

RESOLUTION NO. 9557**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA
ENHANCING SAFETY, REFUGE AND EQUAL OPPORTUNITY FOR ALL**

WHEREAS, immigrants historically have been a part of Pasadena's rich history. Pasadena is one of the most diverse cities in the San Gabriel Valley, and we have welcomed everyone who seeks to realize their dreams and build their families here, regardless of national origin or immigration status. In this environment, Pasadena has consistently been a champion of inclusiveness and tolerance. Today, more than 31% of our residents are foreign-born. As in other Southern California cities, immigrants are a large part of the engine of our economy. More than that, immigrants have woven the social, cultural and civic fabric of Pasadena from our educational institutions to our artistic stages, from the halls of government to community activism, from our culinary scene to our fields of play. As a community, we have a long-standing commitment to immigrants in Pasadena. More recently, our City Council adopted City Council Resolution No. 9319 in 2013, which calls for humane and comprehensive immigration reform and specifies that local governments like Pasadena should not be required to enforce federal immigration law. Most recently, in November and December 2016, our City Council discussed concerns as to how the incoming federal administration's policies might affect Pasadena, and our City Council reiterated our commitment as expressed in City Council Resolution No. 9319. At that time, we reaffirmed that our City would not be involved in any federal immigration enforcement activities.

WHEREAS, recent events in our region and across our nation have prompted our community and this City Council to make clear our established vision that all Pasadena residents, regardless of immigration status, are connected to community resources, have access to critical government services, are engaged in civic life, and are informed about critical immigration law and policy. This City Council's most solemn responsibility is to keep all of our City's people safe, and to strongly support our Police Department's existing policies with respect to federal immigration laws. This support is rooted in the principle that all of Pasadena is safer when our Police Department maintains a relationship of trust, respect and cooperation with all City residents. When people feel confident that they can come forward as a victim of, or witness to a crime, irrespective of immigration status, our Police Department's ability to protect and serve all is enhanced.

WHEREAS, all residents of Pasadena must feel safe and supported when accessing the vast array of City facilities, programs, and services available to them. City employees shall maintain and protect sensitive information regarding the immigration status of our residents. Our Police Department shall not directly assist in investigating, detaining or arresting individuals for violations of federal immigration law. Our local resources should be focused on local issues.

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

Section 1. The City Council of the City of Pasadena, California, hereby finds, determines, and declares as follows:

The City of Pasadena will not enforce federal immigration laws and the City Manager will ensure that all City policies are consistent with this declaration.

Section 2. The City Council of the City of Pasadena, California, hereby finds, determines, and declares as follows:

The City Manager will ensure that the Pasadena Police Department maintains an immigration policy that is consistent with proposed Policy 428 and the provisions of this Resolution. Among other provisions, said policy reiterates that the Department does not investigate and prosecute violations of federal immigration laws.

Section 3. The City Council of the City of Pasadena, California, hereby finds, determines, and declares as follows:

The City Manager will ensure that the City's Manual of Personnel & Administrative Rules, Section 2, City-Wide Policies and Standards of Conduct, is consistent with this Resolution. As indicated, no City employee will use City funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information regarding the immigration status of individuals in the City, unless required by law.

Section 4. The City Council of the City of Pasadena, California, hereby finds, determines, and declares as follows:

All City Commissions shall conduct their business in compliance with the direction provided in this Resolution.

Section 5. The City Council of the City of Pasadena, California, hereby finds, determines, and declares as follows:

The City Manager will periodically report out the number of contacts with respect to immigration enforcement that the Pasadena Police Department has had with the United States Immigration and Customs Enforcement to the City Council Public Safety Committee.


Adopted at the regular meeting of the Pasadena City Council on the 27th day of March, 2017, by the following vote:

AYES: Councilmembers Gordo, Hampton, Kennedy, Madison, McAustin, Wilson, Vice Mayor Masuda, Mayor Tornek

NOES: None

ABSENT: None

ABSTAIN: None



Mark Jomsky
City Clerk

APPROVED AS TO FORM:



Michele Beal Bagneris
City Attorney



R-9557

Agenda Report

March 27, 2017

TO: Honorable Mayor and City Council

FROM: City Manager

SUBJECT: Consideration of City policy in regard to Immigration issues

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the action proposed herein is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines, