

County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069
(831) 454-2200 • FAX: (831) 454-3262 TDD: (831) 454-2123

JOHN LEOPOLD

FIRST DISTRICT

ELLEN PIRIE

SECOND DISTRICT

NEAL COONERTY

THIRD DISTRICT

GREG CAPUT

FOURTH DISTRICT

MARK W. STONE

FIFTH DISTRICT

APPROVED AND FILED
BOARD OF SUPERVISORS

DATE: 5/22/12

COUNTY OF SANTA CRUZ
SUSAN A. MAURIELLO
EX-OFFICIO CLERK OF THE BOARD

BY: *[Signature]* DEPUTY

AGENDA: 5/22/12

May 17, 2012

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: SECURE COMMUNITIES – SUPPORT FOR AB 1081

12 PM 5/24 AM 4:30

Dear Members of the Board:

As Board members are aware, Santa Cruz County community members have strongly voiced their opposition to the application of the Department of Homeland Security's Secure Communities program, which was designed to identify immigrants in U.S. jails who are deportable under immigration law. Through the Secure Communities program, participating jails submit arrestees' fingerprints to federal immigration databases, allowing the U.S. Immigration and Customs Enforcement Agency (ICE) to access information on individuals held in jails and, in the event of a match, deport them.

At the program's commencement in November 2009, the stated intention was for the Secure Communities program to be geared solely towards criminals charged with serious or violent felonies. Since that time, however, many persons charged with traffic infractions or charges which were later dismissed have also been deported.

While the original purpose of the Secure Communities program was to rid communities of dangerous criminals, too often deportees have been honest working men and women who are separated from their family members and loved ones. Such deportations have created a strain on the community, often removing the primary provider and his/her income from respective households.

The Secure Communities program shifts the burden and responsibility of federal civil immigration enforcement onto local law enforcement while undercutting community policing strategies. Furthermore, the immigration detainers upon which the program depends are a drain on local resources since State and local law enforcement agencies are not reimbursed for the full cost of providing detainers.

55.1

BOARD OF SUPERVISORS

May 17, 2012

Page 2

Most importantly, as many legal rulings and memos have clarified (see attached), the Secure Communities program does not demand mandatory participation by local law enforcement agencies. Instead, the Secure Communities program makes voluntary requests of local law enforcement agencies, requests with which other jurisdictions have respectfully chosen not to comply. To reiterate, there are no mandatory requirements, per Secure Communities guidelines or legal interpretations of those guidelines, which prevent our county from further modifying our participation in the Secure Communities program.

The fear and confusion which arise out of this program will very likely inhibit persons, be they undocumented or not, from seeking legal assistance when necessary, thereby further victimizing victims and allowing dangerous criminals to continue unabated in their activities.

We believe that the County of Santa Cruz should exercise our legal right to apply discretion in our county's compliance with immigration detainer requests made through the Immigration and Customs Enforcement (ICE) Agency's Secure Communities program. While counties are currently empowered to develop policies which ensure safeguards to address the concerns raised over Secure Communities' detrimental effects on public safety given the voluntary nature of the program, Assemblymember Tom Ammiano (D – San Francisco) has re-introduced Assembly Bill 1081 in order to *require* local jurisdictions to develop such plans. The bill establishes standards for local governments to ensure that an individual will only be detained if that individual has been convicted of a serious or violent felony, and also provides key safeguards against profiling and the wrongful detention of citizens. Under this bill, localities that detain individuals with serious convictions for deportation will develop plans to ensure citizens are not subject to immigration holds, to guard against profiling, and to ensure crime victims are not discouraged from reporting crimes.

We also believe that our Board should urge Sheriff Phil Wowak to devise a policy guided by the language of Assembly Bill 1081 to only hold persons convicted of serious or violent felonies or who have past histories of serious or violent felonies. Such a policy will prevent the detention of persons who would otherwise be released from custody were it not for ICE's requests and will spare us the ensuing expenses associated with such holds. Such a policy will also avoid fostering an environment in which immigrant residents who are victims or witnesses to crime, including domestic violence, are less likely to report crime or cooperate with law enforcement when any contact with law enforcement could result in deportation and will instead focus on the program's originally stated goal of solely detaining individuals with serious felony convictions.

BOARD OF SUPERVISORS

May 17, 2012

Page 3

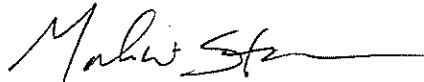
Accordingly, we recommend that the Board take the following actions:

1. Adopt the attached resolution supporting Assembly Bill 1081, which would reform California's participation in the United States Immigration and Customs Enforcement Agency's "Secure Communities" program.
2. Direct the Chair to write to Sheriff Phil Wowak urging that he both support AB 1081 and devise a policy consistent with its established standards for local governments.

