

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Nicole Elliott, Mayor's Office
Greg Suhr, Chief, Police Department
Ross Mirkarimi, Sheriff, Sheriff's Department
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: July 28, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Farrell on July 21, 2015:

File No. 150796

Resolution confirming the Board of Supervisors support for the Sanctuary City and Due Process for All Ordinance and urging the Sheriff to immediately rescind his department-wide gag order.

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: Christine Fountain, Police Department
Katherine Gorwood, Sheriff's Department

1 [Confirming Support for the Sanctuary City and Due Process for All Ordinance and Urging the
2 Sheriff to Immediately Rescind His Department-Wide Gag Order]

3 **Resolution confirming the Board of Supervisors support for the Sanctuary City and**
4 **Due Process for All Ordinance and urging the Sheriff to immediately rescind his**
5 **department-wide gag order.**

6
7 WHEREAS, On October 24, 1989, by Ordinance number 375-89, the City and County
8 of San Francisco became a City and County of Refuge, and where the ordinance is also
9 known and referred to as San Francisco's "Sanctuary City policy;" and

10 WHEREAS, San Francisco and the United States were built and enriched by
11 immigrants from around the world, and immigrants continue to be a great source of innovation
12 and strength for our City and nation; and

13 WHEREAS, Over 320 jurisdictions throughout the United States have versions of
14 Sanctuary City policies in place to enhance and promote public safety in their respective
15 communities; and

16 WHEREAS, San Francisco's Sanctuary City policy has improved public safety citywide
17 by building trust between immigrant communities and local law enforcement, and has been
18 endorsed as a public safety best practice by the International Association Chiefs of Police;
19 and

20 WHEREAS, Our Sanctuary City policy does not and was never intended to serve as a
21 shield for criminal behavior in our communities; and

22 WHEREAS, Section 12H.2-1 of the City's Sanctuary City policy states, "Nothing in this
23 Chapter shall prohibit, or be construed as prohibiting, a Law Enforcement Officer from
24 identifying and reporting any adult pursuant to State or Federal Law or regulation who is in
25

1 custody after being booked for the alleged commission of a felony and is suspected of
2 violating the civil provisions of the immigration laws;" and

3 WHEREAS, Section 12H.2-1 of the City's Sanctuary City policy further states that,
4 "Nothing in the Chapter shall preclude any City and County Department, agency, commission,
5 officer, or employee from (a) reporting information to the Federal agency charged with
6 enforcement of the Federal immigration law regarding an individual who has been booked at
7 any county jail facility, and who has previously been convicted of a felony committed in
8 violation of the laws of the State of California, which is still considered a felony under state
9 law; (b) cooperating with a request from the Federal agency charged with enforcement of the
10 Federal immigration law for information regarding an individual who has been convicted of a
11 felony committed in violation of the laws of the State of California, which is still considered a
12 felony under State law; and

13 WHEREAS, United States Code, Title 8, Chapter 12, Subchapter II, Part IX, 13373
14 states that, "Notwithstanding any other provision of Federal, State, or local law, a Federal,
15 State, or local government entity or official may not prohibit, or in any way restrict, any
16 government entity or official from sending to, or receiving from, the Immigration and
17 Naturalization Service information regarding the citizenship or immigration status, lawful or
18 unlawful, of any individual;" and

19 WHEREAS, On March 13, 2015, the Sheriff issued a department wide memo ordering
20 his department to cease communications with any federal immigration authorities except in
21 very limited circumstances; and

22 WHEREAS, This Sheriff's Department memo contradicts both federal law and the
23 City's Sanctuary City policy, and does not prioritize public safety for San Francisco; and
24
25

1 WHEREAS, On July 15, 2015, Sheriff Ross Mirkarimi issued a letter to Mayor Edwin
2 Lee and the San Francisco Board of Supervisors requesting "legislative direction" on San
3 Francisco's immigration policy; now, therefore, be it

4 RESOLVED, That the San Francisco Board of Supervisors fully supports both the
5 City's Sanctuary City policy and Due Process for All Ordinance because both policies are in
6 the best interest of public safety and respect the basic rights affirmed to all by the Constitution
7 of the United States; and, be it

8 FURTHER RESOLVED, That the San Francisco Board of Supervisors requests that
9 the Sheriff abide by San Francisco's Sanctuary City policy and federal law, and immediately
10 rescind his March 13, 2015, memo ceasing communications with federal immigration
11 authorities.