

File No. 150948

Committee Item No. 1

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date October 1, 2015

Board of Supervisors Meeting

Date \_\_\_\_\_

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OTHER

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- Resolution Rejecting PEP
- Board Resolution No. 269-10
- \_\_\_\_\_
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Completed by: Erica Major

Date September 25, 2015

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

1 [Resolution Urging the Rejection of Priority Enforcement Program]

2  
3 **Resolution opposing the scapegoating of immigrants and urging the rejection of the**  
4 **deportation-focused Priority Enforcement Program.**

5  
6 WHEREAS, There has recently been a vicious flare of anti-immigrant sentiment in the  
7 United States, with political figures such as Donald Trump demonizing Latino immigrants and  
8 using racist and xenophobic rhetoric, which has spurred hate crimes based on perceived  
9 immigration status; and

10 WHEREAS, San Francisco County is a diverse and immigrant-rich county, where  
11 35.6% of its residents are born outside the U.S. and 45% have a language other than English  
12 spoken at home, and therefore our city strives to create an inclusive environment which  
13 integrates and respects all of its residents equally; and

14 WHEREAS, The San Francisco Board of Supervisors resolved in Resolution No.  
15 269-10 on June 8, 2010, that "[T]he 'Secure Communities' police/ICE collaboration program  
16 would undermine San Francisco's values, seriously harm public safety, and tear hard working  
17 San Francisco families apart", on file with the Clerk of the Board of Supervisors in File No.  
18 150948, which is hereby declared to be a part of this resolution as if set forth fully herein; and

19 WHEREAS, The "Priority Enforcement Program" (PEP), which is a rebranding of the  
20 Secure Communities (S-Comm) program, is yet another mass deportation program that  
21 separates families, undermines community trust in law enforcement, is not meaningfully  
22 different from S-Comm, and has been shrouded in similar misinformation and lack of  
23 transparency; and

24 WHEREAS, On September 16, 2015, the San Francisco Democratic County Central  
25 Committee resolved that San Francisco should not participate in PEP, on file with the Clerk of

1 the Board of Supervisors in File No. 150948, which is hereby declared to be a part of this  
2 resolution as if set forth fully herein; and

3 WHEREAS, A 2013 study found that 70% of undocumented Latinos surveyed reported  
4 that they are “less likely to contact police officers if they have been the victim of a crime  
5 because they fear that police officers will use this interaction as an opportunity to inquire into  
6 their immigration status or that of people they know;” and

7 WHEREAS, Community groups, including advocates for survivors of domestic  
8 violence, have expressed serious concerns that entanglement of local law enforcement with  
9 ICE further isolates survivors and will damage community confidence in law enforcement, and  
10 even crime victims and witnesses may themselves be considered “priorities” for deportation;  
11 now, therefore, be it

12 RESOLVED, That That the San Francisco Board of Supervisors fully supports the City  
13 and County of Refuge and Due Process Ordinances as they advance public safety; improve  
14 community confidence in law enforcement; and uphold the basic rights afforded to all by the  
15 United States Constitution; and, be it

16 FURTHER RESOLVED, That the San Francisco Board of Supervisors calls upon the  
17 Sheriff not to participate in the Priority Enforcement Program, which is counter to San  
18 Francisco’s values and to the principles of the Due Process and City and County of Refuge  
19 Ordinances.

**RESOLUTION SUPPORTING SAN FRANCISCO'S SANCTUARY CITY POLICIES  
AND CALLING FOR COMPREHENSIVE IMMIGRATION REFORM**

WHEREAS, San Francisco's City and County of Refuge Ordinance, also known as the Sanctuary City Ordinance, protects the civil rights of its residents regardless of immigration status by prohibiting City employees from sharing or disseminating information regarding the immigration status of individuals in the City and County of San Francisco with Immigration and Customs Enforcement (ICE) and prohibiting City employees from assisting with immigration investigations or arrests unless such help is required by federal or state law or a warrant, expanding a 1985 City resolution intended to safeguard the rights of Salvadoran and Guatemalan refugees, receiving extensive support from faith and community leaders; and

WHEREAS, for more than 20 years, in the absence of federal comprehensive immigration reform and a pathway to citizenship, the San Francisco Democratic Party has supported the Sanctuary City Ordinance as an important policy that helps foster an environment that promotes meaningful cultural, economic, community, and civic participation by immigrants who might otherwise be at risk of removal and separation from their families, ensuring that immigrant families have access to quality services such as healthcare and education, and setting an example that has since been adopted by more than 200 sanctuary cities around the country; and

WHEREAS, in 2013, the Board of Supervisors and Mayor Ed Lee unanimously adopted and supported the Due Process for All Ordinance, which provides further safeguards for the civil liberties of undocumented immigrants and both encourages effective community policing and protection of public safety by protecting both victims and witnesses of crimes and limiting instances in which San Francisco authorities are able to keep a person in criminal custody based solely on a civil detainer request from ICE; now therefore be it

RESOLVED, that the San Francisco Democratic Party supports the City's Sanctuary City and Due Process for All Ordinances; encourages the City and County of San Francisco to remain a city and county of refuge by maintaining the distinction and separation between local law enforcement authority and federal immigration authority; and urges the City not to participate in the Priority Enforcement Program; and

BE IT FURTHER RESOLVED, that the Party condemns in the strongest terms possible attacks against immigrant families by leading Republicans and calls upon the Republican Party to instead join Democrats in passing comprehensive immigration reform that, in the words of Democratic Leader Nancy Pelosi, "is humane, does not divide families, and addresses the growing disconnect between our nation's policy and the reality on the ground in cities and communities across our country," and in pursuing meaningful gun violence prevention measures and increased funding for mental health services.

Sponsors: Joshua Arce, Assemblymember David Chiu, Matt Dorsey, Hene Kelly, Leah Pimentel, Francis Tsang, Supervisor Scott Wiener, Supervisor David Campos and Petra DeJesus.

1 [Urging to Opt-Out of "Secure Communities"]

2

3 **Resolution urging the San Francisco Sheriff's Department, the Juvenile Probation**  
4 **Department and the San Francisco Police Department to opt-out of participating in the**  
5 **Police Immigration and Customs Enforcement collaboration program known as**  
6 **"Secure Communities."**

7

8 WHEREAS, San Francisco is a city which has historically welcomed its immigrant  
9 population, which comprises 37% of the city's residents; and,

10 WHEREAS, Arizona enacted SB1070, which promotes racial profiling by encouraging  
11 local law enforcement to inquire about an individual's immigration status if they are  
12 "suspected" of being undocumented; and,

13 WHEREAS, The San Francisco Board of Supervisors, on May 11, 2010 approved by a  
14 vote of 10-1 a boycott of the state of Arizona for enacting SB1070, a law which encourages  
15 racial profiling and undermines community policing; and,

16 WHEREAS, Recent public reports have indicated that the California Department of  
17 Justice has called on the San Francisco Sheriff's Department and County Jail to participate in  
18 a new collaboration between local police and Immigration and Custom Enforcement (ICE),  
19 known as "Secure Communities"; and,

20 WHEREAS, This new police/ICE collaboration program will prompt the investigation  
21 into the immigration status of anyone, citizen or non-citizen, who is arrested and fingerprinted  
22 for any crime, no matter the severity, by automatically crosschecking the individual's  
23 fingerprints against a Department of Homeland Security/ICE database; and,

24

25 Supervisor Mar, Campos, Avalos, Maxwell, Daly, Mirkarimi, Chiu, Dufty  
BOARD OF SUPERVISORS

1           WHEREAS, In doing so, the "Secure Communities" police/ICE collaboration program,  
2 like Arizona SB 1070, compromises the safety of local communities by eroding the hard-  
3 earned trust built over the past decades between community members and local law  
4 enforcement by making individuals fearful of reporting crimes and to cooperating with the  
5 police in solving crimes; and,

6           WHEREAS, The program will tear apart San Francisco families and eviscerate San  
7 Francisco's Sanctuary City Ordinance by automatically sharing an individual's fingerprint  
8 information with ICE, even if the person has not been convicted of any criminal act, and even  
9 where a person is arrested on a minor crime; and,

10           WHEREAS, Survivors of domestic violence, who can be arrested along with their  
11 abusers during domestic disputes, will be reluctant to involve the police in stopping their  
12 abuse if it could lead to their own deportation; and,

13           WHEREAS, The "Secure Communities" police/ICE collaboration program undermines  
14 government transparency, as the contract was negotiated in secret and bypassed the  
15 legislative branch, and expressly prohibits local governments from releasing statistical  
16 information about the program without the consent of ICE; and,

17           WHEREAS, Nothing in the Memorandum of Agreement (MOA) between the California  
18 Department of Justice and ICE expressly prohibits the sharing of youth and juveniles'  
19 information with ICE under the "Secure Communities" police/ICE collaboration program; and,

20           WHEREAS, There is no guarantee that "Secure Communities" technology will not be  
21 used for civil purposes, such as for health or employment related purposes; and,

22           WHEREAS, Under the current "Secure Communities" program nationwide,  
23 approximately 5% of United States Citizens have been mistakenly identified as  
24

25  
Supervisor Mar, Campos, Avalos, Maxwell, Daly, Mirkarimi, Chiu, Dufty  
**BOARD OF SUPERVISORS**

1 undocumented, leading to illegal ICE detainers, which could expose San Francisco taxpayers  
2 to needless and expensive lawsuits; and,

3 WHEREAS, The stated goal of the "Secure-Communities" is to deport non-citizens  
4 who have been convicted of major drug offenses or violent crimes, but close to 90% of the  
5 people who have been targeted by Secure Communities nationwide have been low-level,  
6 non-violent offenders who are not threats to San Francisco's communities; and,

7  
8 WHEREAS, The cover letter to the California MOA between the California Department  
9 of Justice (DOJ) and ICE, dated January 23, 2009, expressly states that counties and  
10 localities, prior to implementing the "Secure Communities" program, must sign a "Statement  
11 of Intent" (SOI) ". . . to ensure those agencies understand and adhere to the principles set  
12 forth in the MOA and a set of Standard Operating Procedures," and the MOA states that  
13 "either party, upon 30 days written notice to the other party, may terminate the MOA at any  
14 time" ; and,

15 WHEREAS, San Francisco has not been given an opportunity to sign or refuse to sign  
16 a SOI in accordance with the cover letter of the Agreement; and,

17 WHEREAS, San Francisco already has firm policies in place to deal with non-citizens  
18 who have been convicted for serious crimes; and,

19 WHEREAS, In consideration of the harms to public safety and likelihood of racial  
20 profiling that would accompany implementation of the police/ICE collaboration program  
21 known as "Secure Communities", the City Council for Washington D.C. unanimously passed  
22 the "Secure Communities Act of 2010" a resolution to prohibit the District of Columbia from  
23 transmitting arrest data of any individual with ICE; and,

24  
25 Supervisor Mar, Campos, Avalos, Maxwell, Daly, Mirkarimi, Chiu, Dufty  
BOARD OF SUPERVISORS

1           WHEREAS, Like Arizona's SB1070, the "Secure Communities" police/ICE  
2 collaboration program will likely result in racial profiling because some officers would make  
3 pre-textual arrests to determine the immigration status of any individual they encounter; now,  
4 therefore, be it

5           RESOLVED, That the San Francisco Board of Supervisors believes that the  
6 implementation of the "Secure Communities" police/ICE collaboration program would  
7 undermine San Francisco's values, seriously harm public safety, and tear hard working San  
8 Francisco families apart; and, be it

9           FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby urges  
10 the San Francisco Sheriff's Department, the Juvenile Probation Department and the San  
11 Francisco Police Department to opt out of participating in the police/ICE collaboration  
12 program known as "Secure Communities"; and, be it

13           FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the  
14 federal government to take steps to pass a just, fair, and comprehensive immigration reform,  
15 rather than strengthen police/ICE collaboration programs that erode trust between local police  
16 and the community; and, be it

17           FURTHER RESOLVED, That copies of this Resolution shall be delivered to President Barack  
18 Obama, Senators Dianne Feinstein and Barbara Boxer, Speaker of the House of  
19 Representatives, Nancy Pelosi, and California Attorney General, Jerry Brown.

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Supervisor Mar, Campos, Avalos, Maxwell, Daly, Mirkarimi, Chiu, Dufty  
BOARD OF SUPERVISORS





City and County of San Francisco  
**Tails**  
**Resolution**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 100650 **Date Passed:** June 08, 2010

Resolution urging the San Francisco Sheriff's Department, the Juvenile Probation Department and the San Francisco Police Department to opt-out of participating in the Police Immigration and Customs Enforcement collaboration program known as "Secure Communities."

May 25, 2010 Board of Supervisors - CONTINUED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell and Mirkarimi

Absent: 1 - Elsbernd

June 08, 2010 Board of Supervisors - ADOPTED

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell and Mirkarimi

Noes: 2 - Chu and Elsbernd

File No. 100650

I hereby certify that the foregoing Resolution was ADOPTED on 6/8/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

June 16, 2010

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Angela Calvillo  
Clerk of the Board

File 100650

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor:  inquires"
- 5. City Attorney request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

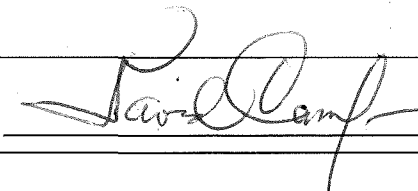
- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

**Subject:**

**The text is listed below or attached:**

Signature of Sponsoring Supervisor: 

**For Clerk's Use Only:**