

## Equitable Communities: Informational Report on Status of Regional, State, and Federal Actions

Jurisdiction	Date	Action
<b><i>Gilroy</i></b>	02/06/2017	➤ Passed Resolution assuring residents that the city embraces and respects people of all ethnicities, national backgrounds and faith, the police department will protect victims and strictly enforce laws against the commitment of hate crimes without regard to the immigration status of the victim or reporting party, and, the City Council is committed to protecting the constitutional rights of its residents.
<b><i>Los Altos</i></b>	02/14/2017	➤ Passed Resolution promoting safety, a sense of security, and equal protection of constitutional and human rights through equitable treatment of all; reaffirmed the City's commitment to a diverse, supportive, inclusive, and protective community.
<b><i>Morgan Hill</i></b>	12/14/2016	➤ Issued Statement of Support and Assurance to Morgan Hill Community and plans to adopt inclusiveness as one of its 2017 strategic priorities and make social responsibility as one of its guiding principles; <a href="http://conta.cc/2h2lQ2v">http://conta.cc/2h2lQ2v</a> .
<b><i>Mountain View</i></b>	12/13/2016	➤ Passed Human Rights City Resolution on December 13, 2016 adopting the universal declaration of human rights as guiding principles and declaring Mountain View as a Human Rights City, ensuring the community that discrimination in any form will not be tolerated. Mountain View Police Department has a longstanding policy of not asking about immigration status or helping ICE on issues solely related to immigration status.
<b><i>Palo Alto</i></b>	12/12/2016	➤ Passed Resolution promoting safety, a sense of security, and equal protection of constitutional and human rights through equitable treatment of all; reaffirmed the City's commitment to a diverse, supportive, inclusive and protective community. Also on October 15, 2001, City passed resolution declaring Palo Alto a "Hate-Free Zone."
<b><i>San Jose</i></b>	12/02/2016	➤ Mayor Liccardo and law enforcement leaders issued statements reaffirming residents' safety and the city's longstanding policy on immigration enforcement; the police department will not become a deportation force under President Trump's administration. "We need to ensure that all residents feel comfortable calling 911, reporting crimes, coming forward as witnesses, and testifying in court to help us keep criminals off the street."
	01/10/2016	➤ City Council approved mid-year funding to develop a communications strategy, in coordination with the County of Santa Clara, to ensure accurate and timely information is delivered to the most vulnerable immigrant community. Funding will also support the creation of a pro-bono legal services network that will complement the County's legal services programs. City Council also advised that the City create "safe spaces" in city-owned facilities such as libraries and community centers.
	01/25/2017	➤ Berkeley Mayor Jesse Arreguin, San Francisco Mayor Ed Lee, San Jose Mayor Sam Liccardo and

		<p>Oakland Mayor Libby Schaaf issued statements and vowed to take a regional approach to combat the impacts of any threatened cuts in federal funding that would adversely affect the nearly two and half million residents of diverse backgrounds who reside in their cities.</p> <ul style="list-style-type: none"> <li>➤ Through Office of Immigrant Affairs, San Jose is a member of the “Welcoming America” network that supports participating cities efforts to create inclusive, immigrant friendly policies and to engage various sectors in creating welcoming communities.</li> </ul>
<b>Saratoga</b>		<ul style="list-style-type: none"> <li>➤ The City is working in partnership with the Saratoga Ministerial Association to host a series of events called Community Conversations to encourage discussions within the community focused on inclusiveness and equality. The first of these events will take place on the evening of March 28. The meetings will be facilitated by members of the Ministerial Association, which is a group of leaders from our various faith-based organizations. The City is supporting these events by providing meeting space, helping with outreach and communications, and coordination.</li> </ul>
<b>Sunnyvale</b>	02/07/2017	<ul style="list-style-type: none"> <li>➤ Issued “Statement on Our City Values and Public Service;” City Council unanimously voted to reaffirm Sunnyvale’s commitment of serving its diverse community in a respectful, equitable, and inclusive manner.</li> </ul>
<b>Santa Clara County Police Chiefs Association</b>	03/09/2017	<ul style="list-style-type: none"> <li>➤ Issued statement reassuring communities that police departments’ longstanding stance on immigration enforcement will not change. Federal immigration laws will not be enforced by local police departments. Departments equally respect both documented and undocumented residents and “recognize mutual trust and respect is the cornerstone in building a solid foundation for our success.” The Association encourages victims and witnesses to contact departments about reporting or witnessing crimes without fear so that public safety departments can continue to serve and protect a safe environment for all.</li> </ul>
<b>Santa Clara County</b>	12/13/2016	<ul style="list-style-type: none"> <li>➤ Passed Resolution (3 in favor and 2 abstentions) in response to the election of President Trump and increase in hate crimes across the nation and Santa Clara County.</li> </ul> <p><b>Santa Clara County Affirms Defense of Its Immigration Policies</b></p> <ul style="list-style-type: none"> <li>➤ Development of legal strategies that could be used to stop a loss of revenue or protect residents’ civil rights.</li> <li>➤ Created a Federal Legislative Advocacy Task Force to keep the Board informed about the impacts of anticipated changes in policies, legislation and regulations, and to propose Board actions.</li> <li>➤ Developed a plan through the Office of Immigrant Relations aimed to provide information to immigrants in multiple languages about their rights and where to seek services. Furthermore, the plan will create a partnership between legal service providers and community based organizations to provide legal representation to immigrant residents who may face deportation.</li> </ul>

- Declaring the month of August as Muslim Awareness and Appreciation Month
- Resolution for County of Santa Clara Affirming its Commitment to Central American Refugees—June 2016
- Declaring Immigrant Heritage Month—June 2016
- Resolution Responding to the 2016 Presidential election and Affirming Santa Clara County's Commitment to its Values
- National Welcoming Week—September 2016
- April 2016—Santa Clara County was Designated as a Welcoming County under the White House Task Force on New Americans Welcoming Communities Campaign

February 2017

- Santa Clara County Joined other Cities and Counties throughout the US in filing an Amicus Curiae asking the US Supreme Court to uphold important constitutional protections for immigrants held in prolonged mandatory detention by the federal Government
- Filed a Federal Lawsuit against President Trump and members of his administration challenging his January 25, 2017 Executive Order which intended to deny all federal funding to any state and local government that fails to comply with his aggressive immigration enforcement plan.

March 2017

- Joined the Cities of Chicago, Los Angeles and New York City in filing a friend-of-the-court amicus brief in the Federal district court in Seattle challenging President Trump's renewed attempt at restricting travel into the US from six majority-Muslim nations

March 2017

- Letter of Support for Various CA Legislative Bills
  - AB 3—provide training and advise in issues relating to the immigration consequences of criminal convictions to public defenders in the state
  - SB 6—Provides funding for universal legal representation for every immigrant detained in California
  - SB 31—protects the safe and free exercise of religion by all Californians by ensuring that state

		<p>and local agencies and personnel do not participate in or use agency resources to create a registry</p> <ul style="list-style-type: none"> <li>○ SB 54—protects the safety and well-being of all Californians by preventing the use of state and local public resources to aid federal immigration and customs enforcement agents in deportation actions</li> </ul> <ul style="list-style-type: none"> <li>➤ According to the Public Policy Institute of California, more than 180,000 undocumented immigrants reside in Santa Clara County.</li> <li>➤ Board of Supervisors approved investment of \$3.5 million toward providing community outreach and legal representation to victims of mass deportation in order to ensure due process at low or no cost. Legal Representation Program</li> <li>➤ Funding will support: <ul style="list-style-type: none"> <li>○ (a) the costs of full-time immigration attorneys, and possibly support staff, from legal services organizations that provide no-cost immigration legal services; and</li> <li>○ (b) Pro bono programs in which volunteer lawyers, usually from private law firms, provide representation and other assistance under the supervision of experienced immigration lawyers.</li> </ul> </li> <li>➤ Contract with and provide funding to non-profit organizations that are well-equipped to provide immigration-related legal services to those who live or work in the County. <ul style="list-style-type: none"> <li>○ The funded legal services should include not only removal defense for individuals who have been formally charged and placed into removal proceedings, but also legal assistance that provides preventative measures against being targeted for removal in the first place. This would include screening to determine if an individual qualifies for legal status or immigration relief he or she can proactively seek without waiting to be targeted for removal, such as asylum, citizenship, adjustment of status, or other waivers; assistance in filing applications for these forms of immigration relief; and assistance with post-conviction remedies that could mitigate the immigration consequences of convictions.</li> <li>○ Support legal assistance for a broad range of immigrants County Counsel recommends that the County program support legal representation for a broad range of individuals who live or work in the County – including individuals with criminal records – for several reasons. First, because the incoming administration intends to focus immediate removal efforts on immigrants with criminal records, these immigrants are likely to face the most immediate and acute need for legal representation. Second, under the federal immigration laws, many low-level offenses,</li> </ul> </li> </ul>
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		<p>such as joyriding or a single failure to appear in court on a misdemeanor charge, can trigger the initiation of removal proceedings in immigration court, even for green card-holders who have lived in this country for decades.</p> <ul style="list-style-type: none"> <li>➤ Santa Clara County has agreed to cooperate with ICE requests when the subject has a record of state-defined “serious or violent” crimes in the past 10 years. These crimes include murder or attempted murder, mayhem, rape and other sex crimes, robbery, arson and extortion, and other crimes.</li> <li>➤ County filed lawsuit, along with other jurisdictions, against President Donald Trump over his executive orders related to immigration. Trump's newly signed executive orders require compliance with federal Immigration Customs and Enforcement (ICE) officials and other security agencies in order to receive \$300 million in promised federal funds.</li> <li>➤ Santa Clara County is a member of the “Welcoming America” network that supports participating cities efforts to create inclusive, immigrant friendly policies and to engage various sectors in creating welcoming communities.</li> <li>➤ Through its Office of Immigration, the County has a website that provides services, resources, and education about citizens’ rights during immigration raids at <a href="https://www.sccgov.org/sites/oir">https://www.sccgov.org/sites/oir</a>.</li> </ul>
<b>State of California</b>		<p>The California State Legislature has introduced a number of bills addressing the federal government’s new immigration policies. If passed, California could be designated a sanctuary state.</p> <ul style="list-style-type: none"> <li>➤ <b>Senate Bill 54 (Kevin De Leon)</b> would prevent local law enforcement agencies across the state “from using resources to investigate, interrogate, detain, detect, report, or arrest persons for immigration enforcement purposes.” California’s Trust Act — passed in 2013 — already prevents law enforcement from keeping someone in custody for immigration authorities after he or she is eligible for release. And California’s Truth Act – passed in 2016 –requires inmates to receive consent forms explaining their rights to them before ICE agents talk to them. Te proposed new measures would go further, preventing agencies from collecting information on people’s legal status or from responding to certain requests from federal agents for information, such as phone numbers, work addresses or release dates. California cannot stop federal immigration officers from conducting deportation raids in the Golden State. However, the state can stop local cops and deputies from helping the feds enforce immigration law. If passed, the bill would prohibit the use of state facilities for immigration enforcement purposes. This would essentially prevent access to county-run jails from ICE. California State Sheriff’s Association</li> </ul>

		<p>opposes the bill; while several organizations, such as Bill Wilson Center, Asian Law Alliance, California La Raza Lawyers Association, SEIU California and more support the bill. Passed Senate third reading on March 22, 2017 and now currently awaiting review in Assembly.</p> <ul style="list-style-type: none"> <li>➤ <b>Assembly Bill 3 (Bonta)</b> would create state-funded centers to train public defenders and other defense attorneys on immigration law. This bill has passed hearings in Assembly Committees on Public Safety and Human Services; awaiting hearing in Assembly Committee on Appropriations.</li> <li>➤ <b>Senate Bill 6 (Hueso)</b> establishes the Due Process for All Act by expanding existing immigrant legal services contracts administered by the California Department of Social Services (CDSS) to include immigrants facing deportation. The bill authorizes CDSS to establish specific contracting priorities, requires the state to consider the use of an umbrella nonprofit organization to administer the contracts and sets criteria for qualifying contractors. It prohibits legal services from being provided to individuals who have been convicted of specified violent crimes. The bill additionally establishes the California Universal Representation Trust Fund to accept donations from private foundations and philanthropic entities in order to serve more people. Passed Senate Third Reading on March 22, 2017.</li> </ul>
<p><b>Federal Government</b></p>	<p>01/25/2017</p> <p>01/25/2017</p>	<p>President Trump has issued 18 executive orders since he was sworn into office. The orders related to immigration and public safety of citizens include the following.</p> <ul style="list-style-type: none"> <li>➤ <b>Border Security and Immigration Enforcement</b> – President Trump instructed the Department of Homeland Security to begin construction of a 1,900-mile long wall along the southern border with Mexico, using existing federal funds to get it started. The directive also included strengthening the border with an additional 5,000 border protection officers.</li> <li>➤ <b>Enhancing Public Safety in the Interior of the United States</b> – directs executive departments and agencies to enforce immigration laws of the United States through deportation of undocumented immigrants and tripling resources for enforcement with 10,000 additional immigration officers. This directive is aimed at undocumented immigrants who have committed a crime, or have been charged with a crime, where unresolved, or are suspected as a threat to public safety. It also targets “sanctuary cities,” or municipalities, states, and other entities which can refuse to turnover undocumented immigrants to federal authorities through a variety of policies by withholding funding. “Jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary. The Secretary has the authority to designate, in his discretion and to the extent consistent with law, a</li> </ul>

		<p>jurisdiction as a sanctuary jurisdiction. The Attorney General shall take appropriate enforcement action against any entity that violates 8 U.S.C. 1373, or which has in effect a statute, policy, or practice that prevents or hinders the enforcement of Federal law.” <i>Implications:</i> this directive will likely lead to an increase in the deportation of undocumented immigrants. While it is suspected the administration cannot cut off all federal funding because Congress approves much of it, the President may put pressure on cities to comply. Several legal scholars question whether the executive order is constitutional, based on the 10th Amendment and previous court precedents. If federal funding is in fact threatened, lawsuits are expected, e.g. Santa Clara County and City of San Jose have joined other jurisdictions and filed a law suit against President Trump due to this executive order.</p> <p>1/27/2017</p> <ul style="list-style-type: none"> <li>➤ <b>Protecting the Nation from Foreign Terrorist Entry into the United States</b> - An executive order imposing a 120-day suspension of the refugee program and a 90-day ban on travel to the U.S. from citizens of seven Muslim-majority nations: Iraq, Iran, Syria, Libya, Yemen, Somalia and Sudan. This directive set off widespread chaos and confusion at airports nationwide and for agencies tasked with implementing the order. Due to federal courts response, the travel ban was frozen. As of March 6, 2017, this executive order has been revoked.</li> </ul> <p>02/09/2017</p> <ul style="list-style-type: none"> <li>➤ <b>Task Force on Crime Reduction and Public Safety</b> - An executive order directing the Department of Justice to take the lead on Federal actions to support law enforcement efforts nationwide and to collaborate with State, tribal, and local jurisdictions to restore public safety to all of our communities. The Attorney General (Jeff Sessions) has been directed to establish and fund a Task Force on Crime Reduction and Public Safety. The Task Force will be tasked with developing strategies to reduce crime, including, in particular, illegal immigration, drug trafficking, and violent crime.</li> </ul> <p>03/06/2017</p> <ul style="list-style-type: none"> <li>➤ <b>Protecting the Nation from Foreign Terrorist Entry into the United States</b> – The revised executive order temporarily suspends immigration into the United States for 90 days from now only six predominantly-Muslim countries — Iran, Somalia, Sudan, Yemen, Syria, and Libya. Iraq was previously listed among those nations, but was removed after assurances from the Iraqi government of increased information sharing with the United States. Visitors with existing visas and current lawful permanent residents and green card holders are exempt from the ban. In addition, no more than 50,000 refugees will be allowed in in 2017 and the order no longer places a blanket ban on Syrian refugees trying to enter the U.S. Instead refugees, including those from Syria, will be subjected to a 120-day suspension of the refugee program. The new order rescinds the previous one was supposed to go into effect on March 16, 2017; however, it has been put on hold due to legal challenges in the federal courts.</li> </ul>
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		<p>➤ <b>HR 83 Mobilizing Against Sanctuary Cities Act</b>, introduced by Congress Member Lou Barletta, proposes to prohibit “a state or local government from receiving federal financial assistance for a minimum of one year if it restricts or prohibits a government entity or official from: (1) sending to or receiving from the responsible federal immigration agency information regarding an individual's citizenship or immigration status, or (2) maintaining or exchanging information about an individual's status.” The bill restores assistance eligibility upon a Department of Justice (DOJ) determination that the jurisdiction no longer restricts or prohibits such actions. DOJ shall report each year to Congress regarding state or local jurisdictions that restrict or prohibit such actions. Judiciary Committee referred bill for review by Subcommittee on Immigration &amp; Border Security.</p>
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Notes & Background Information:

- Equitable Communities Subcommittee Members: Manny Cappello (Champion), Ken Rosenberg, Jan Pepper, Marsha Grilli, Marico Sayoc.
- Purpose of Subcommittee: Consider action or recommendation to membership cities in wake of federal government’s new policies on immigration enforcement and pledge to protect constituents regardless of race, gender, class, religion, sexual orientation, or disability and advance our commitment to safety and equity across communities.
- Sanctuary Jurisdiction = Jurisdiction that discourages local law enforcement from cooperating with federal immigration officials or simply avoid actively involving themselves in immigration enforcement. A jurisdiction adopting such a policy may do it through laws or merely through practice.
- The modern sanctuary movement started in the 1980’s, when U.S. churches, synagogues and other religious institutions began to provide refuge and services to thousands of undocumented immigrants from Guatemala and El Salvador who had fled civil unrest at home but were denied sanctuary in the U.S., largely due to Cold War politics. The effort became known as the “Sanctuary Movement”, and as it spread, a number of cities throughout the country joined in solidarity, passing resolutions to overlook the immigration status of residents. Proponents say sanctuary policies encourage members of immigrant communities to work with police without fear of deportation and such policies help authorities improve public safety by helping authorities identify and arrest dangerous criminals who might otherwise go undetected. However, others say sanctuary policies result in safe havens for illegal aliens involved in a variety of criminal enterprises, since their illegal schemes are less likely to be uncovered and face less risk of deportation if caught by local law enforcement. The national debate over sanctuary cities resurfaced in 2015 when an undocumented immigrant with a long criminal history allegedly shot and killed a 32-year-old woman on a San Francisco pier.



- City Managers Association’s feedback provided 02/15/17:
  - It would be helpful to have a Cities Association recommended resolution/statement for all cities to consider for adoption
  - Emphasize values
  - Keep it broad, high level
  - Ensure protection of whole community, promoting inclusiveness
  - Avoid term “sanctuary”
  - Identify resources for residents, e.g. What to do if ICE comes to door, ACLU know your rights, FAQ
  
- Welcoming City V.S. Sanctuary City
  - A Welcoming City or County is one that joins the Welcoming America network and works across multiple sectors, such as government, business, and non-profit, to create inclusive policies and practices such as making it easier for entrepreneurs to start a business or having government documents available in multiple languages. Welcoming Cities are guided by the principles of inclusion and creating communities that prosper because everyone feels welcome, including immigrants and refugees.
  - There is no legal definition for a "Sanctuary city". Nevertheless, a commonality among cities that have adopted sanctuary-type policies is a desire to resist changes in the law that would require local criminal law enforcement agencies to do the federal government’s job of enforcing immigration laws. Many do this by preventing local officials from asking people about their immigration status. Other cities refuse to use local resources to detain immigrants. The main purpose for these types of policies is to comply with constitutional requirements and to protect public safety by maintaining positive relationships between local law enforcement and immigrant communities.
  - Studies have shown that immigrants are less likely to report crimes, or cooperate in criminal investigations, if they fear potential deportation as the result of routine interaction with local law enforcement agents. Even if politically contentious, these are policies are legally sound and are seen by many localities as good public safety policy.
  - While the term is not associated with our programming, some cities in the Welcoming America network have chosen to adopt what could be considered sanctuary-type policies to guide the actions of their law enforcement personnel, others have not. We stand in support of those cities. It is truly up to the city to determine if they should do so. Though they may share similar principles, self-identified “Sanctuary cities” are not necessarily Welcoming Cities and vice versa.
  - Welcoming America’s ultimate goal is to build more inclusive, prosperous communities. Communities create and implement what works best and is needed to achieve this goal; we support their efforts and the policies they choose to enact.
- In order to join the network, a commitment form needs to be signed (e.g. providing an assigned staff member to this effort, confirming participation in 3 teleconferences per year,) and a proclamation/resolution needs to be passed declaring the jurisdiction to be a welcoming one.
  - Benefits of joining the Welcoming America network - Members commit to advancing and institutionalizing welcoming efforts in their community, and they receive benefits including ideas, approaches, training, resources, networking, certification, and leveraged funding. Learn more about commitments and benefits of joining as a local government or nonprofit.