

File No. 160022

Committee Item No. 1

Board Item No. 9

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Public Safety and Neighborhood Services

Date April 7, 2016

Board of Supervisors Meeting

Date May 24, 2016

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Completed by: Erica Major

Date April 1, 2016

Completed by: *[Signature]*

Date 4/11/2016

1 [Administrative Code - Due Process for All and Sanctuary]

2
3 **Ordinance amending the Administrative Code to prohibit the use of City funds or**
4 **resources to assist in the enforcement of Federal immigration law, except for**
5 **individuals who have been convicted of a violent felony and held to answer for a**
6 **violent felony.**

7 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. The Administrative Code is hereby amended by revising Section 12H.2 and
16 deleting Section 12H.2-1 in Chapter 12H, and revising Sections 12I.1, 12I.2, 12I.3, and 12I.4
17 in Chapter 12I, to read as follows:

18 **SEC. 12H.2. USE OF CITY FUNDS PROHIBITED.**

19 No department, agency, commission, officer, or employee of the City and County of
20 San Francisco shall use any City funds or resources to assist in the enforcement of Federal
21 immigration law or to gather or disseminate information regarding the immigration or release
22 status of individuals in the City and County of San Francisco unless such assistance is
23 required by Federal or State statute, regulation, or court decision. The prohibition set forth in
24 this Chapter 12H shall include, but shall not be limited to:

25 (a) Assisting or cooperating, in one's official capacity, with any investigation,
detention, or arrest procedures, public or clandestine, conducted by the Federal agency
charged with enforcement of the Federal immigration law and relating to alleged violations of

1 the civil provisions of the Federal immigration law, except as permitted under Administrative Code
2 Section 12I.3.

3 (b) Assisting or cooperating, in one's official capacity, with any investigation,
4 surveillance, or gathering of information conducted by foreign governments, except for
5 cooperation related to an alleged violation of City and County, State, or Federal criminal laws.

6 (c) Requesting information about, or disseminating information, in one's official
7 capacity, regarding, the immigration or release status of any individual, except as permitted under
8 Administrative Code Section 12I.3, or conditioning the provision of services or benefits by the City
9 and County of San Francisco upon immigration status, except as required by Federal or State
10 statute or regulation, City and County public assistance criteria, or court decision.

11 (d) Including on any application, questionnaire, or interview form used in relation to
12 benefits, services, or opportunities provided by the City and County of San Francisco any
13 question regarding immigration status other than those required by Federal or State statute,
14 regulation, or court decision. Any such questions existing or being used by the City and
15 County at the time this Chapter is adopted shall be deleted within sixty days of the adoption of
16 this Chapter.

17 ~~**SEC. 12H.2.1. CHAPTER PROVISIONS INAPPLICABLE TO PERSONS CONVICTED**~~
18 ~~**OF CERTAIN CRIMES.**~~

19 ~~*Nothing in this Chapter shall prohibit, or be construed as prohibiting, a Law Enforcement*~~
20 ~~*Officer from identifying and reporting any adult pursuant to State or Federal law or regulation who is*~~
21 ~~*in custody after being booked for the alleged commission of a felony and is suspected of violating the*~~
22 ~~*civil provisions of the immigration laws. In addition, nothing in this Chapter shall prohibit, or be*~~
23 ~~*construed as prohibiting, a Law Enforcement Officer from identifying and reporting any juvenile who is*~~
24 ~~*suspected of violating the civil provisions of the immigration laws if: (1) the San Francisco District*~~
25 ~~*Attorney files a petition in the juvenile court alleging that the minor is a person within the description*~~

1 ~~of Section 602(a) of the California Welfare and Institutions Code and the juvenile court sustains a~~
2 ~~felony charge based upon the petition; (2) the San Francisco Superior Court makes a finding of~~
3 ~~probable cause after the District Attorney directly files felony criminal charges against the minor in~~
4 ~~adult criminal court; or (3) the San Francisco Superior Court determines that the minor is unfit to be~~
5 ~~tried in juvenile court, the minor is certified to adult criminal court, and the Superior Court makes a~~
6 ~~finding of probable cause in adult criminal court.~~

7 ~~Nothing in this Chapter shall preclude any City and County department, agency, commission,~~
8 ~~officer or employee from (a) reporting information to the Federal agency charged with enforcement of~~
9 ~~the Federal immigration law regarding an individual who has been booked at any county jail facility,~~
10 ~~and who has previously been convicted of a felony committed in violation of the laws of the State of~~
11 ~~California, which is still considered a felony under State law; (b) cooperating with a request from the~~
12 ~~Federal agency charged with enforcement of the Federal immigration law for information regarding an~~
13 ~~individual who has been convicted of a felony committed in violation of the laws of the State of~~
14 ~~California, which is still considered a felony under State law; or (c) reporting information as required~~
15 ~~by Federal or State statute, regulation or court decision, regarding an individual who has been~~
16 ~~convicted of a felony committed in violation of the laws of the State of California, which is still~~
17 ~~considered a felony under State law. For purposes of this Section, an individual has been "convicted"~~
18 ~~of a felony when: (a) there has been a conviction by a court of competent jurisdiction; and (b) all direct~~
19 ~~appeal rights have been exhausted or waived; or (c) the appeal period has lapsed.~~

20 ~~However, no officer, employee or law enforcement agency of the City and County of San~~
21 ~~Francisco shall stop, question, arrest or detain any individual solely because of the individual's~~
22 ~~national origin or immigration status. In addition, in deciding whether to report an individual to the~~
23 ~~Federal agency charged with enforcement of the Federal immigration law under the circumstances~~
24 ~~described in this Section, an officer, employee or law enforcement agency of the City and County of San~~
25

1 ~~Francisco shall not discriminate among individuals on the basis of their ability to speak English or~~
2 ~~perceived or actual national origin.~~

3 ~~This Section shall not apply in cases where an individual is arrested and/or convicted for failing~~
4 ~~to obey a lawful order of a Police Officer during a public assembly or for failing to disperse after a~~
5 ~~Police Officer has declared an assembly to be unlawful and has ordered dispersal.~~

6 ~~Nothing herein shall be construed or implemented so as to discourage any person, regardless of~~
7 ~~immigration status, from reporting criminal activity to law enforcement agencies.~~

8 **SEC. 12I.1. FINDINGS.**

9 The City and County of San Francisco (the "City") is home to persons of diverse racial,
10 ethnic, and national backgrounds, including a large immigrant population. The City respects,
11 upholds, and values equal protection and equal treatment for all of our residents, regardless
12 of immigration status. Fostering a relationship of trust, respect, and open communication
13 between City employees and City residents is essential to the City's core mission of ensuring
14 public health, safety, and welfare, and serving the needs of everyone in the community,
15 including immigrants. The purpose of this Chapter 12I, as well as of Administrative Code Chapter
16 12H, is to foster respect and trust between law enforcement and residents, to protect limited
17 local resources, to encourage cooperation between residents and City officials, including especially
18 law enforcement and public health officers and employees, and to ensure family unity, community
19 security, and due process for all.

20 ~~Our federal immigration system is in dire need of comprehensive reform. The United States~~
21 ~~Immigration and Customs Enforcement ("ICE") is responsible for enforcing the civil immigration~~
22 ~~laws. ICE's programs, including Secure Communities and its replacement, the Priority Enforcement~~
23 ~~Program ("PEP"), seek to enlist local law enforcement's voluntary cooperation and assistance in its~~
24 ~~enforcement efforts. In its description of PEP, ICE explains that all requests under PEP are for~~
25 ~~voluntary action and that any request is not an authorization to detain persons at the expense of the~~

1 federal government. The federal government should not shift the financial burden of federal civil
2 immigration enforcement, including personnel time and costs related to notification and detention,
3 onto local law enforcement by requesting that local law enforcement agencies continue
4 detaining persons based on non-mandatory civil immigration detainers or cooperating and
5 assisting with requests to notify ICE that a person will be released from local custody. It is not a wise
6 and effective use of valuable City resources at a time when vital services are being cut.

7 ~~The United States Immigration and Customs Enforcement's "ICE's" controversial~~ Secure
8 Communities program (also known as "S-Comm") ~~shifts~~ the burden of federal civil
9 immigration enforcement onto local law enforcement. S-Comm ~~comes~~ came into operation after
10 the state ~~sends~~ sent fingerprints that state and local law enforcement agencies ~~haved~~
11 transmitted to the California Department of Justice ("Cal DOJ") to positively identify the
12 arrestees and to check their criminal history. The FBI would ~~forwards~~ the fingerprints to the
13 Department of Homeland Security ("DHS") to be checked against immigration and other
14 databases. To give itself time to take a detainee into immigration custody, ICE would ~~sends~~ an
15 Immigration Detainer – Notice of Action (DHS Form I-247) to the local law enforcement official
16 requesting that the local law enforcement official hold the individual for up to 48 hours after
17 that individual would otherwise be released ("civil immigration detainers"). Civil Immigration
18 detainers may be issued without evidentiary support or probable cause by border patrol
19 agents, aircraft pilots, special agents, deportation officers, immigration inspectors, and
20 immigration adjudication officers.

21 Given that civil immigration detainers are issued by immigration officers without judicial
22 oversight, and the regulation authorizing civil immigration detainers provides no minimum
23 standard of proof for their issuance, there are serious questions as to their constitutionality.
24 Unlike criminal warrants, which must be supported by probable cause and issued by a neutral
25 magistrate, there ~~isare~~ no such requirements for the issuance of a civil immigration detainer. ~~At~~

1 ~~least one~~ Several federal courts ~~in Indiana~~ hasve ruled that because civil immigration detainees
2 and other ICE "Notice of Action" documents are issued without probable cause of criminal
3 conduct, they do not meet the Fourth Amendment requirements for state or local law
4 enforcement officials to arrest and hold an individual in custody. (Miranda-Olivares v.
5 Clackamas Co., No. 3:12-cv-02317-ST *17 (D.Or. April 11, 2014) (finding that detention pursuant to
6 an immigration detainee is a seizure that must comport with the Fourth Amendment). See also Morales
7 v. Chadbourne, 996 F. Supp. 2d 19, 29 (D.R.I. 2014); Villars v. Kubiowski, No. 12-cv-4586 *10-12
8 (N.D. Ill. filed May 5, 2014).)

9 On December 4, 2012, the Attorney General of California, Kamala Harris, clarified the
10 responsibilities of local law enforcement agencies under S-Comm. The Attorney General
11 clarified that S-Comm ~~does~~id not require state or local law enforcement officials to determine
12 an individual's immigration status or to enforce federal immigration laws. The Attorney
13 General also clarified that civil immigration detainees are voluntary requests to local law
14 enforcement agencies that do not mandate compliance. California local law enforcement
15 agencies may determine on their own whether to comply with non-mandatory civil immigration
16 detainees. In a June 25, 2014, bulletin, the Attorney General warned that a federal court outside of
17 California had held a county liable for damages where it voluntarily complied with an ICE request to
18 detain an individual, and the individual was otherwise eligible for release and that local law
19 enforcement agencies may also be held liable for such conduct. ~~Other~~Over 350 jurisdictions,
20 including Berkeley, California; Richmond, California; Santa Clara County, California; Washington,
21 D. C., ~~and~~ Cook County, Illinois, and many of California's 58 counties have already
22 acknowledged the discretionary nature of civil immigration detainees and are declining to hold
23 people in their jails for the additional ~~forty-eight~~ (48) hours as requested by ICE. Local law
24 enforcement agencies' responsibilities, duties, and powers are regulated by state law.

1 However, complying with non-mandatory civil immigration detainers *falls outside the scope of*
2 *those responsibilities and* frequently raises due process concerns.

3 According to Section 287.7 of Title 8 of the Code of Federal Regulations, the City is not
4 reimbursed by the federal government for the costs associated with civil immigration detainers
5 alone. The full cost of responding to a civil immigration detainer can include, but is not limited
6 to, extended detention time, the administrative costs of tracking and responding to detainers,
7 and the legal liability for erroneously holding an individual who is not subject to a civil
8 immigration detainer. Compliance with civil immigration detainers and involvement in civil
9 immigration enforcement diverts limited local resources from programs that are beneficial to
10 the City.

