

1 [Confirming Support for the Sanctuary City and Due Process for All Ordinance and Urging the
2 Sheriff to Immediately Rescind His Department-Wide Memorandum of March 13, 2015]

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 memorandum of March 13, 2015, regarding immigration and custom**
6 **enforcement procedures, contact, and communication.**

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8 WHEREAS, On October 24, 1989, by Ordinance No. 375-89, the City and County of
9 San Francisco became a City and County of Refuge, and where the ordinance is also known
10 and referred to as San Francisco's "Sanctuary City policy;" and

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

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

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

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

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

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, 1373
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 create a new policy to better follow San Francisco’s Sanctuary City policy and Due Process
11 for All Policies and rescind his March 13, 2015, memo ceasing communications with federal
12 immigration authorities.