

File No. 170133

Committee Item No. _____

Board Item No. 29

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: February 7, 2017

Cmte Board

- | | | |
|--------------------------|-------------------------------------|----------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|--------------------------|-------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California State Senate Bill 54 - January 24, 2017</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Board Resolution No. 389-15 - October 30, 2015</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Board Resolution No. 269-10 - June 16, 2010</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Board Resolution No. 484-16 - November 23, 2016</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California Values Act</u> |

Prepared by: Brent Jalipa

Date: February 2, 2017

Prepared by: _____

Date: _____

1 [Supporting California State Senate Bill 54 (De León) - California Values Act]

2
3 **Resolution supporting California State Senate Bill 54, authored by Senator De León, the**
4 **California Values Act, to limit state and local law enforcement's entanglement with**
5 **federal immigration enforcement.**

6
7 WHEREAS, On December 7, 2016, California Senate Pro Tem Kevin DeLeón
8 introduced California State Senate Bill 54 (SB 54), titled the California Values Act, to prevent
9 the use of state and local resources to aid Immigration and Customs Enforcement (ICE) in
10 carrying out deportations, require state agencies to review their confidentiality policies to
11 ensure the privacy of individuals seeking services, and ensure that schools, hospitals, and
12 courthouses remain safe and accessible to all California residents, regardless of immigration
13 status; and

14 WHEREAS, The California Values Act is an omnibus immigrant rights legislation, that if
15 passed, would set an example for states throughout the country about how states can limit
16 use of local and state resources from engaging in deportations; and

17 WHEREAS, There has been a growing backlash against immigrants in the United
18 States, stoked by Donald Trump and members of his Cabinet and advisory staff; and

19 WHEREAS, Throughout the 2016 presidential election cycle, Trump consistently
20 demonized immigrant, both documented and undocumented, and Mexican communities with
21 promises to "build a wall" on the U.S.-Mexico border and engage in mass deportations; and

22 WHEREAS, On January 25, 2017, Trump released an Executive Order titled
23 "Enhancing Public Safety in the Interior of the United States," which, among other things,
24 threatens to cut funding to Sanctuary Cities, attempts to increase local law enforcement's
25

1 collaboration with ICE by reviving the controversial and now-defunct Secure Communities
2 Program (S-Comm), and vastly expands the priorities for deportation; and

3 WHEREAS, S-Comm was terminated in 2014 after then-Department of Homeland
4 Security Secretary Jeh Johnson recognized that the program “attracted a great deal of
5 criticism” and that “its very name [became] a symbol for general hostility toward the
6 enforcement of . . . immigration laws” from government leaders, community members, and
7 courts alike; and

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

13 WHEREAS, San Francisco is a diverse and immigrant-rich county, where 35.6% of its
14 residents are born outside of the United States and 45% speak a language other than English
15 at home, and therefore our city strives to create an inclusive environment which integrates
16 and respects all of its residents equally; and

17 WHEREAS, The San Francisco Board of Supervisors resolved in Resolution
18 No. 269-10 on June 8, 2010, that “[T]he ‘Secure Communities’ police/ICE collaboration
19 program would undermine San Francisco’s values, seriously harm public safety, and tear hard
20 working San Francisco families apart,” on file with the Clerk of the Board of Supervisors in File
21 No. 100650, which is hereby declared to be a part of this resolution as if set forth fully herein;
22 and

23 WHEREAS, On November 15, 2016, the San Francisco Board of Supervisors
24 unanimously resolved in Resolution No. 484-16, titled “Resolution responding to the election
25 of Donald Trump and reaffirming San Francisco’s commitment to the values of inclusivity,

1 respect, and dignity," that "San Francisco will remain a Sanctuary City; we will not turn our
2 backs on the men and women from other countries who help make this city great," on file with
3 the Clerk of the Board of Supervisors in File No. 161235, which is hereby declared to be a
4 part of this resolution as if set forth fully herein; now, therefore, be it

5 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
6 hereby urges the California State Legislature and the Governor to pass the California Values
7 Act (SB 54); and, be it

8 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
9 the Clerk of the Board to send a copy of the Resolution to the Governor of California, the
10 California State Senate, and the California State Assembly.

AMENDED IN SENATE JANUARY 24, 2017

SENATE BILL

No. 54

**Introduced by Senator De León
(Principal coauthor: Senator Pan)**

(Principal ~~coauthor~~: ~~coauthors~~: Assembly Member Members Chiu,
Gomez, and Levine)

December 5, 2016

An act to repeal Section 11369 of the Health and Safety Code, and to add Chapter 8 (~~commencing with Section 885~~) to Title 3 of Part 2 of the Penal Code, 17.25 (~~commencing with Section 7284~~) to Division 7 of Title 1 of the Government Code, relating to law-enforcement-enforcement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 54, as amended, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things, prohibit state and local law enforcement agencies and school police and security departments from using resources to investigate, *interrogate*, detain, detect, ~~report~~, or arrest persons for immigration enforcement purposes, ~~or to investigate, enforce, or assist in the investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, or national or ethnic origin, as specified.~~ The bill would ~~require~~ *require, within 6 months after the effective date of the bill*, state agencies to review their confidentiality policies and identify any changes necessary to ensure that information collected from individuals is limited to that necessary to perform agency duties and is not used or disclosed for any other purpose, as specified. ~~The bill would require public schools, hospitals, and courthouses to establish and make public policies that limit immigration enforcement on their premises and~~ *The bill would require, within 3 months after the effective date of the bill*, the Attorney General, in consultation with appropriate stakeholders, to publish model policies for use by those entities for those purposes. *The bill would also require, within 3 months after the effective date of the bill, the Attorney General to publish model contractual provisions for all state agencies that partner with private vendors for data collection purposes to ensure that those vendors comply with the confidentiality policies, as specified. The bill would require all public schools, health facilities operated by the state or a political subdivision of the state, courthouses, and shelters to implement the model policy, or an equivalent policy. The bill would state that all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy.*

The bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11369 of the Health and Safety Code is
2 repealed.

3 SEC. 2. Chapter ~~817.25~~ (commencing with Section 885)⁷²⁸⁴
4 is added to ~~Title 3~~Division 7 of ~~Part 2~~Title 1 of the
5 ~~Penal~~Government Code, to read:

6
7 CHAPTER ~~8-17.25~~. COOPERATION WITH FEDERAL IMMIGRATION
8 AUTHORITIES
9

10 ~~885-~~

11 7284. This chapter shall be known, and may be cited, as the
12 California Values Act.

13 ~~885.2-~~

14 7284.2. The Legislature finds and declares the following:

15 (a) Immigrants are valuable and essential members of the
16 California community. Almost one in three Californians is foreign
17 born and one in two children in California has at least one
18 immigrant parent.

19 (b) A relationship of trust between California's immigrant
20 community and state and local ~~law enforcement~~ agencies is central
21 to the public safety of the people of California.

22 (c) This trust is threatened when ~~state and local law enforcement~~
23 agencies are entangled with federal immigration enforcement, with
24 the result that immigrant community members fear approaching
25 police when they are victims of, and witnesses to, ~~crimes~~: crimes,
26 seeking basic health services, or attending school, to the detriment
27 of public safety and the well-being of all Californians.

28 (d) Entangling state and local agencies with federal immigration
29 enforcement programs diverts already limited resources and blurs
30 the lines of accountability between local, state, and federal
31 governments.

32 (e) State and local participation in federal immigration
33 enforcement programs also raises constitutional concerns,

1 *including the prospect that California residents could be detained*
2 *in violation of the Fourth Amendment to the United States*
3 *Constitution, targeted on the basis of race or ethnicity in violation*
4 *of the Equal Protection Clause, or denied access to education*
5 *based on immigration status.*

6 (d)

7 (f) This act seeks to *ensure effective policing, to protect the*
8 *safety, well-being, and constitutional rights of the people of*
9 *California, and to direct the state's limited resources to matters of*
10 *greatest concern to state and local governments.*

11 ~~885.4.~~

12 7284.4. For purposes of this chapter, the following terms have
13 the following meanings:

14 (a) "Civil immigration warrant" means any warrant for a
15 violation of federal civil immigration law, and includes civil
16 immigration warrants entered in the National Crime Information
17 Center database.

18 (b) "Federal immigration authority" means any officer,
19 employee, or person otherwise paid by or acting as an agent of
20 United States Immigration and Customs Enforcement or *United*
21 *States Customs and Border Protection*, or any division thereof, or
22 any other officer, employee, or person otherwise paid by or acting
23 as an agent of the United States Department of Homeland Security
24 who is charged with immigration enforcement.

25 (c) "Health facility" includes health facilities as defined in
26 Section 1250 of the Health and Safety Code, clinics as defined in
27 Sections 1200 and 1200.1 of the Health and Safety Code, and
28 substance abuse treatment facilities.

29 (e)

30 (d) "Hold request," "notification request," "transfer request,"
31 and "local law enforcement agency" have the same meaning as
32 provided in ~~Section 7283 of the Government Code: 7283. Hold,~~
33 *notification, and transfer requests include requests issued by*
34 *United States Immigration and Customs Enforcement or United*
35 *States Customs and Border Protection as well as any other federal*
36 *immigration authorities.*

37 (d)

38 (e) "Immigration enforcement" includes any and all efforts to
39 investigate, enforce, or assist in the investigation or enforcement
40 of any federal civil immigration law, and also includes any and all

1 efforts to investigate, enforce, or assist in the investigation or
2 enforcement of any federal criminal immigration law that penalizes
3 a person's presence in, entry, or reentry to, or employment in, the
4 United States, including, but not limited to, violations of Section
5 1253, 1324c, 1325, or 1326 of Title 8 of the United States Code.

6 (e)

7 (f) "Judicial warrant" means a warrant based on probable cause
8 and issued by a federal judge or a federal magistrate judge that
9 authorizes federal immigration authorities to take into custody the
10 person who is the subject of the warrant.

11 (g) "Public schools" means all public elementary and secondary
12 schools under the jurisdiction of local governing boards or a
13 charter school board, the California State University, and the
14 California Community Colleges.

15 (h)

16 (h) "School police and security departments" includes police
17 and security departments of the California State University, the
18 California Community Colleges, charter schools, county offices
19 of education, schools, and school districts.

20 (i)

21 (i) "State agency" has the same meaning as provided in Section
22 11000 of the Government Code.

23 885.6.

24 7284.6. (a) State and local law enforcement agencies and
25 school police and security departments shall not do any of the
26 following:

27 (1) Use agency or department moneys, facilities, property,
28 equipment, or personnel to investigate, interrogate, detain, detect,
29 report, or arrest persons for immigration enforcement purposes,
30 including, but not limited to, any of the following:

31 (A) ~~Responding to hold, notification, and transfer requests from~~
32 ~~federal immigration authorities:~~

33 (A) *Inquiring into or collecting information about an*
34 *individual's immigration status.*

35 (B) *Detaining an individual on the basis of a hold request.*

36 (C) *Responding to requests for notification or transfer requests.*

37 ~~(B) Responding~~

38 (D) *Providing or responding to requests for nonpublicly*
39 *available personal information about an individual, including, but*

- 1 not limited to, information about the person's release date, home
2 address, or work address for immigration enforcement purposes.
- 3 ~~(C)~~
- 4 (E) Making arrests based on civil immigration warrants.
- 5 ~~(D)~~
- 6 (F) Giving federal immigration authorities access to interview
7 individuals in agency or department custody for immigration
8 enforcement purposes.
- 9 (G) *Assisting federal immigration authorities in the activities*
10 *described in Section 1357(a)(3) of Title 8 of the United States*
11 *Code.*
- 12 ~~(E)~~
- 13 (H) Performing the functions of an immigration officer, whether
14 pursuant to Section 1357(g) of Title 8 of the United States Code
15 or any other law, regulation, or policy, whether formal or informal.
- 16 ~~(2) Use agency or department moneys, facilities, property,~~
17 ~~equipment, or personnel to investigate, enforce, or assist in the~~
18 ~~investigation or enforcement of any federal program requiring~~
19 ~~registration of individuals on the basis of race, gender, sexual~~
20 ~~orientation, religion, or national or ethnic origin.~~
- 21 ~~(3)~~
- 22 (2) *Make agency or department databases databases, including*
23 *databases maintained for the agency or department by private*
24 *vendors, or the information therein other than information*
25 *regarding an individual's citizenship or immigration status,*
26 *available to anyone or any entity for the purpose of immigration*
27 *enforcement or investigation or enforcement of any federal program*
28 *requiring registration of individuals on the basis of race, gender,*
29 *sexual orientation, religion, immigration status, or national or*
30 *ethnic origin: enforcement. Any agreements in existence on the*
31 *date that this chapter becomes operative that make any agency or*
32 *department database available in conflict with the terms of this*
33 *paragraph are terminated on that date. A person or entity provided*
34 *access to agency or department databases shall certify in writing*
35 *that the database will not be used for the purposes prohibited by*
36 *this section.*
- 37 ~~(4)~~
- 38 (3) Place peace officers under the supervision of federal agencies
39 or employ peace officers deputized as special federal officers or
40 special federal deputies except to the extent those peace officers

1 remain subject to California law governing conduct of peace
2 officers and the policies of the employing agency.

3 (b) Nothing in this section shall prevent the department or any
4 state or local law enforcement agency, including school police or
5 security departments, from responding to a request from federal
6 immigration authorities for information about a specific person's
7 previous criminal arrests or convictions where otherwise permitted
8 by state law or from responding to a lawful subpoena law.

9 (c) Notwithstanding any other law, in no event shall state or
10 local law enforcement agencies or school police or security
11 departments transfer an individual to federal immigration
12 authorities for purposes of immigration enforcement or detain an
13 individual at the request of federal immigration authorities for
14 purposes of immigration enforcement absent a judicial warrant.
15 This subdivision does not limit the scope of subdivision (a).

16 ~~885.8.~~

17 7284.8. (a) In order to ensure that eligible individuals are not
18 deterred from seeking services or engaging with state agencies,
19 all state agencies ~~shall~~ *shall, within six months after the effective*
20 *date of the act that added this section,* review their confidentiality
21 policies and identify any changes necessary to ensure that
22 information collected from individuals is limited to that necessary
23 to perform agency duties and is not used or disclosed for any other
24 purpose. Any necessary changes to those policies shall be made
25 as expeditiously as possible, consistent with agency or department
26 procedures. *The Attorney General shall, within three months after*
27 *the effective date of the act that added this section, publish model*
28 *contractual provisions for all state agencies that partner with*
29 *private vendors for data collection purposes to ensure that those*
30 *vendors comply with the confidentiality policies established*
31 *pursuant to this section.*

32 (b) The Attorney General, *within three months after the effective*
33 *date of the act that added this section,* in consultation with the
34 appropriate stakeholders, shall publish model policies ~~for limiting~~
35 *immigration enforcement to the fullest extent possible consistent*
36 *with federal and state law at public schools, hospitals, and*
37 ~~courthouses~~ *health facilities operated by the state or a political*
38 *subdivision of the state, courthouses, and shelters,* to ensure that
39 ~~all public schools, hospitals, and courthouses~~ *they* remain safe and
40 accessible to all California residents, regardless of immigration

1 status. All public schools, hospitals, and courthouses shall establish
2 and make public policies that limit immigration enforcement on
3 their premises to the fullest extent possible consistent with federal
4 and state law. All public schools, health facilities operated by the
5 state or a political subdivision of the state, and courthouses shall
6 implement the model policy, or an equivalent policy. All other
7 organizations and entities that provide services related to physical
8 or mental health and wellness, education, or access to justice,
9 including the University of California, are encouraged to adopt
10 the model policy.

11 ~~885.10.~~

12 7284.10. Nothing in this chapter prohibits or restricts any state
13 or local agency government entity or official from sending to, or
14 receiving from, any local, state, or federal agency, immigration
15 authorities, information regarding an individual's the citizenship
16 or immigration status. "Information regarding an individual's
17 citizenship or immigration status," for purposes of this section,
18 means a statement of the individual's country of citizenship or a
19 statement of the individual's immigration status, respectively.
20 status, lawful or unlawful, of an individual pursuant to Sections
21 1373 and 1644 of Title 8 of the United States Code.

22 ~~885.12.~~

23 7284.12. The provisions of this act are severable. If any
24 provision of this act or its application is held invalid, that invalidity
25 shall not affect other provisions or applications that can be given
26 effect without the invalid provision or application.

27 SEC. 3. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.

32 SEC. 4. This act is an urgency statute necessary for the
33 immediate preservation of the public peace, health, or safety within
34 the meaning of Article IV of the California Constitution and shall
35 go into immediate effect. The facts constituting the necessity are:

36 Because changes in federal immigration enforcement policies
37 require a statewide standard that clarifies the appropriate level
38 of cooperation between federal immigration enforcement agents

- 1 *and state and local governments as soon as possible, it is necessary*
- 2 *for this measure to take effect immediately.*

O

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, except as allowed in
18 Administrative Code, Sections 12I.3 or 12H.2-1, because PEP is counter to San Francisco's
19 values and to the principles of the Due Process and City and County of Refuge Ordinances.
20
21
22
23
24
25



City and County of San Francisco

Tails
Resolution

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

File Number: 150948

Date Passed: October 20, 2015

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

October 01, 2015 Government Audit and Oversight Committee - REFERRED WITHOUT RECOMMENDATION

October 20, 2015 Board of Supervisors - AMENDED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

October 20, 2015 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150948

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 10/20/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

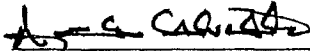
Unsigned

Mayor

10/30/15

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



Angela Calvillo
Clerk of the Board



Date

File No.
150948

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, Duffy
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

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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,

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

Page 3
5/21/2010

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

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5/21/2010

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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, Duffy, Mar, Maxwell and Mirkarimi
Absent: 1 - Elsbernd

June 08, 2010 Board of Supervisors - ADOPTED

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Duffy, 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

AMENDED IN BOARD
11/15/2016

FILE NO. 161235

RESOLUTION NO. 484-16

1 [The San Francisco Board of Supervisors' Response to the Election of Donald Trump]

2
3 **Resolution responding to the election of Donald Trump and reaffirming San**
4 **Francisco's commitment to the values of inclusivity, respect, and dignity.**

5
6 WHEREAS, On November 8, 2016, Donald Trump was elected to become the 45th
7 President of the United States; now, therefore, be it

8 RESOLVED, That no matter the threats made by President-elect Trump, San
9 Francisco will remain a Sanctuary City; we will not turn our back on the men and women from
10 other countries who help make this city great, and who represent over one third of our
11 population; this is the Golden Gate—we build bridges, not walls; and, be it

12 FURTHER RESOLVED, That we will never back down on women's rights, whether in
13 healthcare, the workplace, or any other area threatened by a man who treats women as
14 obstacles to be demeaned or objects to be assaulted; just as important, we will ensure our
15 young girls grow up with role models who show them they can be or do anything; and, be it

16 FURTHER RESOLVED, That there will be no conversion therapy, no withdrawal of
17 rights in San Francisco; we began hosting gay weddings twelve years ago, and we are not
18 stopping now; to all the LGBTQ people all over the country who feel scared, bullied, or alone;
19 you matter; you are seen; you are loved; and San Francisco will never stop fighting for you;
20 and, be it

21 FURTHER RESOLVED, That we still believe in this nation's founding principle of
22 religious freedom; we do not ban people for their faith; the only lists we keep are on invitations
23 to come pray together; and, be it

24 FURTHER RESOLVED, That Black Lives Matter in San Francisco, even if they may
25 not in the White House; guided by President Obama's Task Force on 21st Century Policing,

1 we will continue reforming our police department and rebuilding trust between police and
2 communities of color so all citizens feel safe in their neighborhoods; and, be it

3 FURTHER RESOLVED, That climate change is not a hoax, or a plot by the Chinese; in
4 this city, surrounded by water on three sides, science matters; we will continue our work on
5 CleanPower, Zero Waste, and everything else we are doing to protect future generations;
6 and, be it

7 FURTHER RESOLVED, That we have been providing universal health care in this city
8 for nearly a decade, and if the new administration follows through on its callous promise to
9 revoke health insurance from 20 million people, San Franciscans will be protected; and, be it

10 FURTHER RESOLVED, That we are the birthplace of the United Nations, a city made
11 stronger by the thousands of international visitors we welcome every day; we will remain
12 committed to internationalism and to our friends and allies around the world—whether the
13 administration in Washington is or not; and, be it

14 FURTHER RESOLVED, That San Francisco will remain a Transit First city and will
15 continue building Muni and BART systems we can all rely upon, whether this administration
16 follows through on its platform to eliminate federal transit funding or not; and, be it

17 FURTHER RESOLVED, That California is the sixth largest economy in the world; the
18 Bay Area is the innovation capital of the country; we will not be bullied by threats to revoke our
19 federal funding, nor will we sacrifice our values or members of our community for your dollar;
20 and, be it

21 FURTHER RESOLVED, That we condemn all hate crimes and hate speech
22 perpetrated in this election's wake; that although the United States will soon have a President
23 who has demonstrated a lack of respect for the values we hold in the highest regard in San
24 Francisco, it cannot change who we are, and it will never change our values; we argue, we
25 campaign, we debate vigorously within San Francisco, but on these points we are 100%

1 united; we will fight discrimination and recklessness in all its forms; we are one City; and we
2 will move forward together.

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City and County of San Francisco

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

Tails
Resolution

File Number: 161235

Date Passed: November 15, 2016

Resolution responding to the election of Donald Trump and reaffirming San Francisco's commitment to the values his election threatens.

November 15, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin and Tang

Excused: 2 - Wiener and Yee

November 15, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin and Tang

Excused: 2 - Wiener and Yee

November 15, 2016 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin and Tang

Excused: 2 - Wiener and Yee

File No. 161235

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 11/15/2016 by the Board of Supervisors of the City and County of San Francisco.

Peggy Nevin
for Angela Calvillo
Clerk of the Board


Unsigned

Mayor

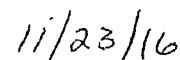
11/23/2016

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



for Angela Calvillo
Clerk of the Board



Date

California Values Act

IN BRIEF

The California Values Act will protect the safety and well-being of all Californians by ensuring that state and local resources are not used to fuel mass deportations, separate families, or divide Californians on the basis of race, gender, sexual orientation, religion, immigration status, or national or ethnic origins. The bill will provide essential safeguards to ensure that police, schools, hospitals and courts remain accessible to Californians from all walks of life and that California's limited resources are directed to matters of greatest concern to state and local governments.

THE ISSUE

Immigrants are an Essential Part of California: More than one in four Californians are immigrants and half of the children in California have one immigrant parent. Immigrants have deep roots in our neighborhoods and communities. A relationship of trust between California's immigrant residents and our state and local agencies, including police, schools, and hospitals, is essential to carrying out basic state and local functions. Any efforts to carry out mass deportations of California residents would be devastating to our state, and would inflict a terrible cost on our families and our communities.

The Creation of a National Registry Based on Religion or Other Protected Characteristics Would Be Antithetical to California's Values: California has long valued religious freedom, diversity, and tolerance. Muslim Americans and members of other religious minorities are valued and respected members of our community. Any attempt to single out California residents according to religion or other protected characteristics, including through the creation of a national registry, would be contrary to California's interests and antithetical to our values.

Entangling Local Law Enforcement Agencies with Immigration Enforcement is Harmful California is already familiar with the harmful effects of entangling local law enforcement agencies with immigration enforcement. Prior to its termination, the discredited "Secure Communities" program (S-Comm) operated in California as an indiscriminate mass deportation program at great cost to California both financially and otherwise. According to a report prepared by Justice Strategies in 2012, when the Secure Communities program was still active, California taxpayers spent an estimated \$65 million annually to detain people for ICE.¹

¹ See Judith Greene, "The Cost of Responding to Immigration Detainers in California," Justice Strategies Report, August 22, 2012.

The entanglement of local law enforcement agencies and immigration enforcement also has a tremendous cost to public safety. According to the President's Taskforce on 21st Century Policing, "Immigrants often fear approaching police officers when they are victims of and witnesses to crimes and when local police are entangled with federal immigration enforcement. At all levels of government, it is important that laws, policies, and practices not hinder the ability of local law enforcement to build the strong relationships necessary to public safety and community well-being. It is the view of this task force that whenever possible, state and local law enforcement should not be involved in immigration enforcement."² A study conducted by the University of Illinois similarly found that 44 percent of Latinos are less likely to contact police officers if they have been the victim of a crime because they fear that police officers will use this interaction as an opportunity to inquire about their immigration status or that of people they know.³

California's Resources Cannot be Commandeered to Carry Out Deportations: California cannot be compelled to use state and local resources to detain and deport its immigrant residents or to assist in the creation of a national registry based on religion or other protected characteristics.⁴ In fact, federal law explicitly prohibits such "commandeering" of state and local resources to implement federal programs.⁵ This is particularly true where implementation would interfere with the State's ability to protect the safety and wellbeing of our residents.

THE SOLUTION

The California Values Act will ensure that state and local resources are not used to fuel mass deportations, separate families, or divide Californians on the basis of race, gender, sexual orientation, religion, immigration status, or national or ethnic origins.

Under the California Values Act:

1. State and local law enforcement agencies and school police and security departments will not engage in immigration enforcement. No state or local resources will be used to investigate, detain, detect, report, or arrest

² Final Report of the President's Taskforce on 21st Century Policing (May 2016).

³ Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement, Nik Theodore, Dep't of Urban Planning and Policy, University of Illinois at Chicago (May 2013)

⁴ See, e.g., *Galarza v. Szalczyk*, 745 F.3d 634, 644 (3d Cir. 2014) ("[I]mmigration officials may not compel state and local agencies to expend funds and resources to effectuate a federal regulatory scheme."); see also Attorney General Kamala Harris, "Responsibilities of Local Law Enforcement Agencies Under Secure Communities," Information Bulletin, Dec. 4, 2012 ("[I]mmigration detainers are not compulsory. Instead, they are merely requests enforceable at the discretion of the agency holding the individual arrestee.")

⁵ See, e.g., *Printz v. United States*, 521 U.S. 898 (1997)

persons for immigration enforcement purposes. And regardless of whether state or local resources are implicated, no state or local law enforcement agency will detain or transfer any person for deportation without a judicial warrant.

2. State and local resources will not be used to facilitate the creation of a national registry based on religion or other protected characteristics.

3. State agencies will review their confidentiality policies in order to ensure that eligible individuals are not deterred from seeking services or engaging with state agencies. State agencies shall not collect or share information from individuals unless necessary to perform agency duties.

4. California schools, hospitals, and courthouses will remain safe and accessible to all California residents, regardless of immigration status. Each shall establish and make public policies that limit immigration enforcement on their premises to the fullest extent possible consistent with federal and state law.

FOR MORE INFORMATION

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Updated 12/5/2016

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

2017 JAN 31 PM 4:13
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. 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):

Ronen, Fewer, Kim, Peskin

Subject:

Resolution supporting the California Values Act (SB 54)

The text is listed below or attached:

Please see attached resolution.

Signature of Sponsoring Supervisor: *Will Rowe*

For Clerk's Use Only: