

File No. 130764

Committee Item No. 2

Board Item No. 17

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Neighborhood Services & Safety Date September 5, 2013

Board of Supervisors Meeting Date September 17, 2013

### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
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Completed by: Derek Evans Date 8/28/13  
Completed by: Derek Evans Date 9/12/13

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.

FILE NO. 130764

ORDINANCE NO.

1 [Administrative Code - Due Process for All Ordinance on Civil Immigration Detainers]

2  
3 **Ordinance amending the Administrative Code by adding Chapter 12I to prohibit law**  
4 **enforcement officials from detaining individuals on the basis of an civil immigration**  
5 **detainer after they become eligible for release from custody.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
9 **Board amendment additions** are in double-underlined Arial font.  
10 **Board amendment deletions** are in ~~Arial font~~.  
11 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
12 subsections or parts of tables.

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. The Administrative Code is hereby amended by adding Chapter 12I,  
15 Sections 12I.1 through 12I.6, to read as follows:

16 **Chapter 12I: Civil Immigration Detainers**

17 **SEC. 12I.1. FINDINGS.**

18 *The City and County of San Francisco (the "City") is home to persons of diverse racial, ethnic,*  
19 *and national backgrounds, including a large immigrant population. The City respects, upholds, and*  
20 *values equal protection and equal treatment for all of our residents, regardless of immigration status.*  
21 *Fostering a relationship of trust, respect, and open communication between City employees and City*  
22 *residents is essential to the City's core mission of ensuring public health, safety, and welfare, and*  
23 *ensuring the needs of everyone in the community, including immigrants. The purpose of this Chapter is*  
24 *to foster respect between law enforcement and residents, to protect limited local resources, and to*  
25 *ensure family unity, community security, and due process for all.*

*Our federal immigration system is in dire need of comprehensive reform. The federal*  
*government should not shift the burden of federal civil immigration enforcement onto local law*

1 enforcement by requesting that local law enforcement agencies continue detaining persons based on  
2 non-mandatory civil immigration detainers. It is not a wise and effective use of valuable City resources  
3 at a time when vital services are being cut.

4 The United States Immigration and Customs Enforcement's ("ICE") controversial Secure  
5 Communities program (also known as "S-Comm") shifts the burden of federal civil immigration  
6 enforcement onto local law enforcement. S-Comm comes into operation after the state sends  
7 fingerprints that state and local law enforcement agencies have transmitted to California Department  
8 of Justice ("Cal DOJ") to positively identify the arrestees and to check their criminal history. The FBI  
9 forwards the fingerprints to the Department of Homeland Security ("DHS") to be checked against  
10 immigration and other databases. To give itself time to take a detainee into immigration custody, ICE  
11 sends an Immigration Detainer – Notice of Action (DHS Form I-247) to the local law enforcement  
12 official requesting that the local law enforcement official hold the individual for up to 48 hours after  
13 that individual would otherwise be released ("civil immigration detainers"). Civil immigration  
14 detainers may be issued without evidentiary support or probable cause by border patrol agents,  
15 aircraft pilots, special agents, deportation officers, immigration inspectors, and immigration  
16 adjudication officers.

17 Given that civil immigration detainers are issued by immigration officers without judicial  
18 oversight, and the regulation authorizing civil immigration detainers provides no minimum standard of  
19 proof for their issuance, there are serious questions as to their constitutionality. Unlike criminal  
20 detainers, which are supported by a warrant and require probable cause, there is no requirement for a  
21 warrant and no established standard of proof, such as reasonable suspicion or probable cause, for  
22 issuing an requesting a civil immigration detainer, request. At least one federal court in Indiana  
23 has ruled that because civil immigration detainers and other ICE "Notice of Action" documents are  
24 issued without probable cause of criminal conduct, they do not meet the Fourth Amendment  
25 requirements for state or local law enforcement officials to arrest and hold an individual in custody.