11 The City seeks to protect public safety, which is founded on trust and cooperation of
12 community residents and local law enforcement. However, civil immigration detainers *and*
13 *notifications regarding release* undermine community trust of law enforcement by instilling fear
14 in immigrant communities of coming forward to report crimes and cooperate with local law
15 enforcement agencies. A 2013 study by the University of Illinois, entitled "Insecure
16 Communities: Latino Perceptions of Police Involvement in Immigration Enforcement," found
17 that at least 40% percent of Latinos surveyed are less likely to provide information to police
18 because they fear exposing themselves, family, or friends to a risk of deportation. Indeed, civil
19 immigration detainers have resulted in the transfer of victims of crime, including domestic
20 violence victims, to ICE. *According to a national 2011 study by the Chief Justice Earl Warren*
21 *Institute on Law and Social Policy at UC Berkeley, entitled "Secure Communities by the Numbers: An*
22 *Analysis of Demographics and Due Process" ("2011 Warren Institute Study"), ICE has falsely detained*
23 *approximately 3,600 U.S. citizens as a result of S-Comm. Thus, S-Comm leaves even those with legal*
24 *status vulnerable to civil immigration detainers issued without judicial review or without proof of*
25

1 ~~criminal activity, in complete disregard for the due process rights of those subject to the civil~~
2 ~~immigration detainers.~~

3 The City has enacted numerous laws and policies to strengthen communities and to
4 build trust between communities and local law enforcement. Local cooperation and assistance with
5 civil immigration enforcement keep families united. In contrast, ICE civil immigration detainers have
6 resulted in the separation of families. According to the 2011 Warren Institute Study, it is estimated that
7 more than one-third of those targeted by S-Comm have a U.S. citizen spouse or child. Complying with
8 civil immigration detainers thus resulted in the deportation of potential aspiring U.S. citizens.
9 According to the 2011 Warren Institute Study, Latinos made up 93% of those detained through S-
10 Comm, although they only account for 77% of the undocumented population in the U.S. As a result, S-
11 Comm has had a disproportionate impact on Latinos.

12 ~~The City has enacted numerous laws and policies to prevent its residents from becoming~~
13 ~~entangled in the immigration system. But, the enforcement of immigration laws is a responsibility of the~~
14 ~~federal government. A December 2012 ICE news release stated that deportations have hit record~~
15 ~~figures each year. According to the Migration Policy Institute's 2013 report, entitled "Immigration~~
16 ~~Enforcement in the United States: The Rise of a Formidable Machinery," the federal government~~
17 ~~presently spends more on civil immigration enforcement than all federal criminal law enforcement~~
18 ~~combined. Local funds should not be expended on such efforts, especially because such entanglement~~
19 ~~undermines community policing strategies.~~

20 In 2014, DHS ended the Secure Communities program and replaced it with PEP. PEP and S-
21 Comm share many similarities. Just as with S-Comm, PEP uses state and federal databases to check
22 an individual's fingerprints against immigration and other databases. PEP employs a number of
23 tactics to facilitate transfers of individuals from local jails to immigration custody.

24 First, PEP uses a new form (known as DHS Form I-247N), which requests notification from
25 local jails about an individual's release date prior to his or her release from local custody. As with

1 civil immigration detainees, these notification requests are issued by immigration officers without
2 judicial oversight, thus raising questions about local law enforcement's liability for constitutional
3 violations if any person is overdetained when immigration agents are unable to be present at the time
4 of the person's release from local custody.

5 Second, under PEP, ICE will continue to issue civil immigration detainer requests where local
6 law enforcement officials are willing to respond to the requests, and in instances of "special
7 circumstances," a term that has yet to be defined by DHS. Despite federal courts finding civil
8 immigration detainees do not meet Fourth Amendment requirements, local jurisdictions are often
9 unable to confirm whether or not a detention request is supported by probable cause or has been
10 reviewed by a neutral magistrate.

11 The increase in information-sharing between local law enforcement and immigration officials
12 raises serious concerns about privacy rights. Across the country, including in the California Central
13 Valley, there has been an increase of ICE agents stationed in jails, who often have unrestricted access
14 to jail databases, booking logs, and other documents that contain personal information of all jail
15 inmates.

16 The City has an interest in ensuring that confidential information collected in the course of
17 carrying out its municipal functions, including but not limited to public health programs and criminal
18 investigations, is not used for unintended purposes that could hamper collection of information vital to
19 those functions. To carry out public health programs, the City must be able to reliably collect
20 confidential information from all residents. To solve crimes and protect the public, local law
21 enforcement depends on the cooperation of all City residents. Information gathering and cooperation
22 may be jeopardized if release of personal information results in a person being taken into immigration
23 custody.

24 In late 2015, Pedro Figueroa, an immigrant father of an 8-year-old U.S. citizen, sought the San
25 Francisco Police Department's help in locating his stolen vehicle. When Mr. Figueroa went to the

1 police station to retrieve his car, which police had located, he was detained for some time by police
2 officers before being released, and an ICE agent was waiting to take him into immigration custody
3 immediately as he left the police station. It was later reported that both the Police Department and the
4 San Francisco Sheriff's Department had contact with ICE officials while Mr. Figueroa was at the
5 police station. He spent over two months in an immigration detention facility and remains in
6 deportation proceedings. Mr. Figueroa's case has raised major concerns about local law
7 enforcement's relationship with immigration authorities, and has weakened the immigrant community's
8 confidence in policing practices. Community cooperation with local law enforcement is critical to
9 investigating and prosecuting crimes. Without the cooperation of crime victims – like Mr. Figueroa –
10 and witnesses, local law enforcement's ability to investigate and prosecute crime, particularly in
11 communities with large immigrant populations, will be seriously compromised.

12 **SEC. 12I.2. DEFINITIONS.**

13 "Administrative warrant" means a document issued by the federal agency charged with the
14 enforcement of the Federal immigration law that is used as a non-criminal, civil warrant for
15 immigration purposes.

16 "Eligible for release from custody" means that the individual may be released from
17 custody because one of the following conditions has occurred:

- 18 (1a) All criminal charges against the individual have been dropped or dismissed.
19 (2b) The individual has been acquitted of all criminal charges filed against him or her.
20 (3c) The individual has served all the time required for his or her sentence.
21 (4d) The individual has posted a bond, or has been released on his or her own
22 recognizance.
23 (5e) The individual has been referred to pre-trial diversion services.
24 (6f) The individual is otherwise eligible for release under state or local law.
25

1 "Civil immigration detainer" means a non-mandatory request issued by an authorized
2 federal immigration officer under Section 287.7 of Title 8 of the Code of Federal Regulations,
3 to a local law enforcement official to maintain custody of an individual for a period not to
4 exceed ~~forty-eight (48) hours, excluding Saturdays, Sundays, and holidays~~, and advise the
5 authorized federal immigration officer prior to the release of that individual.

6 "Convicted" means the state of having been proved guilty in a judicial proceeding,
7 unless the convictions have been expunged or vacated pursuant to applicable law. The date
8 that an individual is Convicted starts from the date of release.

9 "Firearm" means a device, designed to be used as a weapon, from which is expelled
10 through a barrel, a projectile by the force of an explosion or other form of combustion as
11 defined in Penal Code Section 16520.

12 "Law enforcement official" means any City Department or officer or employee of a City
13 Department, authorized to enforce criminal statutes, regulations, or local ordinances; operate
14 jails or maintain custody of individuals in jails; and operate juvenile detention facilities or
15 maintain custody of individuals in juvenile detention facilities.

16 "Notification request" means a non-mandatory request issued by an authorized federal
17 immigration officer to a local law enforcement official asking for notification to the authorized
18 immigration officer of an individual's release from local custody prior to the release of an individual
19 from local custody. Notification requests may also include informal requests for release information by
20 the Federal agency charged with enforcement of the Federal immigration law.

21 "Personal information" means any confidential, identifying information about an individual,
22 including, but not limited to, home or work contact information, and family or emergency contact
23 information.

24 "Violent Felony" means any crime listed in Penal Code Section 667.5(c); human
25 trafficking as defined in Penal Code Section 236.1; felony assault with a deadly weapon as

1 defined in Penal Code Section 245; any crime involving use of a firearm, assault weapon,
2 machine ~~gun~~ gun, or .50 BMG rifle, while committing or attempting to commit a felony that is
3 charged as a sentencing enhancement as listed in Penal Code Sections 12022.4 and
4 12022.5.

5 **12I.3. RESTRICTIONS ON LAW ENFORCEMENT OFFICIALS.**

6 (a) Except as provided in subsection (b), a law enforcement official shall not detain an
7 individual on the basis of a civil immigration detainer after that individual becomes eligible for
8 release from custody or respond to a federal immigration officer's notification request.

9 (b) Law enforcement officials may continue to detain an individual in response to a
10 civil immigration detainer for up to ~~forty-eight (48)~~ hours after that individual becomes eligible
11 for release and may respond to a federal immigration officer's notification request if the continued
12 detention is consistent with state and federal law, and the individual meets both of the following
3 criteria:

14 (1) The individual has been Convicted of a Violent Felony in the seven years
15 immediately prior to the date of the civil immigration detainer or notification request; and

16 (2) A magistrate has determined that there is probable cause to believe the individual
17 is guilty of a Violent Felony and has ordered the individual to answer to the same pursuant to
18 Penal Code Section 872.

19 In determining whether to continue to detain an individual based solely on a civil
20 immigration detainer or respond to a notification request as permitted in this subsection (b), law
21 enforcement officials shall consider evidence of the individual's rehabilitation and evaluate
22 whether the individual poses a public safety risk. Evidence of rehabilitation or other mitigating
23 factors to consider includes, but is not limited to: the individual's ties to the community,
24 whether the individual has been a victim of any crime, the individual's contribution to the
25 community, and the individual's participation in social service or rehabilitation programs.

1 This subsection (b) shall expire by operation of law on October 1, 2016, or upon a
2 resolution passed by the Board of Supervisors that finds for purposes of this Chapter, the
3 federal government has enacted comprehensive immigration reform that diminishes the need
4 for this subsection (b), whichever comes first.

5 (c) Law enforcement officials shall not arrest or detain an individual, or provide any
6 individual's personal information to a federal immigration officer, on the basis of an administrative
7 warrant, prior deportation order, or other civil immigration document based solely on alleged
8 violations of the civil provisions of immigration laws.

9 (ed) Law enforcement officials shall make good faith efforts to seek federal
10 reimbursement for all costs incurred in continuing to detain an individual, after that individual
11 becomes eligible for release, in response each civil immigration detainer.

12 **SEC. 12I.4. PURPOSE OF THIS CHAPTER.**

13 The intent of this Chapter 12I is to address requests for non-mandatory civil
14 immigration detainers, voluntary notification of release of individuals, transmission of personal
15 information, and civil immigration documents based solely on alleged violations of the civil provisions
16 of immigration laws. Nothing in this Chapter shall be construed to apply to matters other than
17 those relating to federal civil immigration detainers, notification of release of individuals,
18 transmission of personal information, or civil immigration documents, based solely on alleged
19 violations of the civil provisions of immigration laws. In all other respects, local law enforcement
20 agencies may continue to collaborate with federal authorities to protect public safety. This
21 collaboration includes, but is not limited to, participation in joint criminal investigations that are
22 permitted under local policy or applicable city or state law.

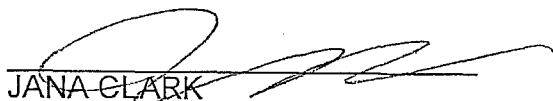
23 Section 2. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
4 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
5 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
6 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
7 additions, and Board amendment deletions in accordance with the "Note" that appears under
8 the official title of the ordinance.

9
10 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

11
12 By:


13 JANA CLARK
Deputy City Attorney

14 n:\egana\as2015\1600286\01073298.doc

REVISED LEGISLATIVE DIGEST
(3/22/2016, Substituted)

[Administrative Code - Due Process for All and Sanctuary]

Ordinance amending the Administrative Code to prohibit the use of City funds or resources to assist in the enforcement of Federal immigration law, except for individuals who have been convicted of a violent felony and held to answer for a violent felony.

Existing Law

Administrative Code Chapter 12I prohibits detaining individuals on the basis of a Federal civil immigration detainer unless that individual has been convicted of a violent felony in the seven years prior and has been held to answer for a violent felony. Administrative Code Chapter 12H prohibits the use of City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information regarding immigration, except under certain exceptions. Law enforcement officials may identify and report adults booked for a felony and suspected of violating the civil immigration laws, and juveniles with sustained felony petitions or tried as adults and suspected of violating the civil immigration laws. In addition, Administrative Code Chapter 12H allows City officials to; (1) report adults with prior felony convictions who have been booked into county jail; (2) cooperate with Federal immigration authorities requests for information for adults with prior felony conviction; or (3) report as required by state or federal law those adults with prior felony convictions.

Amendments to Current Law

This Ordinance would amend Administrative Code Chapters 12H and 12I to prohibit the use of City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information regarding immigration or release status, except for individuals who have been convicted of a violent felony and held to answer for a violent felony.

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RECEIVED VIA EMAIL
APRIL 7, 2016
FILE NO. 160022

**City and County of San Francisco
Juvenile Probation Department**

ALLEN A. NANCE
CHIEF PROBATION OFFICER

375 WOODSIDE AVENUE
SAN FRANCISCO, CA 94127
(415) 753-7556

April 7, 2016

Erica Major
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

APR 11 11:30 AM
[Handwritten initials]

re: BOS FILE 160022 re: Administrative Code - Due Process for All and Sanctuary

Dear Ms. Major:

Please find below comments from the San Francisco Juvenile Probation Department regarding BOS File #160022:

1. As written, we believe that 12I.3 does not permit the Juvenile Probation Department to enforce federal immigration law since the term "Convicted of a Violent Felony" does not apply to juvenile cases which are civil court and not criminal court matters. Further, the clause that references "...and held to answer for a violent felony" would be applicable if the word "or" was used in place of the word "and."
2. As a matter of clarification, the criminal conduct alleged in these juvenile matters carries the same weight and impact on victims and public safety as those incidents committed by adult offenders. At the same time, the legislature and the People view juvenile offenders and adult offenders dissimilarly in many respects. If this distinction should be extended to matters of immigration as well, the language in the ordinance should be explicit to exclude the inclusion of juvenile court matters involving violent felonies where the minor is not held at the detention hearing and no sustained felony is found by the juvenile court.

Please do not hesitate to contact my office should more clarification be necessary.

Sincerely,

Allen A. Nance
Chief Probation Officer

Youth Commission
City Hall ~ Room 345
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4532



(415) 554-6446
(415) 554-6140 FAX
www.sfgov.org/youth_commission

YOUTH COMMISSION
MEMORANDUM

TO: Erica Major, Committee Clerk, Public Safety & Neighborhood Services
Committee
FROM: Youth Commission
DATE: Thursday, February 18, 2016
RE: Referral response to BOS Files No. 160022

At our **Tuesday, February 16, 2016** meeting, the Youth Commission voted to unanimously support the following motion:

To support BOS File No. 160022—Ordinance amending Administrative Code, Chapter 12I, to prohibit law enforcement officials from responding to a federal immigration officer’s request for voluntary notification that a person will be released from local custody, except for adults who have been convicted of a violent felony and held to answer for a violent felony.

Youth Commissioners thank the Board of Supervisors for their attention to issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

A handwritten signature in cursive script that reads "Luis Avalos-Nunez".

Chair, Luis Avalos-Nunez
Adopted on February 16, 2016
2015-2016 San Francisco Youth Commission



San Francisco Sheriff's Department

INTER-OFFICE CORRESPONDENCE

REFERRED TO IN
COMMITTEE
4/7/2016
FILE NO. 160077

March 11, 2016
Reference: 2016-037

To: All Personnel

From: Sheriff Vicki L. Hennessy *Vicki L. Hennessy*

Re: SFSD Central Warrant Bureau Confirmation of Warrants in the Criminal Data Base – General ICE Warrants – Criminal and Civil in the Criminal Justice Data Base - Specific

San Francisco Sheriff's Central Warrant Bureau is responsible for verifying criminal and traffic warrants from all local, state, and federal law enforcement agencies. When we receive a request from a law enforcement officer on a specific subject, we either confirm or do not confirm the warrant for booking. The warrant clerk is always required to contact the issuing agency and ask for additional information to make sure the officer has the right person. Once a criminal warrant is confirmed for booking it is up to the arresting agency to book the individual on the warrant at the county jail. The SFSD clerk confirming the warrant does not have the authority to tell the officer to either book or not book.

Immigration and Custom Enforcement (ICE) Warrants

It has recently come to my attention that the majority of warrants from ICE entered into the Criminal Justice Data Base are **not** actually criminal warrants. Most appear in the system with no charges attached to the warrant and say "deported criminal", "aggravated felon" or "failure to appear for removal". These are, in effect, "**administrative**" warrants and are another method of requesting a civil detainer of the subject, which is not allowed by the San Francisco Due Process for All Ordinance. There are also some "**criminal**" warrants which are to be confirmed for booking according to established procedure.

Therefore, when asked to query the criminal justice data base to confirm an ICE warrant, CWB will follow these guidelines:

1. Contact the ICE confirmation phone number per procedure to make the usual inquiries.
2. Confirm the warrant as either **criminal** or **administrative**.
 - a. If the warrant returns as a **criminal warrant**, follow established procedure for criminal warrant confirmations.

- b. If the warrant comes back as a **civil or administrative warrant**, inform the requesting party that while it is confirmed, it is a civil warrant and will not be accepted for booking at the San Francisco County Jail.
 - i. CWB staff will not print any relevant information. CWB will print out the NCIC hit and immediately copy the clerk's log sheet into an ICE file.
 - ii. The information will be scanned into an ICE folder and maintained on the shared drive.
3. Booking staff at County Jail #1 presented with a **civil or administrative ICE** warrant for booking from any agency, will refuse the arrest and document such refusal. **This does not apply to criminal ICE warrants that have been confirmed.**

I have attached examples of both a criminal ICE warrant and two civil/administrative ICE warrants to assist you in the determination.

If there are any discrepancies or questions not covered by this directive, please contact Sheriff's Legal through the Central Warrant Bureau emergency notification process at: (415) 558-2411.

Thank you for your attention to this matter.

**SAMPLE RESPONSE FROM NCIC INQUIRY: ADMINISTRATIVE (CIVIL)
WARRANTS**

Administrative Warrant of Removal:

~~WARNING REGARDING FOLLOWING RECORD - SUBJECT OF NIC/N307770847 HAS AN
OUTSTANDING ADMINISTRATIVE WARRANT OF REMOVAL FROM THE UNITED STATES,
CONTACT LESC~~
AT (877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION AND AVAILABILITY OF
BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.

MKE/IMMIGRATION VIOLATION - FAILURE TO APPEAR FOR REMOVAL
ORI/VTIN81000 NAM/SMITH, JOHN SEX/M RAC/W POB/FN DOB/19510101
HGT/510 WGT/180 EYE/BRO HAIR/BRO CTZ/FN SKN/DRK
SMT/SC LP ARM
SOC/777010000
OFF/ALIED UNLAWFULLY PRESENT DUE TO ORDER OF REMOVAL, OR EXCLUSION FROM
THE USA
OCA/ASD1234-T HIS/KNOWN AS JOHNNY BOY
ORI IS BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, LAW ENFORCEMENT
SUPPORT CENTER
(877) 999-5372
NIC/N307770847 DTE/19980605 0000 HET DLO/20090101 0600 HET
*****THIS RECORD MAY BE USED ONLY BY CRIMINAL JUSTICE AGENCIES FOR
CRIMINAL JUSTICE PURPOSES.
*****END OF IMMIGRATION VIOLATOR FILE RESPONSE*****

Administrative Warrant of Arrest:

~~WARNING REGARDING FOLLOWING RECORD - SUBJECT OF NIC/N307770847 HAS AN
OUTSTANDING ADMINISTRATIVE WARRANT OF ARREST FOR IMMIGRATION VIOLATIONS
FOR FAILURE TO COMPLETE NATIONAL SECURITY REGISTRATION. CONTACT LESC~~
AT (877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION AND AVAILABILITY OF
BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.

MKE/IMMIGRATION VIOLATION - NATIONAL SECURITY REGISTRATION
ORI/VTIN81000 NAM/SMITH, JOHN SEX/M RAC/W POB/FN DOB/19510101
HGT/510 WGT/180 EYE/BRO HAIR/BRO CTZ/FN SKN/DRK
SMT/SC LP ARM
SOC/777010000
OFF/SCUGHT FOR VIOLATION OF NATIONAL SECURITY REGISTRATION
OCA/ASD1234-T HIS/KNOWN AS JOHNNY BOY
ORI IS BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, LAW ENFORCEMENT
SUPPORT CENTER (877) 999-5372
NIC/N307770847 DTE/19980605 0000 HET DLO/20090101 0600 HET
*****THIS RECORD MAY BE USED ONLY BY CRIMINAL JUSTICE AGENCIES FOR
CRIMINAL JUSTICE PURPOSES.
*****END OF IMMIGRATION VIOLATOR FILE RESPONSE*****

SAMPLE RESPONSE FROM NCIC INQUIRY: CRIMINAL ICE WARRANT

One Example of a Criminal Warrant

***MESSAGE KEY ZW SEARCHES WANTED PERSON FILE FELONY RECORDS REGARDLESS OF EXTRADITION AND MISDEMEANOR RECORDS INDICATING POSSIBLE INTERSTATE EXTRADITION FROM THE INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC PERSONS FILES ARE SEARCHED WITHOUT LIMITATIONS.
MKE/WANTED PERSON
EXL/1 - FULL EXTRADITION UNLESS OTHERWISE NOTED IN THE MIS FIELD
ORI/VTICE0900 NAM/TEST, TEST SEX/M RAC/W POB/EY
DOB/19000101 HGT/509 WGT/175 EYE/BRO HAI/BLK
SKN/LGT
MNU/PP-1234567 SOC/123456789
OFF/FRAUD - FALSE STATEMENT
DOW/20090114 OCA/2-M-TEST
VLD/20120411
MIS/CRIMINAL WARRANT N VIOLATION OF TITLE 18 USC, SECTION 1542, FALSE STATEMENT
MIS/ON A PASSPORT APPLICATION, ISSUED BY THE U S DISTRICT COURT, EASTERN MIS/DISTRICT OF VIRGINIA
DNA/N
ORI IS ICE LESC 802 872-6020
DOB/19730515
AKA/TESTER, TEST
AKA/ALPHA, BET
MNU/PP-5678943
SOC/9854321
NIC/W123456789 DTR/20090115 1510 EST DLU/20120411 1301 EST
IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

Again, members shall continue to act upon criminal warrants entered by ICE into NCIC pursuant to relevant directives (e.g., G.O. 302.06, WALES).

FILE NO. 160027
SUBMITTED + PRESENTED



DEPARTMENT BULLETIN

4/7/2016

A

16-015

02/08/16

Enforcement of Immigration Laws

Members are reminded that it is the policy of the San Francisco Police Department to foster trust and cooperation with all people of this City and to encourage them to communicate with San Francisco police officers without fear of inquiry regarding their immigration status. It is also Department policy, consistent with its obligations under state and federal law, to adhere to the City of Refuge Ordinance, San Francisco Administrative Code Section 12H.2-1. This ordinance prohibits the use of City resources to assist in the enforcement of federal immigration laws except in certain limited circumstances.

In accordance with the City of Refuge Ordinance and state law, members of the Department shall adhere to the following:

1. **DETENTION/DOCUMENTS.** Members shall not stop, question, or detain any individual solely because of the individual's national origin, foreign appearance, inability to speak English, or immigration status (also see DGO 5.03, Investigative Detentions). The mere presence of so called "illegal aliens" is not a criminal offense.
 - a. In the course of their duties, e.g., traffic enforcement, investigations, taking reports, officers shall not ask for documents regarding an individual's immigration status.
2. **ASSISTING THE INS. (U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT- ICE)** Members shall not enforce immigration laws or assist the INS (ICE) in the enforcement of immigration laws.

Per DB 15-141, both sworn and non-sworn members are required to electronically acknowledge this Department Bulletin in HRMS.

A handwritten signature in black ink, appearing to read "Greg P. Suhr", is positioned above the printed name of the Chief of Police.

GREGORY P. SUHR
Chief of Police



A
16-048
04/01/16

Prohibition on the Enforcement of Administrative Immigration Warrants

Members are reminded that it is the policy of the San Francisco Police Department to foster trust and cooperation with all people of this City and to encourage them to communicate with San Francisco police officers without fear of inquiry regarding their immigration status. It is also Department policy (DGO 5.15 and reminder DB 16-015), consistent with its obligations under state and federal law, to adhere to the City of Refuge Ordinance, pursuant to SF Administrative Code §12H.2-1. This ordinance prohibits the use of City resources to assist in the enforcement of federal immigration laws except in certain limited circumstances.

One of those limited circumstances allows for the enforcement of federal criminal warrants for arrest. Federal administrative (civil) warrants are not to be enforced and will not be accepted by San Francisco Sheriff's Department personnel at CJ1. NCIC warrant responses will make clear whether the warrant is civil or criminal.

"Administrative Warrant of Removal" warrants shall not be enforced.

"Administrative Warrant of Arrest" warrants shall not be enforced.

"Criminal Warrant in violation of Title.18 USC, Section XXX." may be enforced (see DGO 6.18)

Attached are samples of NCIC print-outs of both administrative (civil) and criminal warrants that were provided for your reference by the SFPD.

Per DB 15-141, sworn members are required to electronically acknowledge this Department Bulletin in HRMS.

A handwritten signature in black ink, appearing to read "Greg P. Suhr", is positioned above the printed name of the Chief of Police.

GREGORY P. SUHR
Chief of Police

**SAMPLE RESPONSE FROM NCIC INQUIRY: ADMINISTRATIVE (CIVIL)
WARRANTS**

Administrative Warrant of Removal:

~~WARNING REGARDING FOLLOWING RECORD - SUBJECT OF NIC/230770847 HAS AN
OUTSTANDING ADMINISTRATIVE WARRANT OF REMOVAL FROM THE UNITED STATES,
CONTACT LESC~~
AT (877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION AND AVAILABILITY OF
BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.

INRE/IMMIGRATION VIOLATION - FAILURE TO APPEAR FOR REMOVAL
ORI/VTIN81000 NAM/SMITH, JOHN SEX/M RAC/W DOB/EN DOB/19510101
HQT/510 WGT/180 EYE/BRO HA1/BRO CTZ/EN SEX/DMK
SMT/SC LE ARM
SOC/777010000
OFF/ALIEN UNLAWFULLY PRESENT DUE TO ORDER OF REMOVAL OR EXCLUSION FROM
THE USA
OCA/ASD1334-T HIS/UNKNOWN AS JOHNNY BOY
ORI IN BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, LAW ENFORCEMENT
SUPPORT CENTER (877) 999-5372
NIC/230770847 DTE/19980805 0004 NET DLG/20080101 0600 EST
*****THIS RECORD MAY BE USED ONLY BY CRIMINAL JUSTICE AGENCIES FOR
CRIMINAL JUSTICE PURPOSES.
*****END OF IMMIGRATION VIOLATOR FILE RESPONSE*****

Administrative Warrant of Arrest:

~~WARNING REGARDING FOLLOWING RECORD - SUBJECT OF NIC/230770847 HAS AN
OUTSTANDING ADMINISTRATIVE WARRANT OF ARREST FOR IMMIGRATION VIOLATIONS
FOR FAILURE TO COMPLY WITH NATIONAL SECURITY REGISTRATION. CONTACT LESC
AT (877) 999-5372 FOR IMMEDIATE HIT CONFIRMATION AND AVAILABILITY OF
BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINER.~~

INRE/IMMIGRATION VIOLATION - NATIONAL SECURITY REGISTRATION
ORI/VTIN81000 NAM/SMITH, JOHN SEX/M RAC/W DOB/EN DOB/19510101
HQT/510 WGT/180 EYE/BRO HA1/BRO CTZ/EN SEX/DMK
SMT/SC LE ARM
SOC/777010000
OFF/BOUGHT FOR VIOLATION OF NATIONAL SECURITY REGISTRATION
OCA/ASD1334-T HIS/UNKNOWN AS JOHNNY BOY
ORI IN BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, LAW ENFORCEMENT
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NIC/230770847 DTE/19980805 0004 NET DLG/20080101 0600 EST
*****THIS RECORD MAY BE USED ONLY BY CRIMINAL JUSTICE AGENCIES FOR
CRIMINAL JUSTICE PURPOSES.
*****END OF IMMIGRATION VIOLATOR FILE RESPONSE*****

SAMPLE RESPONSE FROM NCIC INQUIRY: CRIMINAL ICE WARRANT

One Example of a Criminal Warrant

***MESSAGE KEY ZM SEARCHES WANTED PERSON FILE FELONY RECORDS REGARDLESS OF EXTRADITION AND MISDEMEANOR RECORDS INDICATING POSSIBLE INTERSTATE EXTRADITION FROM THE INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC PERSONS FILES ARE SEARCHED WITHOUT LIMITATIONS.

NKC/WANTED PERSON

EXL/1 - FULL EXTRADITION UNLESS OTHERWISE NOTED IN THE NIS FIELD

ORI/VTICE0900 NAM/TEST, TEST SEX/M RAC/W POB/BY

DOB/1900101 HGT/509 WGT/175 HIR/BRO HAI/BLK

SEN/IGT

MNU/PP-1234567 SOC/123456789

OFF/FRAUD - FALSE STATEMENT

DOM/20090114 OCA/2-N-TEST

VID/20125411

NIS/CRIMINAL WARRANT IN VIOLATION OF TITLE 18 USC, SECTION 1542, FALSE STATEMENT

NIS/ON A PASSPORT APPLICATION; ISSUED BY THE U S DISTRICT COURT, EASTERN MIB/DISTRICT OF VIRGINIA

ENR/M

ORI IS ICE LESC 202 872-6020

DOB/19710515

AKA/TESTER, TEST

AKA/ALEHA, BET

MNU/PP-5678943

SOC/9854321

NIC/W123456789 DTE/20090115 IS10 EST DLU/20120411 1301 EST

IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

Again, members shall continue to act upon criminal warrants entered by ICE into NCIC pursuant to relevant directives (e.g., G.O. 302.06, WALES).

160022

From: Board of Supervisors, (BOS)
Sent: Tuesday, May 10, 2016 1:20 PM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: File 160022 FW: Please restore Due Process

From: Arinna Weisman [mailto:arinnaweisman@aol.com]
Sent: Tuesday, May 10, 2016 12:26 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please restore Due Process

Greetings,
Thanks for all your efforts. I am writing to ask that you support restoring due process, because our immigrant communities are a core and integral part of San Francisco. Please vote yes to restore Due Process today, May 10th."

Best Wishes,

Linda Arinna Weisman

www.arinnaweisman.org

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Youth Commission
FROM: Erica Major, Assistant Committee Clerk, Public Safety and Neighborhood Services Committee
DATE: February 12, 2016
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following, which at the request of the Youth Commission is being referred as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File: 160022

Ordinance amending Administrative Code, Chapter 12I, to prohibit law enforcement officials from responding to a federal immigration officer's request for voluntary notification that a person will be released from local custody, except for adults who have been convicted of a violent felony and held to answer for a violent felony.

Please return this cover sheet with the Commission's response to **Erica Major, Assistant Committee Clerk, Public Safety and Neighborhood Services.**

RESPONSE FROM YOUTH COMMISSION Date: _____

- No Comment
- Recommendation Attached

Chairperson, Youth Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Vicki Hennessy, Sheriff, Sheriff's Department
Greg Suhr, Chief, Police Department
Allen Nance, Chief Probation Officer, Juvenile Probation Department
Karen Fletcher, Chief Adult Probation Officer, Adult Probation Department
George Gascon, District Attorney, Office of the District Attorney
Jeff Adachi, Public Defender, Office of the Public Defender
Brian Strong, Program Director, Capital Planning Program
Ben Rosenfield, City Controller, Office of the Controller
Barbara A. Garcia, Director, Department of Public Health
Micki Callahan, Director, Department of Human Resources
Adrienne Pon, Executive Director, Office of Civic Engagement and
Immigrant Affairs

FROM: Erica Major, Assistant Committee Clerk, Government Audit and Oversight
Committee, Board of Supervisors

DATE: March 29, 2016

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Avalos on March 22, 2016:

File No. 160022

Ordinance amending the Administrative Code to prohibit the use of City funds or resources to assist in the enforcement of Federal immigration law, except for individuals who have been convicted of a violent felony and held to answer for a violent felony.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Referral from the Office of the Clerk of the Board
Government Audit and Oversight Committee
March 29, 2016
Page 2

C:

Theodore Toet, Sheriff's Department
Katherine Gorwood, Sheriff's Department
Eileen Hirst, Sheriff's Department
Christine Fountain, Police Department
Sergeant Rachael Kilshaw, Police Department
Sheryl Cowan, Juvenile Probation Department
LaShaun Williams, Adult Probation Department
Cristine Soto DeBerry, Office of the District Attorney
Maxwell Szabo, Office of the District Attorney
Todd Rydstrom, Office of the Controller
Peg Stevenson, Office of the Controller
Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health
Susan Gard, Department of Human Resources

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Vicki Hennessy, Sheriff, Sheriff's Office
Greg Suhr, Chief, Police Department
George Gascon, District Attorney, Office of the District Attorney
Dennis Herrera, City Attorney, Office of the City Attorney
Jeff Adachi, Public Defender, Office of the Public Defender
Karen L. Fletcher, Chief Adult Probation Officer, Adult Probation Department
Allen Nance, Chief Probation Officer, Juvenile Probation Department
Nicole Elliott, Liaison to the Board of Supervisors, Mayor's Office of Criminal Justice

FROM: Erica Major, Assistant Committee Clerk, Public Safety and Neighborhood Services Committee, Board of Supervisors

DATE: January 20, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Avalos on January 12, 2016:

File No. 160022

Ordinance amending Administrative Code, Chapter 12I, to prohibit law enforcement officials from responding to a federal immigration officer's request for voluntary notification that a person will be released from local custody, except for adults who have been convicted of a violent felony and held to answer for a violent felony.

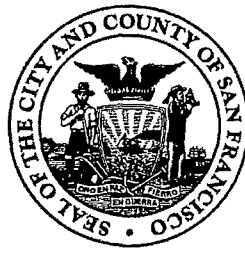
If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:

Kathy Gorwood, Sheriff's Office
Christine Fountain, Police Department
Sergeant Rachael Kilshaw, Police Department
Cristine Soto DeBerry, Office of the District Attorney
Maxwell Szabo, Office of the District Attorney
Jon Givner, Office of the City Attorney
LaShaun Williams, Adult Probation Department
Sheryl Cowan, Juvenile Probation Department

BOS-11, GAO, PSN:
COB, Leg Dep. Pop. A.
mayor's office

President, District 5
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7450
Fax No. 554-7454
TDD/TTY No. 544-5227

London Breed

PRESIDENTIAL ACTION

Date: March 29, 2016
To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____ (Primary Sponsor)

Title. _____

Transferring (Board Rule No. 3.3)

File No. 160022 Avalos
(Primary Sponsor)

Title. Administrative Code - Due Process for All and Sanctuary

From: Government Audit & Oversight Committee

To: Public Safety & Neighborhood Services Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 MAR 30 AM 10:31
BY _____

London Breed, President
Board of Supervisors

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. [160022]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. 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

Sponsor(s):

Supervisor John Avalos

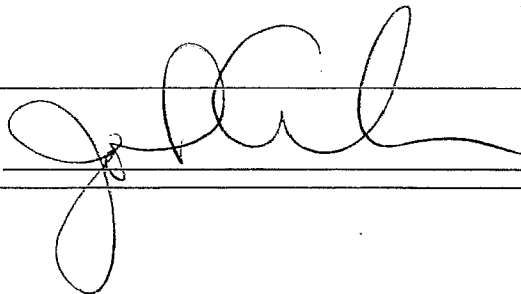
Subject:

Ordinance – Due Process for All and Sanctuary

The text is listed below or attached:

[Empty box for text listing]

Signature of Sponsoring Supervisor:



For Clerk's Use Only:

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.
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- 9. Request for Closed Session (attach written motion).
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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

Sponsor(s):

Supervisors John Avalos, David Campos, Jane Kim, Eric Mar, Aaron Peskin

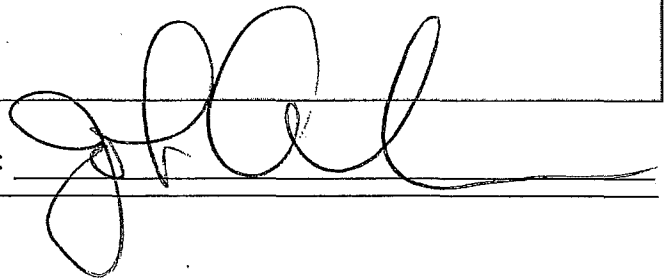
Subject:

Ordinance - Administrative Code - Due Process for All Notification

The text is listed below or attached:

[Empty box for text listing]

Signature of Sponsoring Supervisor:



For Clerk's Use Only: