



CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

February 15, 2019

The Honorable Xavier Becerra
Attorney General's Office
California Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Dear Attorney General Becerra:

The murder of Police Corporal Ronil Singh of the City of Newman Police Department was a tragedy for his family, the Newman police force, and the entire community. Officer Singh, who used the legal immigration process to become a naturalized citizen, was murdered by someone who came into this country illegally and chose to align himself with criminal street gangs.

As you know Officer Singh was shot and killed on December 26th during an early morning traffic stop. Two days later, his alleged killer was identified as Gustavo Perez Arriaga, an illegal immigrant with prior arrests for driving under the influence (DUI). Following his first DUI arrest, Arriaga was charged with a felony for causing physical injury to another person while driving under the influence. Arriaga pleaded guilty to the DUI when a plea agreement reduced the charge to a misdemeanor. In June 2014, Arriaga was charged with a second misdemeanor DUI, but failed to appear for his arraignment. The court issued a warrant for Arriaga's arrest, which was outstanding on the day Officer Singh was killed. While Arriaga was in flight, he identified himself as a member of the Sureños, a criminal street gang.

Many members of the law enforcement community are concerned that Officer Singh's murder could have been prevented if local and state law enforcement agencies had not been prohibited by state law from communicating with federal authorities about undocumented criminals like Gustavo Perez Arriaga.

Beginning in 2014, the Trust Act substantially restricted communications between state, local, and federal law enforcement agencies regarding immigration status. The Truth Act and the California Values Act added more complex restrictions in 2017 and 2018, respectively. The degree to which these laws impacted the events leading up to Officer Singh's death are unclear, but it is clear that much confusion exists about the information Madera County law enforcement agencies could have shared with the U.S. Immigration and Customs Enforcement Agency (ICE) about Arriaga while still complying with those laws.

In fact, both former Governor Jerry Brown and former State Senate President pro Tempore Kevin de León, the author of SB 54, appear to believe state or local law enforcement agencies could have shared information with ICE about Officer Singh's alleged killer. In an [interview with Sacramento's ABC News affiliate](#) Governor Brown said, "The police or the sheriff could have told the immigration service" about Gustavo Perez Arriaga because Arriaga "had been arrested and actually convicted twice of driving under the influence, and there was a warrant out for his arrest...." Governor Brown's office has also stated, "**California law fully permits the sharing of information on dangerous gang members.**"

Stanislaus County Sheriff Adam Christianson has asserted that SB 54 prevented any local law enforcement agency from letting ICE know Arriaga was an illegal immigrant who had been convicted of driving under the influence and who currently had outstanding bench warrants for failure to appear at his second DUI arraignment.

Former State Senate President pro Tempore Kevin de León denied that assertion in an [interview with KCBS in San Francisco](#), saying: "If there were active warrants on this individual, he should have physically been in custody prior to this tragic shooting. **Enforcement agencies were not stopped by SB 54 from reporting illegal immigrants to the U.S. Immigration and Customs Enforcement (ICE) agency when conditions such as those exist.**"

Sheriff Christianson, Governor Brown, and Senator de León have also made reference to Arriaga's gang affiliation. While there is general agreement regarding Arriaga's gang involvement, Sheriff Christianson and most law enforcement officials strongly disagree with the statements made by Governor Brown and Senator de León about whether or not law enforcement agencies can share an illegal immigrant's criminal street gang affiliation with ICE in this or similar situations.

The publicly known facts about this case, as well as the text of SB 54, bring the statements of Brown and de León into doubt. As the state's chief legal officer charged with ensuring laws of the state are uniformly enforced, we respectfully request that you provide answers to the following questions:

- Are state and local law enforcement agencies permitted under SB 54 to notify ICE and detain an undocumented immigrant who has been convicted of DUI?
- Are state and local law enforcement agencies permitted under SB 54 to report an undocumented immigrant to federal agencies, including ICE, if warrants have been issued for that individual for failure to appear in a DUI arraignment?
- May state and local law enforcement agencies notify federal agencies about an illegal immigrant who publicly claims to be a member of a criminal street gang known to law enforcement?
- Even if permitted under state law, can city or county laws prohibit law enforcement agencies from providing ICE with information about an individual's immigration status when the illegal immigrant has outstanding warrants or a criminal conviction?
- May a state or local law enforcement agency that is engaged in a multi-agency gang task force inform a participating federal agency about the immigration status of a gang member identified through task force operations?
- May state and local law enforcement agencies report to federal agencies, including ICE, any undocumented immigrant who harbors or aids another undocumented immigrant to evade arrest or escape to a different jurisdiction, as occurred in Arriaga's flight from the crime scene?

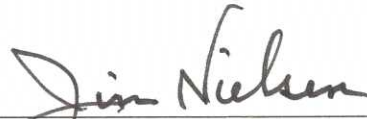
We request a written opinion from the Attorney General in response to these questions that will provide law enforcement agencies with a bright-line test indicating when they can or cannot provide ICE with information about undocumented immigrants who are convicted of DUIs as Gustavo Perez Arriaga had been before he was charged with Officer Singh's murder, and if Arriaga could have been held on DUI charges until federal authorities were notified and permitted to take action.

Thank you for your prompt response to this request.


Sincerely,



Senator Patricia Bates
Senate Republican Leader



Senator Jim Nielsen
Vice Chair, Senate Budget & Fiscal Review



Senator John M.W. Moorlach
Vice Chair, Senate Public Safety Committee