

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 12

Date: April 5, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Jeffrey R. Epp, Interim City Manager

SUBJECT: California Senate Bill SB 54

RECOMMENDATION:

It is requested that the City Council take a position on behalf of the City of Escondido on California Senate Bill No. 54, and provide staff with direction on further advocacy.

Resolution No. 2017-55 has been prepared for your consideration.

BACKGROUND:

Currently, in California, local law enforcement agencies have the discretion to partner with Immigration and Customs Enforcement (ICE), and do so through targeted operations to apprehend identified criminals. Additionally, local law enforcement engages in joint task forces with various federal law enforcement agencies, including ICE.

Under SB 54, ICE will have limited access to local jails for immigration enforcement purposes and law enforcement officers would be prohibited, except in very limited circumstances, from communicating with any federal immigration authorities as to the status of apprehended undocumented persons. As amended on March 29, 2017, ICE would be required to obtain a judicial warrant in order to interview an individual being held in custody by a local agency or state department. Additionally, the amendments prohibit local law enforcement from transferring an individual in custody unless authorized by a judicial warrant, or if an individual is subject to removal for an aggravated felony and that individual has a prior conviction for a violent felony.

The California Police Chiefs Association opposes SB 54 on the grounds that it will make it more difficult to work with federal law enforcement in apprehending dangerous criminals.

SB 54, authored by Senate President Pro Tem Kevin de Leon, passed the senate floor on April 3, 2017 by a vote of 27-12 with all Democrats voting yes and all Republicans voting no. SB 54 will go to the assembly floor in late April.

Possible SANDAG Funding Measure
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Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'JRE', is positioned above the printed name.

Jeffrey R. Epp
Interim City Manager

RESOLUTION NO. 2017-55

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
EXPRESSING OPPOSITION TO THE
PASSAGE OF CALIFORNIA SENATE BILL
54 TITLED THE "CALIFORNIA VALUES ACT"

WHEREAS, on December 5, 2016, Senate President Pro Tem Kevin de Leon introduced Senate Bill 54 ("SB 54"), an Act to add Chapter 17.25 to Division 7 of Title 1 of the Government Code, to repeal Section 11369 of the Health and Safety Code, and to add Sections 3058.10 and 3058.11 to the Penal Code relating to law enforcement; and

WHEREAS, SB 54 would, among other things, prohibit state and local law enforcement agencies and personnel, including school police and security departments, from using resources to investigate, interrogate, detain, detect or arrest persons for immigration enforcement purposes to include: any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States except in very limited circumstances; and

WHEREAS, local law enforcement agency cooperation with all agencies of the federal government to deport violent and serious felony offenders is critical to ensuring safe communities locally and across the state; and

WHEREAS, SB 54 does not protect citizens of this state but instead, wrongly provides safe harbor from federal immigration authorities fulfilling federal law by obstructing their ability to remove individuals who are unlawfully in the state and are a danger to the community; and

WHEREAS, SB 54 does not provide protection for local communities because it expressly prohibits local law enforcement, who are most likely to come into contact with violent offenders unlawfully in the United States, from communicating effectively with federal authorities who are the only agencies who have the authority to remove these individuals from the country; and

WHEREAS, without cooperation from local law enforcement agencies, SB 54 could force federal immigration officers into nontraditional locations for immigration enforcement, such as schools and neighborhoods, to find undocumented felons; and

WHEREAS, passage and implementation of SB 54 has the potential for adversely affecting opportunities for grants and other funding from the federal government which the City needs to fulfill its mission of providing safe neighborhoods to its constituents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the Mayor and City Council Members believe the passage of SB 54 poses an immediate threat to the health, welfare and safety of the citizens of this City.
3. That the Mayor and City Council Members resolutely oppose the passage and implementation of SB 54 as it takes away from local law enforcement agencies and the cities they serve, the ability to work and communicate with federal authorities to remove violent undocumented persons from their communities.