1           On December 4, 2012, the Attorney General of California, Kamala Harris, clarified the  
2 responsibilities of local law enforcement agencies under S-Comm. The Attorney General clarified that  
3 S-Comm does not require state or local law enforcement officials to determine an individual's  
4 immigration status or to enforce federal immigration laws. The Attorney General also clarified that  
5 civil immigration detainees are voluntary requests to local law enforcement agencies that do not  
6 mandate compliance. California local law enforcement agencies may determine on their own whether  
7 to comply with a voluntary non-mandatory civil immigration detainees. Other jurisdictions,  
8 including Berkeley, California; Richmond, California; Santa Clara County, California; Washington,  
9 D.C., and Cook County, Illinois, have already acknowledged the discretionary nature of civil  
10 immigration detainees held requests and are declining to hold people in their jails for the additional  
11 forty-eight (48) hours as requested by ICE. under immigration detainees. Local law enforcement  
12 agencies responsibilities, duties, and powers are regulated by state law. However, complying with  
13 voluntary non-mandatory civil immigration detainees falls outside the scope of those responsibilities  
14 and frequently raises due process concerns.

15           According to Section 287.7 of Title 8 of the Code of Federal Regulations, the City is not  
16 reimbursed by the federal government for the costs associated with civil immigration detainees alone.  
17 The full cost of responding to a civil immigration detainee can include, but is not limited to, extended  
18 detention time, the administrative costs of tracking and responding to detainees, and the legal liability  
19 for erroneously holding an individual who is not subject to a civil immigration detainee. Compliance  
20 with civil immigration detainees and involvement in civil immigration enforcement diverts limited local  
21 resources from programs that are beneficial to the City.

22           The City seeks to protect public safety, which is founded on trust and cooperation of community  
23 residents and local law enforcement. However, civil immigration detainees undermine community trust  
24 of law enforcement by instilling fear in immigrant communities of coming forward to report crimes and  
25 cooperate with local law enforcement agencies. A 2013 study by the University of Illinois, entitled

1 "Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement,"  
2 found that at least 40 percent of Latinos surveyed are less likely to provide information to police  
3 because they fear exposing themselves, family, or friends to a risk of deportation. Indeed, civil  
4 immigration detainers have resulted in the transfer of victims of crime, including domestic violence  
5 victims, to ICE. According to a national 2011 study by the Chief Justice Earl Warren Institute on Law  
6 and Social Policy at UC Berkeley, entitled "Secure Communities by the Numbers: An Analysis of  
7 Demographics and Due Process" ("2011 Warren Institute Study"). ICE has falsely detained  
8 approximately 3,600 U.S. citizens as a result of S-Comm. Thus, S-Comm leaves even those with legal  
9 status vulnerable to civil immigration detainers issued without judicial review or without proof of  
10 criminal activity, in complete disregard for the due process rights of those subject to the civil  
11 immigration detainers.

12 The City has enacted numerous laws and policies to strengthen communities and keep families  
13 united. In contrast, ICE civil immigration detainers have resulted in the separation of families.  
14 According to the 2011 Warren Institute Study, it is estimated that more than one-third of those targeted  
15 by S-Comm have a U.S. citizen spouse or child. Complying with the civil immigration detainers thus  
16 results in the deportation of potential aspiring U.S. citizens. According to the 2011 Warren Institute  
17 Study, Latinos make up 93% of those detained through S-Comm, although they only account for 77% of  
18 the undocumented population in the U.S. As a result, S-Comm has a disproportionate impact on  
19 Latinos.

20 The City has enacted numerous laws and policies to prevent its residents from becoming  
21 entangled in the immigration system. But, the enforcement of immigration laws is a responsibility of  
22 the federal government. A December 2012 ICE news release stated that deportations have hit record  
23 figures each year. According to the Migration Policy Institute's 2013 report, entitled "Immigration  
24 Enforcement in the United States: The Rise of a Formidable Machinery," the federal government  
25 presently spends more on civil immigration enforcement than all federal criminal law enforcement

1 combined. Local funds should not be expended on such efforts, especially because such entanglement  
2 undermines community policing strategies.

3  
4 **SEC. 12I.2. DEFINITIONS.**

5 "Eligible for release from custody" means that the individual may be released from custody  
6 because one of the following conditions has occurred:

7 (1) All criminal charges against the individual have been dropped or dismissed.

8 (2) The individual has been acquitted of all criminal charges filed against him or her.

9 (3) The individual has served all the time required for his or her sentence.

10 (4) The individual has posted a bond, or has been released on his or her own recognizance.

11 (5) The individual has been referred to pre-trial diversion services.

12 (6) The individual is otherwise eligible for release under state or local law.

13 "Civil immigration detainer" means a non-mandatory request issued by an authorized federal  
14 immigration officer under Section 287.7 of Title 8 of the Code of Federal Regulations, to a local law  
15 enforcement official to maintain custody of an individual for a period not to exceed forty-eight (48)  
16 hours, excluding Saturdays, Sundays, and holidays, and advise the authorized federal immigration  
17 officer prior to the release of that individual.

18 "Law enforcement official" means any City Department or officer or employee of a City  
19 Department, authorized to enforce criminal statutes, regulations, or local ordinances; operate jails or  
20 maintain custody of individuals in jails; and operate juvenile detention facilities or to maintain custody  
21 of individuals in juvenile detention facilities.

22 **SEC. 12I.3. RESTRICTIONS ON LAW ENFORCEMENT OFFICIALS.**

23 A law enforcement official shall not detain an individual on the basis of a ~~civil~~ immigration  
24 detainer after that individual becomes eligible for release from custody.

1 **SEC. 12I.4. PURPOSE OF THIS CHAPTER.**

2 The intent of this Chapter is to address requests for non-mandatory civil immigration  
3 detainers requests. Nothing in this Chapter shall be construed to apply to matters other than those  
4 relating to federal civil immigration detainers. In all other respects, local law enforcement agencies  
5 may continue to collaborate with federal authorities to protect public safety. This collaboration  
6 includes, but is not limited to, participation in joint criminal investigations, that are permitted under  
7 local policy or applicable city or state law.

8 **SEC. 12I.5. SEVERABILITY.**

9 If any section, subsection, sentence, clause, phrase, or word of this Chapter 12I, or its  
10 application, is for any reason held to be invalid or unconstitutional by a decision of any court of  
11 competent jurisdiction, such decision shall not affect the validity of the remaining portions of this  
12 Chapter 12I. The Board of Supervisors hereby declares that it would have passed this Chapter 12I and  
13 each and every section, subsection, sentence, clause, phrase, and word not declared invalid or  
14 unconstitutional without regard to whether any other portion of this Chapter 12I would be subsequently  
15 declared invalid or unconstitutional.

16 **SEC 12I.6. UNDERTAKING FOR THE GENERAL WELFARE.**

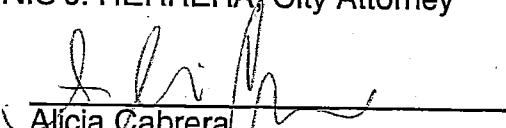
17 In enacting and implementing this Chapter 12I, the City is assuming an undertaking only to  
18 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an  
19 obligation for breach of which it is liable in money damages to any person who claims that such breach  
20 proximately caused injury.

21 //  
22 //  
23 //  
24 //  
25 //

1 Section 2. Effective Date. This ordinance shall become effective 30 days after  
2 enactment.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By:

7   
8 Alicia Cabrera  
9 Deputy City Attorney

10 n:\vegana\as2013\1300376\00870004.doc



**LEGISLATIVE DIGEST**

[Administrative Code - Due Process for All Ordinance on Civil Immigration Detainers]

**Ordinance amending the Administrative Code by adding Chapter 12I to prohibit law enforcement officials from detaining individuals on the basis of a civil immigration detainer after they become eligible for release from custody.**

Existing Law

No City law prohibits law enforcement officials from complying with a civil immigration detainer request to continue to detain an individual after the individual becomes eligible for release from custody.

Amendments to Current Law

This legislation would prohibit law enforcement officials from detaining an individual on the basis of an immigration detainer after that individual becomes eligible for release from custody.

The intent of this Chapter is to address civil immigration detainer requests. Nothing in this Chapter shall be construed to apply to matters other than those relating to federal civil immigration detainers. In all other respects, local law enforcement agencies may continue to collaborate with federal authorities to protect public safety. This collaboration includes, but is not limited to, participation in joint criminal investigations that are permitted under local policy or applicable city or state law.

Committee Amendments

On September 5, 2013, Supervisor Avalos introduced technical amendments that clarified the intent and purpose of this Ordinance.

**Youth Commission**  
City Hall ~ Room 345  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4532



(415) 554-6446  
(415) 554-6140 FAX  
[www.sfgov.org/youth\\_commission](http://www.sfgov.org/youth_commission)

**YOUTH COMMISSION**  
**MEMORANDUM**

**TO:** Honorable Mayor Edwin M. Lee  
Honorable Members, Board of Supervisors

**CC:** Angela Calvillo, Clerk of the Board  
Jason Elliott, Director of Legislative & Government Affairs, Mayor's Office  
Hydra Mendoza, Mayor's Families & Children's Advisor  
Derek Evans, Committee Clerk, Board of Supervisors

**FROM:** Youth Commission

**DATE:** September 12, 2013

**RE:** Youth Commission's support and statement on Board of Supervisors file no. 130764 proposed Due Process for All ordinance.

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At our special inaugural meeting on September 9<sup>th</sup>, 2013 the Youth Commission voted unanimously to support the following motion:

To support file no. 130764, a proposed ordinance which would amend the Administrative Code, by adding Chapter 12I, to prohibit law enforcement officials from detaining individuals on the basis of an immigration detainer after they become eligible for release from custody.

\*\*\*

We would like to give you some context for the position expressed above.

Our motion to unanimously support the proposed action by the Board of Supervisors to provide due process for all comes from the consensus amidst Youth Commissioners that federal immigration enforcement and our criminal justice system should be separate and should treat all residents equally regardless of immigration status, and that these tenets form the basis of a strong relationship of trust between local law enforcement and residents that is in the interest of public safety.

**During discussion on this item, Youth Commissioners proposed the following comment and recommendations regarding this legislation:**

The Youth Commission supports the framing of this legislation as a due process issue, and supports due process for all, regardless of immigration status or background.

Should the proposed ordinance pass, the Youth Commission urges the Board of Supervisors to request or prepare a report following one year after the ordinance takes effect to see how the ordinance has worked and how trust is being restored between immigrant communities and local law enforcement.

The Youth Commission urges the Board of Supervisors to undertake an extensive outreach campaign to reach immigrant communities throughout San Francisco, as well as people detained, that would include multilingual resources regarding their rights in the criminal justice system and with local law enforcement. Some recommendations to include in an outreach campaign include, but are not limited to a bus ad campaign, pamphlet distribution in public spaces and through community based organizations, through ethnic media, and school-based announcements.

\*\*\*

If you have any questions about these recommendations or anything related to the Youth Commission, please don't hesitate to contact our office at (415) 554-6446 or your Youth Commissioner.

---

**From:** Tamara.Aparton@sfgov.org  
**Sent:** Monday, July 22, 2013 12:31 PM  
**To:** Avalos, John  
**Cc:** angelac@advancingjustice-alc.org; lpolstein@carecensf.org; Caldeira, Rick; Calvillo, Angela; Mar, Eric (DPH); Farrell, Mark; Chiu, David; Tang, Katy; Breed, London; Kim, Jane; Yee, Norman (BOS); Wiener, Scott; Campos, David; Cohen, Malia; Redondiez, Raquel; Pollock, Jeremy  
**Subject:** Detainer Ordinance Letter from Public Defender Jeff Adachi  
**Attachments:** detainerordinancesupportletter1.pdf

Dear Supervisor Avalos,  
Please find a letter in support of Detainer Ordinance Chapter 12I, attached. Don't hesitate to contact me with any questions.

Best,

Tamara Barak Aparton  
Communication and Policy Assistant  
San Francisco Public Defender's Office  
415-575-4390  
[tamara.aparton@sfgov.org](mailto:tamara.aparton@sfgov.org)

# SAN FRANCISCO PUBLIC DEFENDER

JEFF ADACHI – PUBLIC DEFENDER  
MATT GONZALEZ – CHIEF ATTORNEY



July 22, 2013

Supervisor John Avalos  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, Ca 94102-4689

## **Re: Detainer Ordinance Chapter 12I – SUPPORT**

Dear Supervisor Avalos:

As the Public Defender of the City and County of San Francisco, I write in strong support of the Detainer Ordinance (amending Chapter 12I of the San Francisco Administrative Code) which will address the detrimental effects of San Francisco's participation in the deeply problematic Secure Communities (S-Comm) deportation program. This reform will enhance public safety and protect the civil liberties of thousands of San Franciscans who happen to be immigrants.

Under S-Comm, a person's fingerprints are electronically run through Immigration and Custom Enforcement's (ICE's) immigration database at the time of booking in the county jail. This allows ICE to identify noncitizens, including legal immigrants and permanent residents, and potentially subject them to deportation proceedings. Because it targets people at the time of arrest, Secure Communities ensnares those who will never be charged with a crime. Particularly vulnerable under this policy are people who have been subject to unconstitutional or erroneous arrests. My concerns echo those of officials across the country who have warned that S-Comm invites racial profiling by law enforcement.

The Detainer Ordinance will send a clear message to our diverse immigrant communities that in San Francisco, anyone may access the justice system and receive equal protection under the law, as guaranteed by the Fourteenth Amendment. The knowledge that we oppose any use of local law enforcement resources to enforce the broken federal immigration system will be an important step to mend trust and increase cooperation between immigrants and police. It will lead to more immigrants reporting crimes, seeking protection from domestic violence and serving as witnesses.

The Detainer Ordinance will also ease the unfair burden by which the program has saddled our local government by ending our city's participation in the constitutionally questionable practice of holding people for extra time for ICE. Due process is undermined when people are held in jail for extra time, simply because of an ICE hold request.

**Adult Division - HOJ**  
555 Seventh Street  
San Francisco, CA 94103  
P: 415.553.1671  
F: 415.553.9810  
[www.sfpUBLICDEFENDER.ORG](http://www.sfpUBLICDEFENDER.ORG)

**Juvenile Division - YGC**  
375 Woodside Avenue, Rm. 118  
San Francisco, CA 94127  
P: 415.753.7601  
F: 415.566.3030

**Juvenile Division - JJC**  
258A Laguna Honda Blvd.  
San Francisco, CA 94116  
P: 415.753.8174  
F: 415.753.8175

**Clean Slate**  
P: 415.553.9337  
[www.sfpUBLICDEFENDER.ORG/services](http://www.sfpUBLICDEFENDER.ORG/services)

**Reentry Council**  
P: 415.553.1593  
[www.sfreentry.com](http://www.sfreentry.com)

**Bayview Magic**  
P: 415.558.2428  
[www.bayviewmagic.org](http://www.bayviewmagic.org)

**MoMagic**  
P: 415.563.5207  
[www.momagic.org](http://www.momagic.org)

# SAN FRANCISCO PUBLIC DEFENDER

JEFF ADACHI – PUBLIC DEFENDER  
MATT GONZALEZ – CHIEF ATTORNEY



S-Comm has led to the deportation of almost 100,000 Californians as of May 2013, which is more than any other state.<sup>1</sup> In addition, more than 780 San Franciscans have been torn from their families through this program. Many are among the 25,000 people my office serves annually.

The Detainer Ordinance will not lead to violent criminals being turned loose onto our streets. Those who are convicted of serious crimes, with very few exceptions, remain in custody despite the ICE hold being removed due to high bails and many are sentenced to state prison. Complying with Secure Communities on a local level imperils only those arrested for minor offenses, many of whom will never be convicted of a crime. They are separated from families when transferred to immigration detention centers, often across the country, and then permanently torn apart through deportation.

As public defenders, my colleagues and I regularly come into contact with people who are wrongly arrested or detained with little evidence. Thus, we strongly support passage of local ICE hold reform.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Adachi".

Jeff Adachi  
San Francisco Public Defender

CC: Via Email: Board of Supervisors, Board Clerk, Angela Chan—Asian Americans Advocating Justice.

<sup>1</sup> See U.S. Immigration and Customs Enforcement, Secure Communities IDENT/IAFIS Interoperability Monthly Statistics October 27, 2008 through May 31, 2013. [http://www.ice.gov/doclib/foia/sc-stats/nationwide\\_interop\\_stats-fy2013-to-date.pdf](http://www.ice.gov/doclib/foia/sc-stats/nationwide_interop_stats-fy2013-to-date.pdf).

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F: 415.753.8175

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[www.sfpUBLICDEFENDER.org/services](http://www.sfpUBLICDEFENDER.org/services)

**Reentry Council**  
P: 415.553.1593  
[www.sfreentry.com](http://www.sfreentry.com)

**Bayview Magic**  
P: 415.558.2428  
[www.bayviewmagic.org](http://www.bayviewmagic.org)

**MoMagic**  
P: 415.563.5207  
[www.momagic.org](http://www.momagic.org)



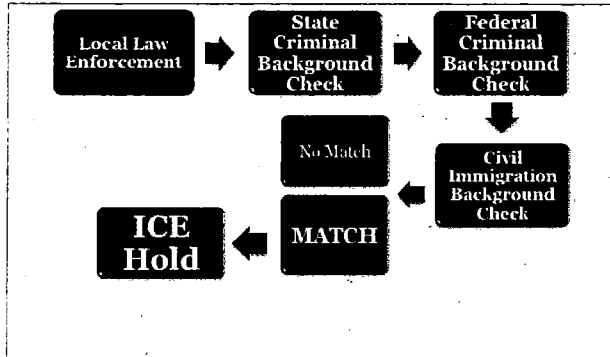
# San Francisco Due Process for All Ordinance

## IN BRIEF

The Due Process for All Ordinance will affirm San Francisco's role as a national leader in advancing policies that champion equal protection under the law for all, including our immigrant community members.

## BACKGROUND

Secure Communities (S-Comm) is a misguided Immigration and Customs Enforcement (ICE) program that automatically sends fingerprints taken by local police at the point of arrest to federal immigration officials, with no regard for the basic principle of due process. Immigration officials can request that any individual, regardless of immigration status, be detained on an immigration hold, at local expense.



Federal case law, federal regulations and California's Attorney General all confirm that responding to ICE's hold requests is voluntary.<sup>1</sup>

## THE PROBLEM

**70%** of undocumented immigrants are less likely to contact law enforcement if they are victims of crime for fear of deportation.<sup>2</sup>

### S-Comm Violates Basic Constitutional Principles

ICE hold requests deprive San Franciscans of their freedom without any due process of law. ICE hold requests are not reviewed or signed by a judge, and are not based on any legal standard, such as probable cause. That is why ICE holds have even been placed on US citizens. Operating

<sup>1</sup> The federal regulation applying to immigration detainers clearly states in section (a), entitled "detainers in general" that "[t]he detainer is a request." 8 C.F.R. § 287.7(a); 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 enforcement at the discretion of the agency holding the individual arrestee.").

<sup>2</sup> See Nik Theodore, "Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement," University of Chicago, May 2013.

unchecked, the program flies in the face of our most deeply held constitutional values – due process and equal protection for all.

**S-Comm Is A Burden on Local Resources:** Because ICE does not fully reimburse localities for participating in S-Comm, local jails bear the brunt of the costs of responding to hold requests triggered by the program.

**California taxpayers spent an estimated \$65 million annually to detain people for ICE.**<sup>3</sup>

**S-Comm Undermines Public Safety:** Immigrant residents who are victims or witnesses to crime fear cooperating with police because any contact with law enforcement can result in separation from their families and deportation. This erosion of community trust in police makes it harder for law enforcement officers to conduct their duties and keep San Franciscans safe.



Norma, a San Francisco resident and mother, desperately wanted to call the police when her partner hit her but **was afraid**. When she finally called the police to help her, she was **held on an immigration detainer and placed in deportation proceedings**.

## THE SOLUTION

The Due Process for All Ordinance will disentangle San Francisco's law enforcement from federal immigration enforcement and restore due process protections for all individuals who have been arrested, including immigrants.

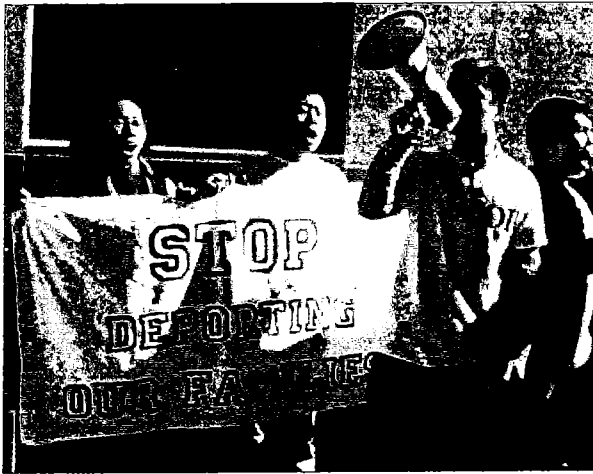
**Under this ordinance, San Francisco law enforcement will no longer respond to ICE's cruel and costly immigration hold requests.**

This ordinance will end the extended detention and wrongful deportation of San Francisco's aspiring citizens, including parents, children, domestic violence survivors and

<sup>3</sup> See Judith Greene, "The Cost of Responding to Immigration Detainers in California," Justice Strategies Report, August 22, 2012.

<sup>4</sup> See <http://articles.latimes.com/2011/apr/25/local/la-me-secure-communities-20110425> (April 25, 2011).

workers. The ordinance will also free San Francisco from the burden of responding to ICE hold requests and improve trust between immigrant communities and local law enforcement.



Immigrant communities are part of the fabric of San Francisco and S-Comm only serves to tear these communities apart, at local taxpayers' expense. The Due Process for All Ordinance will protect all San Franciscans by ending San Francisco's participation in this irreparably broken program.

## SUPPORT FOR THIS ORDINANCE

### *Individuals*

Supervisor John Avalos, author  
 Supervisor London Breed, co-sponsor  
 Supervisor David Campos, co-sponsor  
 Supervisor David Chiu, co-sponsor  
 Supervisor Malia Cohen, co-sponsor  
 Supervisor Jane Kim, co-sponsor  
 Supervisor Eric Mar, co-sponsor  
 Supervisor Norman Yee, co-sponsor  
 Sheriff Ross Mirkarimi  
 Archbishop Salvatore Cordileone  
 975 Community Members<sup>5</sup>

### *Organizations*

Asian Americans Advancing Justice – Asian Law Caucus  
 Arab Organizing and Resource Center  
 Bill of Rights Defense Committee  
 California Immigrant Policy Center  
 Causa Justa: Just Cause  
 Central American Resource Center  
 Chinese for Affirmative Action  
 Community United Against Violence  
 Dolores Street Community Services  
 Immigrant Legal Resource Center  
 Irish Immigration Pastoral Center

<sup>5</sup> Signed petition available at <http://org.credoaction.com/petitions/san-francisco-get-out-of-the-immigrant-detention-deportation-business>.

## SUPPORT FOR THIS ORDINANCE cont.

Lawyers Committee for Civil Rights  
 Mujeres Unidas y Activas  
 National Lawyers Guild  
 Pangea Legal Services  
 People Organized to Win Employment Rights  
 San Francisco Domestic Violence Consortium  
 San Francisco Organizing Project  
 Young Workers United



## FOR MORE INFORMATION

Angela Chan, Senior Staff Attorney  
 Asian Americans Advancing Justice – Asian Law Caucus  
 (415) 848-7719 | [angelac@advancingjustice-alc.org](mailto:angelac@advancingjustice-alc.org)

Cinthya Muñoz, Regional Lead Organizer  
 Causa Justa: Just Cause  
 (510) 318-7398 | [cinthya@cjjc.org](mailto:cinthya@cjjc.org)

Laura Polstein, Staff Attorney  
 Central American Resource Center  
 (415) 642-4412 | [lpolstein@carecensf.org](mailto:lpolstein@carecensf.org)

Josué Argüelles, Co-Director  
 Young Workers United  
 (415) 621-4155 | [josue.ywu@gmail.com](mailto:josue.ywu@gmail.com)



BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Youth Commission  
FROM: Derek Evans, Assistant Clerk  
DATE: August 19, 2012  
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following, which at the request of the Youth Commission is being referred as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File: 130764**

Ordinance amending the Administrative Code, by adding Chapter 12I, to prohibit law enforcement officials from detaining individuals on the basis of an immigration detainer after they become eligible for release from custody.

Please return this cover sheet with the Commission's response to **Derek Evans, Clerk, Neighborhood Services and Safety Committee.**

\*\*\*\*\*

**RESPONSE FROM YOUTH COMMISSION**    Date: \_\_\_\_\_

\_\_\_\_ No Comment

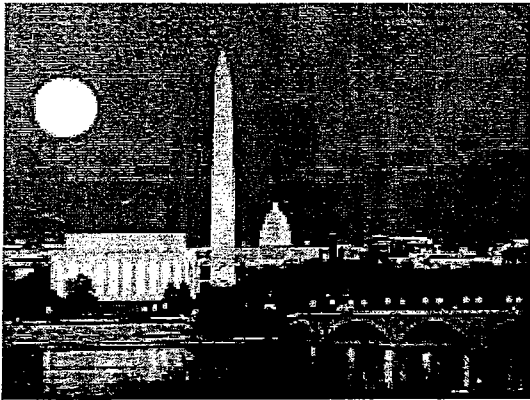
\_\_\_\_ Recommendation Attached

\_\_\_\_\_  
**Chairperson, Youth Commission**

## Why other local governments are saying **no** to ICE holds

### WASHINGTON, DC

*Council member Phil Mendelson (D-At Large), chair of the public safety and judiciary committee.*



Councilmember Mendelson said the legislation is needed to keep the federal government from “using local government for federal immigration enforcement.” “That works against community policing,” Mendelson said. “We want people who are victims to report crime, and we want witnesses to report crime.”

“DC Council votes to limit reach of federal effort aimed at illegal immigration” by Mihir Zaveri. *Washington Post*. June 5, 2012. [http://articles.washingtonpost.com/2012-06-05/local/35460677\\_1\\_illegal-immigration-federal-immigration-enforcement-report-crime](http://articles.washingtonpost.com/2012-06-05/local/35460677_1_illegal-immigration-federal-immigration-enforcement-report-crime)

### COOK COUNTY, ILLINOIS

*Chicago Sun-Times Editorial:*

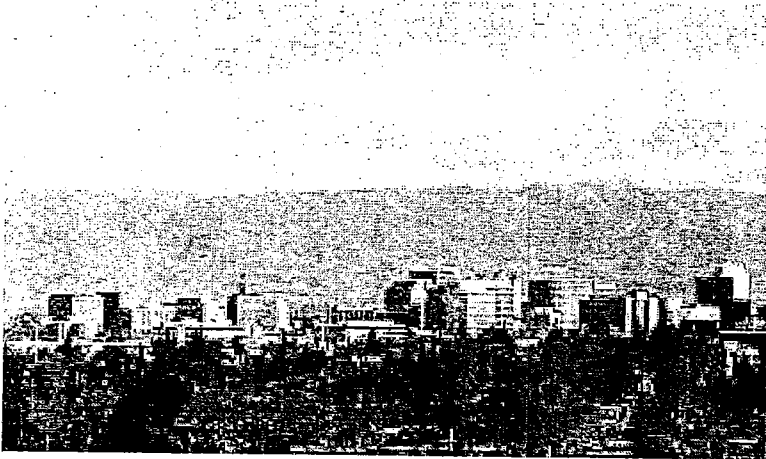


“It’s a basic American legal principle: We don’t hold people in prison without a legal reason for doing so.”

“Editorial: Preckwinkle takes high road on jail detainees. *Chicago Sun-Times*. April 11, 2012.  
<http://www.suntimes.com/opinions/11838801-474/editorial-preckwinkle-takes-high-road-on-jail-detainees.html>

### SANTA CLARA COUNTY, CA

*Supervisor Dave Cortese, Acting Public Defender Molly O'Neal, and Domestic Violence Advocacy Consortium director Cynthia Hunter.*



“How would you feel if friends or family members were denied bail, or timely release from jail, even though a judge or jury acting within the judicial system had already approved their release? Given the separation of powers established by the Constitution, a legislative

body such as the board should not be allowed to honor civil detainers that override the judicial powers of a judge or jury.

In the first year of the policy, organizations in our community coalition have seen a marked reduction of fear in immigrant communities.”

“Santa Clara County should keep current immigration policy” By Dave Cortese, Molly O'Neal and Cynthia Hunter. San Jose Mercury News Op-Ed, January 29, 2013. [http://www.mercurynews.com/opinion/ci\\_22474917/dave-cortese-molly-oneal-and-cynthia-hunter-santa](http://www.mercurynews.com/opinion/ci_22474917/dave-cortese-molly-oneal-and-cynthia-hunter-santa)

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

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):**

Supervisor John Avalos

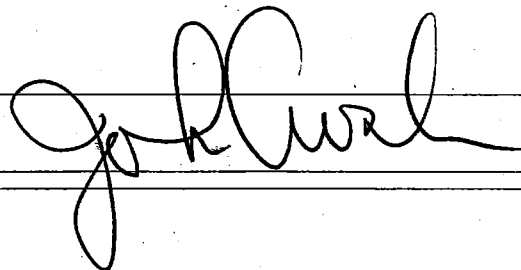
**Subject:**

Ordinance - Administrative Code - Due Process Ordinance on Immigration Detainers

**The text is listed below or attached:**

[Empty box for text listing]

Signature of Sponsoring Supervisor:



For Clerk's Use Only:

130764