Sincerely,



GREG CAPUT, Supervisor
Fourth District



MARK W. STONE, Supervisor
Fifth District

GC/MWS:ted
Attachments

cc: Assemblymember Tom Ammiano
Santa Clara County Supervisor George Shirakawa
Capitola City Council
Santa Cruz City Council
Scotts Valley City Council
Watsonville City Council
Latino Affairs Commission

1893S4

531

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 128-2012

On the motion of Supervisor Stone
duly seconded by Supervisor Caput
the following resolution is adopted

RESOLUTION SUPPORTING THE PASSAGE OF ASSEMBLY BILL 1081

WHEREAS, Santa Cruz County community members have strongly voiced their opposition to the application of the Department of Homeland Security's Secure Communities program in Santa Cruz County; and

WHEREAS, at the program's commencement in November 2009, the stated intention was for the Secure Communities program to be geared solely towards criminals charged with serious or violent felonies, yet many persons since charged with lesser crimes have also been deported, straining the community and often removing the primary provider and his/her income from respective households; and

WHEREAS, the Secure Communities program shifts the burden and responsibility of federal civil immigration enforcement onto local law enforcement while undercutting community policing strategies and draining local resources since State and local law enforcement agencies are not reimbursed for the full cost of providing detainers; and

WHEREAS, the detainers requested via the Secure Communities program are not mandatory but instead are voluntary requests of local law enforcement agencies, requests with which other jurisdictions have respectfully chosen not to comply; and

WHEREAS, the fear and confusion which arise out of this program will very likely inhibit persons, be they undocumented or not, from seeking legal assistance when necessary, thereby further victimizing victims and allowing dangerous criminals to continue unabated in their activities; and

WHEREAS, Assemblymember Tom Ammiano (D – San Francisco) has re-introduced Assembly Bill 1081, which establishes standards for local governments to draft policies ensuring that an individual will only be detained if that individual has been convicted of a serious or violent felony and provides key safeguards against profiling and the wrongful detention of citizens.

NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz County Board of Supervisors hereby supports the passage of Assembly Bill 1081; and

BE IT FURTHER RESOLVED that the Santa Cruz County Board of Supervisors urges Santa Cruz County Sheriff Phil Wowak to both support Assembly Bill 1081 and to devise a policy consistent with established standards for local governments outlined by Assembly Bill 1081.

RESOLUTION SUPPORTING THE PASSAGE OF ASSEMBLY BILL 1081

Page 2

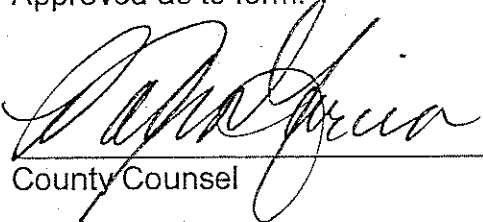
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 22nd day of May, 2012, by the following vote:

AYES: SUPERVISORS Pirie, Coonerty, Caput, Stone and Leopold
NOES: SUPERVISORS None
ABSENT: SUPERVISORS None

JOHN LEOPOLD
JOHN LEOPOLD, Chair
Board of Supervisors

TESS FITZGERALD
ATTEST: _____
Clerk of said Board

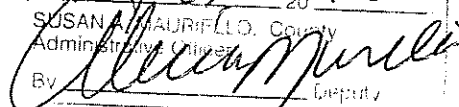
Approved as to form:



County Counsel

- DISTRIBUTION: Assemblymember Tom Ammiano
Assemblymember Bill Monning
Assemblymember Luis Alejo
Santa Clara County Supervisor George Shirakawa
State Senator Sam Blakeslee
State Senator Joe Simitian
Capitola City Council
Santa Cruz City Council
Scotts Valley City Council
Watsonville City Council
Latino Affairs Commission

1893S4

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ) ss
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board of _____ 20 May 23 12
SUSAN A. MAURIELLO, County Administrative Officer
By  Deputy

35.1

AMENDED IN SENATE MAY 14, 2012
AMENDED IN SENATE AUGUST 15, 2011
AMENDED IN SENATE JUNE 8, 2011
AMENDED IN ASSEMBLY MAY 16, 2011
AMENDED IN ASSEMBLY APRIL 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1081

Introduced by Assembly Member Ammiano
**(Coauthors: Assembly Members *Alejo*, *Bonilla*, *Cedillo*, *Eng*,
Monning, and *V. Manuel Pérez*, *Skinner*, and *Yamada*)**
(Coauthors: Senators *Calderon*, *Hancock*, and *Yee*)

February 18, 2011

An act to add Chapter 17.1 (commencing with Section 7282) to Division 7 of Title 1 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1081, as amended, Ammiano. State government: federal immigration policy enforcement.

Existing federal law authorizes any authorized immigration officer to issue an immigration detainer that serves to advise another law enforcement agency that the federal department seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. Existing federal law provides that the detainer is a request that the agency advise the department, prior to release of the alien, in order for the department to arrange to assume custody, in