



MARIN COUNTY POLICY IMPACTING IMMIGRANT COMMUNITIES

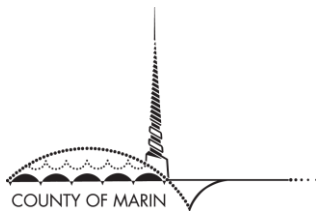
Background, Authority,
Next Steps

September 15, 2020

BACKGROUND

Slide 2

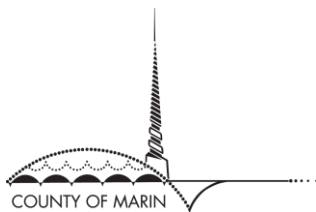
- Marin County is a general law county and a political subdivision of the State of California
 - General law counties have limited authority to deviate from state law
- There are several elected officials selected directly by the voters of Marin County:
 - Board of Supervisors
 - Assessor-Recorder-County Clerk
 - District Attorney
 - Sheriff-Coroner
- These elected offices have independent statutory authority and are accountable directly to their constituents
- Immigration and Customs Enforcement (ICE) is an agency under the executive branch of the federal government that enforces immigration and customs laws



AUTHORITY, RESPONSIBILITY OF BOARD OF SUPERVISORS

Slide 3

- The Board of Supervisors is charged with overall responsibility for the function of County government, and serves as the legislative and executive body of Marin County
- The Board appropriates the annual County budget, establishes County policy, and advocates regarding state or federal legislation that impacts the community
- While the Board has general authority to supervise the conduct of county officers, there are significant limitations regarding the law enforcement authority of the elected Sheriff and District Attorney
 - The Board's authority shall not be construed to affect the independent and constitutionally and statutorily designated investigative and prosecutorial function of the sheriff and district attorney of a county (*Government Code Section 25303*)



AUTHORITY, RESPONSIBILITY OF SHERIFF

Slide 4

- The Sheriff is responsible for crime prevention and law enforcement responsibility (patrol) in the unincorporated areas, which is approximately 26% of the County's population
 - City and Town law enforcement is responsible for remaining 74%
- The Marin County Sheriff is independently elected and oversees the Sheriff's Office and is the sole and exclusive authority to keep the Marin County jail and the inmates in it (*Government Code Section 26605*)
 - Note: This law does not apply to three counties (Santa Clara, Napa, Madera) where the Sheriff was not in charge of the jail when GC 26605 was amended in 1993
- The Board of Supervisors approves the County budget, including for the Sheriff's Office
- The Sheriff has sole discretion regarding how his office's approved budget is expended

IMMIGRATION POLICY IN CALIFORNIA COUNTIES

ORDINANCES, RESOLUTIONS

Slide 5

- Some cities and counties have adopted policies described as “sanctuary policies.” The Center for Immigration Studies [identified 20 California cities and counties](#) (as of August 25).
 - Unlike counties, most cities do not have ongoing jail custody responsibilities
- The following counties have approved resolutions or ordinances to protect and serve those vulnerable due to their immigration status:

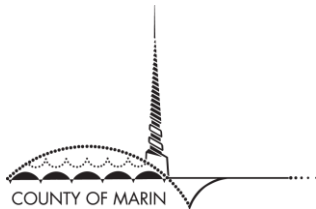
Northern CA Resolutions	Ordinances
<ul style="list-style-type: none">• Alameda County – 2016• Contra Costa County – 2018• Marin County - 2017• Monterey County – 2017• Santa Cruz County – 2017• Sonoma County – 2017	<ul style="list-style-type: none">• Humboldt County – 2018• San Francisco County - 1989

IMMIGRATION POLICY IN CALIFORNIA COUNTIES

ORDINANCES, RESOLUTIONS

Slide 6

- Resolutions make findings, establish policies
- Resolutions have been frequently used for policy statements in this area across the state
- Ordinances establish local laws; violations of ordinances automatically constitute an infraction
- Ordinances have been less frequently used around the state on this subject

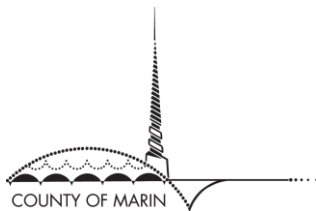


MARIN BOARD OF SUPERVISORS PAST ACTIONS

COMMITMENT TO OUR IMMIGRANT COMMUNITY

Slide 7

- **December 13, 2016** – [Resolution 2016-142](#) affirms equity and inclusion as priorities, taking a stand against all forms of discrimination
- **March 21, 2017** – [Resolution 2017-25](#) supports the rights of immigrants, urges a relationship of trust and respect, and commits to provide essential services to all Marin residents regardless of immigration status
- **May 2017** – [Supports SB 54](#) (“The California Values Act”) was implemented to regulate how local law enforcement cooperates with federal immigration authorities (ICE)
- **May 2018** – Marin [joins amicus brief](#) in federal court to oppose federal efforts to block SB 54 in California
- **TRUTH Act hearings** – [December 6, 2018](#) and [July 9, 2019](#) consistent with state law, requires an annual community forum if law enforcement provides any 'ICE access' for civil immigration enforcement purposes

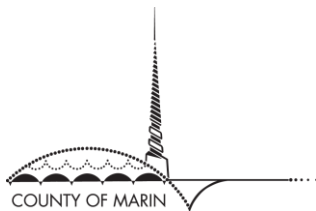


MARIN POLICIES AND ACTIONS REGARDING SAFETY NET SERVICES

COMMITMENT TO OUR IMMIGRANT COMMUNITY

Slide 8

- **The mission of the County Health and Human Services (HHS) Department is to promote and protect the health, well-being, safety, and self-sufficiency of all people in Marin**
- HHS is particularly committed to supporting vulnerable, underserved and communities of color, including our immigrant communities. We demonstrate our commitment through a large number of programs and initiatives including but not limited to:
 - HHS contracts to provide legal services to immigrant communities (including in-person legal consultation and advice and legal representation for US Citizenship and Immigration matters), access to English language education, computer classes and more
 - Partnership with County Parks for a more welcoming, multi-cultural experience for visitors and those participating in Parks RX program



MARIN POLICIES AND ACTIONS REGARDING SAFETY NET SERVICES (CONTINUED)

COMMITMENT TO OUR IMMIGRANT COMMUNITY

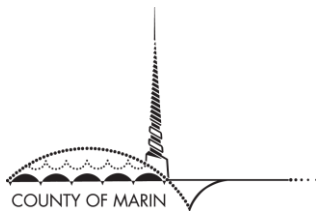
Slide 9

- Collaboration with Marin Community Foundation and First Five to lead Public Charge Work Group for County and Community stakeholders to provide accurate and timely information about public charge and to support both clients and staff
- Recruitment of bilingual Eligibility Workers to increase Medi-Cal enrollment and retention of low-income immigrant households
- Partnership with Marin Community Clinics on weekly Health Hubs in San Rafael and Novato, serving 400-600 families each per week
 - Immigrant, other low-income families provided free bags of healthy foods through the local Food Bank, receive nutrition education, oral health and lead poisoning prevention education, and also support for fun exercise activities
- Outreach and engagement staff and contracts provide mental health and recovery groups and activities in Spanish, including community lead activities promoting stigma reduction and more

MARIN COUNTY SHERIFF POLICY CHANGES

Slide 10

- Since SB 54 (2017), Marin County Sheriff policies have been modified:
 - Emphasize that staff no longer inquire about immigration status when carrying out duties
 - Stop responding to ICE regarding release dates for low-level offenses:
 - (If someone is arrested for a serious/violent crime, or has previously been convicted of a serious/violent crime, then ICE is notified)
 - As of August 15, 2020 ICE is no longer allowed in the booking areas of County jail facility
- As a result of these modifications, the number of ICE inmate arrests has decreased from 75 in 2018 to 27 in 2019, and 6 year to date in 2020

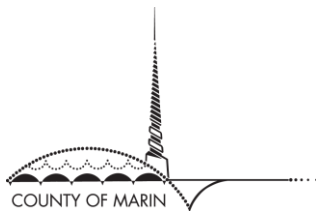


RECOMMENDED SANCTUARY RESOLUTION

GOALS, PURPOSE OF RESOLUTION

Slide 11

- Affirm that Marin County will not waver in its commitment to remain a safe and inclusive community for its diverse population, including all immigrant families
- Affirm a relationship of trust between the County's immigrant community and local law enforcement as being central to the public safety and well-being of all Marin County residents
- By reaffirming the principals of SB 54 to reduce Marin County's contact with ICE, we better ensure that our immigrant community does not fear approaching local government when they are:
 - victims of, and witnesses to, crimes;
 - seeking basic health services;
 - attending school



HIGH LEVEL SUMMARY OF 2020 SANCTUARY RESOLUTION

Slide 12

A 2020 Sanctuary Resolution would:

- Reaffirm Board direction that no appointed department heads cooperate with ICE in any manner
- Support recent Sheriff policy changes to reduce cooperation with federal immigration enforcement
- Direct County agencies and departments to review their policies and procedures to ensure they do not deter anyone from seeking services based on immigration status
- Urge the Sheriff's Office 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 – as well as urge the Sheriff's Office to further limit how it makes booking information available to the public, such as Alameda County

RECOMMENDED SANCTUARY RESOLUTION

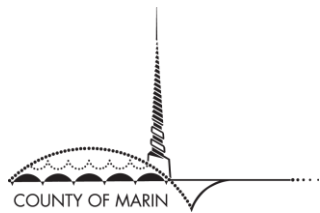
REQUEST TO MARIN COUNTY SHERIFF

Slide 13

- Urge Sheriff meet all California legal requirements while minimizing the extent to which the information facilitates federal immigration enforcement
- 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 questions has a conviction for a "serious or violent felony" as described in Government Code Section 7282.5(a)(1); and
- 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

County Administrator's Office
marincounty.org/cao

QUESTIONS?



COUNTY OF MARIN