

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

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."

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

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

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

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

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

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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
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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,

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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,

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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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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