

RESOLUTION NO. 2020-_____

RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS REAFFIRMING SUPPORT FOR SB54, THE CALIFORNIA VALUES ACT, SUPPORTING CHANGES THAT FURTHER REDUCE COOPERATION WITH FEDERAL IMMIGRATION ENFORCEMENT, AND REAFFIRMING DIRECTION TO ALL COUNTY DEPARTMENTS/STAFF TO PROVIDE SERVICES TO ALL MARIN RESIDENTS REGARDLESS OF IMMIGRATION STATUS

Whereas, Marin County is home to approximately 260,000 people of diverse racial, ethnic and national backgrounds, including a large immigrant population from countries around the world, among them the Latinx community which accounts for 16 percent of the County's total population; and,

Whereas, the County of Marin continues to believe that diversity of backgrounds, perspectives and experiences of all people is a great cause for celebration and strengthens our community and nation, and the County aspires to be a model for inclusion and equity for all populations, including immigrants, refugees, and other newcomers; and,

Whereas, the County of Marin celebrates and recognizes immigrants as valuable and essential members of our community; and,

Whereas, public safety in every community requires a relationship of trust between residents and local law enforcement; and,

Whereas, this trust is threatened when local law enforcement agencies work with federal immigration enforcement programs, resulting in fear on the part of the immigrant community in approaching police when they are victims of, or witnesses to, crimes; in seeking basic health services; attending school, or accessing critical support services to the detriment of the public safety and the well-being of all residents in Marin County; and,

Whereas, local law enforcement working with federal immigration enforcement programs diverts already limited local resources and blurs lines of accountability between local and federal government; and,

Whereas, local participation in federal immigration enforcement programs also raises constitutional concerns, including the issue of being targeted on the basis of race or ethnicity in violation of the Equal Protection Clause; and,

Whereas, the Board of Supervisors has taken the following actions to publicly express its strong support for all members of the community:

1) On December 13, 2016, adopting Resolution 2016-142 affirming equity and inclusion as priorities for the County of Marin, and taking a stand against all forms of discrimination and intolerance; and,

2) On March 21, 2017, adopting Resolution No. 2017-25, "A Resolution of the Marin County Board of Supervisors to Ensure Family Unity, Community Security, Dignity and Due Process for All Residents of Marin County," committing to provide essential services to all Marin County residents regardless of immigration status, directing County staff to review policies and procedures to ensure eligible individuals are not deterred from seeking services based on

immigration status, and supporting efforts to include immigrant communities in ensuring dignity, security and due process for all Marin County residents; and,

3) In 2017, offering a letter of support for the passage of SB 54, the California Values Act, which was subsequently passed by the California legislature, signed by Governor Brown, and took effect on January 1, 2018, providing a California-wide, general prohibition against law enforcement agencies enforcing federal immigration law, prohibiting law enforcement from responding to federal Immigration and Customs Enforcement (“ICE”) detainer requests, and limiting when law enforcement can respond to ICE notification requests, among other things; and,

4) On May 8, 2018, the Board of Supervisors joined other California local governments in joining an amicus brief supporting the State’s defense of SB 54 against a federal court challenge by the Federal Government seeking to have the law declared unconstitutional; and,

Whereas, in 2018, the Sheriff announced that his Department would no longer respond to ICE notification requests except when the notification request concerns detainees convicted or charged with crimes that SB 54 permits responding to the notification request; and,

Whereas, the County held two Truth Act Forums, on December 6, 2018, and July 9, 2019, pursuant to AB 2792, to provide information on access that Marin law enforcement has provided for ICE and to provide an opportunity for public comment; and,

Whereas, the Sheriff has reported that the Sheriff’s Office responded to 75 ICE notification requests during 2018, 27 during 2019, but reduced to 6 so far in 2020; and,

Whereas, the COVID-19 pandemic and shelter-in-place order has increased unemployment, poverty and homelessness nationwide, disproportionately affecting communities of color in particular the Latinx community in Marin which accounts for 75% of the county’s confirmed COVID 19 cases, while only representing 16% of the total population; and,

Whereas, it is well established that the persistent disparities in employment, income, health status, and access to health care experienced by communities of color also correlate with susceptibility to the Corona Virus; and,

Whereas, the County of Marin has partnered in a variety of ways to provide support to communities disproportionately impacted by the COVID-19 virus, most notably in the Canal area of San Rafael, to reduce spread of the virus and support individuals and families financially impacted by the shelter in place; and,

Whereas, towards supporting the immigrant community and addressing legitimate fears associated with potential ICE presence and activities in Marin, the Board of Supervisors has sought to ensure that the County comply with SB 54 and all applicable California law over law enforcement procedures and jail facilities; and,

Whereas, the Board of Supervisors had previously urged the Sheriff to limit the sharing of inmate data which the Sheriff subsequently agreed to implement; and,

Whereas, the Board recently urged the Sheriff to no longer allow ICE agents to enter the secured booking area to detain inmates being released, and the Sheriff has changed this practice effective August 15th, 2020; and,

Whereas, actions by the federal government, particularly during the last three and one-half years, continue to create a climate of fear and uncertainty among immigrant communities nationwide, including in Marin County; and,

Whereas, court rulings, including the Ninth Circuit Court of Appeals decisions in *United States v. California*, 921 F.3d 865 (2019) and *City and County of San Francisco v. Barr et al.*, 965 F.3d 753 (2020), have mostly stymied federal efforts to have SB 54 declared unconstitutional and to punish local entities for supporting policies that protect immigrant communities; and,

Whereas, during this time of global health pandemic, a pandemic that is impacting many immigrant communities in Marin County and across the nation, it is imperative that the County do everything in its power to support immigrant communities and ensure that its policies promote all immigrants living in a safe and healthy environment; and,

Whereas, the County looks forward to growing our community partnerships and implementing strengths-based and community-driven solutions and initiatives to address the COVID-19 pandemic and inequity and disparity in our community; and,

NOW, THEREFORE, BE IT RESOLVED that:

1. Marin County will not waver in its commitment to remain a safe and inclusive community for its diverse population, including all immigrant families; and,
2. The Board of Supervisors directs all County agencies and departments to review their policies and procedures to ensure that, to the extent allowed by law, Marin County policies and procedures do not deter anyone from seeking County services based on immigration status; and,
3. The Board of Supervisors directs that no agency shall condition the provision of County benefits, opportunities, or services on matters related to citizenship or immigration status unless required to do so by statute, federal regulation, or court decision, and that all local agencies shall display prominently information on the rights of immigrants to access their services; and,
4. The Board of Supervisors directs that, in order to ensure that eligible individuals are not deterred from seeking services or engaging with County offices, all local departments shall review their confidentiality policies and identify any changes necessary to ensure that information collected from individuals is limited to that necessary to perform agency duties and is not used or disclosed for any other purpose, and that any necessary changes to those policies shall be made within 60 days of the adoption of this resolution consistent with agency or department procedures; and,
5. The Board of Supervisors commends Sheriff Robert Doyle for his department's commitment to not inquire about immigration status when carrying out its duties, to not participate in

federal immigration enforcement raids, and to build trust with all communities that the department serves; and,

6. The Board of Supervisors commends Sheriff Robert Doyle for his decision to limit the sharing of data to requisite SB54 crimes and to end releases whereby the Sheriff's Office allowed ICE agents in the Marin County Jail's non-public booking area to detain inmates upon release; and,
7. The Board of Supervisors urges Sheriff Robert Doyle and all Marin County law enforcement partners to continue their efforts to ensure that law enforcement in Marin County operates in a just, unbiased, and transparent manner to protect our community; and,
8. The Board of Supervisors urges the Sheriff's Office to adhere to all California legal requirements while minimizing the extent to which posting of information facilitates federal immigration enforcement; and,
9. When considering ICE notification requests for a detainee with a prior conviction, the Board of Supervisors urges the Sheriff's Office to only respond to the notification request if the detainee in question has a conviction for a "serious or violent felony" as described in Government Code Section 7282.5(a)(1); and,
10. When considering ICE notification requests for a detainee who has no prior convictions but does have pending charges described in Government Code Section 7282.5(b), the Board of Supervisors urges the Sheriff's Office to only respond to the notification request if a judge has found at a preliminary hearing that there is probable cause on the pending charges.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this ___th day of _____ 2020, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK