Legislation Details (With Text)

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Date	Ver.	Action By	Action	Result

City Council

MEETING DATE: 12/14/2016

TITLE:
Local Government and Immigration Enforcement

FROM:
Charlie McClendon, City Manager

RECOMMENDATION:
This item is presented for information, discussion and direction only.

BACKGROUND:
The proper role for local governments, and particularly for local law enforcement agencies, in enforcement of national immigration policy has been a controversial topic for some time. Recently, with a potential change in direction from the federal level, some local jurisdictions are evaluating their positions on the topic. Councilmember Kaplan has requested that a study session topic be placed on the agenda to allow Council to learn more about the various positions cities have taken and to discuss the topic.

DISCUSSION:
The Cathedral City Police Department has an adopted policy (#428), which establishes the approach the department will take related to immigration enforcement. The policy has been in place since 05/05/16. Among the provisions of the policy are the following:
- The Mexican government's Matricular Consular is accepted as a valid form of ID.
- Persons otherwise eligible for release will not be detained based upon a suspected civil immigration violation.

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- Persons may be detained based upon reasonable suspicion of a criminal immigration violation but race, ethnicity or lack of English proficiency alone may not form the basis for a reasonable suspicion determination.

Communities across the nation have taken varying approaches to establishing the role that local police agencies will take in immigration enforcement. The term "sanctuary city" is sometimes used to describe cities whose policy makers have decided not to participate in assisting federal immigration enforcement.

The Washington Post (September 7, 2016) offered the following information on so-called sanctuary cities:

"There's no official definition of "sanctuary," but it generally refers to rules restricting state and local governments from alerting federal authorities about people who may be in the country illegally.

Sanctuary policies came under fresh criticism after the July 2015 death of Kate Steinle <http://fas.org/sgp/crs/homesec/sanctuary.pdf>, a woman who was shot and killed <https://www.washingtonpost.com/politics/calif-killing-inflames-debate-on-illegal-immigrants-sanctuary-cities/2015/07/06/8dc6eb50-241e-11e5-b72c-2b7d516e1e0e_story.html> in San Francisco, allegedly by an undocumented immigrant and repeat felon who had been deported five times to Mexico. San Francisco police had released him from custody after drug charges were dropped, despite a request from the Department of Homeland Security to deport him.
Immigration enforcement is a federal responsibility. State and local law enforcement officials can decide to what extent they want to cooperate with the federal government on immigration enforcement.
According to an analysis of Immigration and Customs Enforcement (ICE) records by the Texas Tribune <https://www.texastribune.org/2016/01/15/34-texas-counties-declined-hold-deportable-immigra/>, ICE identified at least 165 cities and counties that had specific policies limiting cooperation on immigration enforcement. Researchers on both sides of the immigration issue have found more than 300 local jurisdictions that have such policies.
Major cities like San Francisco, Chicago, New York, Baltimore and Boston are sanctuary cities. Interestingly, New York had sanctuary policies even under former mayor Rudolph W. Giuliani <http://www.factcheck.org/2007/12/the-sanctuary-spat/>, now an adviser to Trump's campaign.
ICE can issue an "immigration detainer," a request to be notified when a "criminal alien" (a noncitizen convicted of a crime) is being released from a state or local law enforcement agency. This is so ICE can take custody of such people when they're released and figure out whether they're subject to deportation.
But some local or state law enforcement agencies decide not to tell ICE when a "criminal alien" is released, for several reasons. Some agencies say it leads to mistrust between the community and law enforcement, because victims and potential witnesses might not come forward to report crimes if they are afraid of being reported to federal authorities for their immigration status.
Reluctance among local and state agencies grew after a DHS program failed to prioritize <http://fas.org/sgp/crs/homesec/R43457.pdf> deportation of convicted immigrants, and state and local governments saw it as a drain on their resources. With many local and state agencies strapped for cash, they declined to cooperate in what is ultimately a federal responsibility.
Between January 2014 and September 2015, local and state law enforcement agencies declined 18,646 ICE immigration detainers, the Texas Tribune found <https://www.texastribune.org/2016/01/15/34-texas-counties-declined-hold-deportable-immigra/>. California had the most declined detainers, by far….

Local and state governments can decide not to participate in federal immigration enforcement - which ultimately is a federal responsibility. Many local jurisdictions do cooperate, with the idea that they're multiplying forces to find removable noncitizens." (The Washington Post, on-line article, September 7, 2016)

The Los Angeles Times reported that "Los Angeles officials have been vocal since election day about protecting the city's immigrants. Earlier this week, Los Angeles Police Chief Charlie Beck reiterated that the department has no plans to get involved in any deportation efforts by the federal government and would continue a longstanding policy against allowing officers to stop people solely to determine their immigration status." (Los Angeles Times, on-line article, November 18, 2016)

Finally, the San Francisco Chronicle reported on the effect of a potential withholding of federal funding from "sanctuary cities":

"President-elect Donald Trump <http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22Donald+Trump%22>'s threat to cut all federal funding to sanctuary cities could touch just about every facet of San Francisco government - from the airport to the courts to the Public Health Department.
The city receives about $1 billion annually from the federal government, according to Controller Ben Rosenfield <http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22Ben+Rosenfield%22>, the city's chief fiscal officer. Of that money, $478 million comes directly from the federal government. The balance comes from the federal government via the state of California.
Rosenfield recently compiled a list of which departments receive the bulk of the federal funding.
•The Human Services Agency <http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22The+Human+Services+Agency%22> receives around $260 million directly from the federal government, plus another $324 million from the state in administrative support. Trent Rhorer <http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22Trent+Rhorer%22>, the agency's director, said the money is used for everything from foster care payments, child care subsidies and adoption assistance.
•The Department of Public Health <http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22Department+of+Public+Health%22> receives about $68 million directly from the federal government, and another $333 million from the state. Most of the money that comes directly from Washington goes toward HIV and AIDS services. It totals $33 million. Around half of the state-disbursed money goes to mental health services and San Francisco General Hospital <http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22San+Francisco+General+Hospital%22>.
•The Police Department <http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22The+Police+Department%22> receives around $52 million from the state, and another $2.8 million directly from the federal government. Virtually all of it goes toward operations and administration.
•The Sheriff's Department receives around $27.5 million from the state, but just $100,000 directly from the federal government. Most of the state money is for costs related to incarceration.
•The Public Works Department <http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%

22The+Public+Works+Department%22> receives roughly $22 million directly from the federal government for capital projects, plus another $19 million from the state, most of it for “street environmental services.”
•San Francisco International Airport <http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22San+Francisco+International+Airport%22> receives nearly $30 million directly from the federal government for capital projects and grants.
•The Fire Department <http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22The+Fire+Department%22> receives $51 million from the state and another $1.9 million directly from the federal government.
The federal government also gives $38.5 million to house and shelter homeless people.
However, to what extent Trump’s threat to cut “all” federal funding to sanctuary cities becomes reality remains a question.
A 2015 resolution by the U.S. House of Representatives <http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22U.S.+House+of+Representatives%22> called for pulling funding from sanctuary cities. But the resolution affected just three criminal justice grant programs, and San Francisco only received $272,540 in the current fiscal year, according to the Budget and Legislative Analyst’s Office.
Some departments don’t get any money directly from the federal government, but a significant portion from the state. San Francisco trial courts, for example, receive $91 million from the state, according to the controller.
The risk for the courts is that if Trump cuts federal funding to the state, that would likely lead to budget cuts all around, meaning less money for the judiciary.
“To the extent that any federal funds are withdrawn from the state and the state replaces any of those funds, it will put enormous pressure on our court system,” said Martin Hoshino <http://www.sfgate.com/search/?action=search&channel=politics&inlineLink=1&searchindex=gsa&query=%22Martin+Hoshino%22>, administrative director of California courts. “The court system takes up such a thin slice of the state budget that any cut to it has huge implications for those who rely on our courts to remedy problems.” (San Francisco Chronicle, on-line article, November 28, 2016)

FISCAL IMPACT:

Current policy is part of standard procedures fully funded through the adopted budget.

ATTACHMENTS:

Police Department Police #428