter.org](mailto:kristina@transgenderlawcenter.org).

Sincerely,



Jon Davidson  
Legal Director  
Lambda Legal



Kristina Wertz  
Director of Policy and Programs  
Transgender Law Center

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<sup>2</sup> Frank H. Galvan, et al., *Interactions of Transgender Latina Women with Law Enforcement*. Bienestar Human Services (Apr. 2012), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Galvan-Bazargan-Interactions-April-2012.pdf>.

This letter is joined by the following state, local and national LGBT and HIV civil rights organizations (in alphabetical order):

Brown Boi Project  
The California Partnership to End Domestic Violence  
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)  
Community United Against Violence (CUAV)  
Equality California (EQCA)  
Gender Justice LA  
Gray Panthers Association of California Networks  
Immigration Equality  
Immigrant Youth Coalition  
Latino Equality Alliance (LEA)  
Los Angeles Gay and Lesbian Center  
Marin Gray Panthers  
Marriage Equality USA  
National Center for Lesbian Rights  
National Center for Transgender Equality  
National Gay & Lesbian Task Force Action Fund  
National Immigrant Youth Alliance  
Out 4 Immigration  
San Diego LGBT Community Center  
San Francisco LGBT Community Center  
South Bay LGBT Center  
Trans Latina Coalition