May 9, 2017

Honorable Board of Supervisors
Marin County Civic Center
San Rafael, CA 94903

Re: SB 54 (De León), As Amended March 29, 2017 – “The California Values Act” – SUPPORT

Dear Supervisors:

RECOMMENDATION:
Consider approving letter of support regarding SB 54, “The California Values Act”

SUMMARY:
At your Board’s meeting of March 21, in which your Board adopted a resolution upholding due process and protecting civil rights of immigrant residents in Marin County, your Board received public comment in support of SB 54 (De León), also known as “The California Values Act.” Because SB 54 was not agendized at the time, your Board authorized the Legislative Subcommittee of your Board to review SB 54 for subsequent consideration.

In light of recent shifts in federal immigration policy, including executive orders signed by the new federal administration that have been challenged in federal court, a climate of fear and uncertainty among immigrant communities nationwide has been created, including our own. The 2017 Legislative Plan includes language opposing any immigration reform efforts that would eliminate a pathway to full and equal citizenship, would restrict the rights of immigrants or break up families, or that would focus on a mass deportation of undocumented immigrants.

Marin County is estimated to have approximately 16,000 undocumented immigrants as residents. It is estimated that Marin County residents include 50,000 immigrants overall – or about 20% of our population. Your Board has consistently expressed its strong support for all members of our community, affirming equity and inclusion as priorities of the County, and taking a stand against all forms of discrimination and intolerance. The attached letter of support would express your Board’s support for SB 54, as amended March 29, 2017, upon consideration of the Legislative Subcommittee.

DISCUSSION:
The California TRUST Act (AB 4, Ammiano; 2013) became law on January 1, 2014 and limits local jails from holding people for extra time. County jails can no longer respond to requests to hold individuals solely based on their immigration status, unless certain conditions are met. Even then, local law enforcement always has the discretion not to use local resources to detain immigrants for extra time. At the same
time, the law allows detention of people with felony convictions and of those charged with felonies under certain circumstances.

SB 54, authored by Senate President Pro Tempore Kevin De León, would further limit state and local law enforcement agencies’ involvement in federal immigration enforcement. Per the author, the bill’s purpose is to protect the safety and well-being of all Californians by ensuring that state and local resources are not used to fuel mass deportations or to separate families, hurting California’s economy. The author notes that ‘a relationship of trust between California’s immigrant residents and our state and local agencies is essential to carrying out basic state and local functions, and that trust is threatened when state and local agencies are involved in immigration enforcement.’

Specifically, SB 54 would prohibit state and local law enforcement agencies from using public resources to investigate, interrogate, detain, detect or arrest persons for immigration enforcement purposes, including:

- Inquiring into or collecting information about an individual’s immigration status,
- Detaining an individual on the basis of a hold request,
- Responding to notification or transfer requests,
- Making arrests based on civil immigration warrants, or
- Giving federal immigration authorities access to interview individuals in agency or department custody for immigration enforcement purposes.

It also prohibits any state or local law enforcement agencies from making agency or department databases available to anyone or any entity for the purpose of immigration enforcement. Finally, in no event would a California law enforcement agency be able to transfer an individual to federal immigration authorities, or detain an individual at the request of federal immigration authorities, for the purposes of immigration enforcement absent a judicial warrant.

Support and Opposition
Support for the bill includes some Labor groups (AFSCME, AFL-CIO; California Labor Federation, SEIU California); Health (American Academy of Pediatrics, California); Education (California Federation of Teachers (CFT), AFL-CIO); and various Immigration, Civil Rights or other groups (American Civil Liberties Union, Immigrant Legal Resource Center, Western Center on Law and Poverty). In addition, the Counties of Alameda and Santa Clara have expressed support.

In opposition are several statewide law enforcement groups, including the California Peace Officers’ Association, California Association of Chiefs of Police and the California State Sheriffs’ Association. Arguments include that Sheriffs do not wish to act as immigration police (nor are they), and that they protect everyone in our communities regardless of immigration status. However, in the interest of public safety, they need to continue to cooperate with law enforcement partners to ensure that those who victimize our communities are not given unnecessary opportunities to do more harm. In addition, Law enforcement officials are concerned about potential unintended consequences of SB 54, including that prohibiting ICE contact with
inmates in controlled state prison or local jail settings may instead lead to ICE making contacts with former inmates in their homes or places of employment.

Recent Amendments
Recent amendments create new exceptions to allow state and local law enforcement agencies to notify ICE before a felon convicted of a serious or violent crime is released from prison or jail. Such felonies include, for example, murder or voluntary manslaughter; a number of sexual related felonies; attempted murder; rape; robbery; arson; carjacking; kidnapping; and any felony punishable by death or imprisonment in state prison for life.

The State Sheriff's Association and Marin County Sheriff Robert Doyle remain opposed, however, largely because the bill excludes communication or cooperation with ICE for some crimes that law enforcement feels are also serious or violent, but which are not authorized under SB 54 - including sexual felonies where the victim is incapable, either because of intoxication or mental acuity, to resist the assault; molesting a child; spousal abuse; DUI; assault on a peace officer or firefighter; and burglary in any case except first degree.

The Board's Legislative Subcommittee reviewed the purpose and intent of the bill. Ultimately, it was agreed that the full Board should consider a support letter that balanced the Board's interests in ensuring the rights and freedoms of all of our residents, including unfettered access to public services for which they are eligible, with the important public safety concerns of law enforcement.

Fiscal Impact: While there are no direct fiscal impacts, there are potential concerns as to whether supporting SB 54 may further expose California or Marin County to federal threats to withhold federal funding pursuant to its "Sanctuary Jurisdiction" executive order. Last fiscal year, Marin received $1 million in US Department of Justice grants, with one-half going to Violence against Women grants or Crime Victim Witness grants. Approximately 30% of the Marin County budget is comprised of federal revenues or state matching revenues.

Marin County joined at least 33 other local governments nationwide, including five other California counties, in an amicus brief in support of Santa Clara County's recent lawsuit over President Trump's executive order threatening to withhold federal funding from sanctuary jurisdictions, which argues that such threats are unconstitutional.

Please feel free to contact us should you have any questions or concerns.

Submitted by: 
Daniel Eilerman
Assistant County Administrator

Reviewed by: 
Matthew H. Hymel
County Administrator

Cc: Marin County Sheriff Robert T. Doyle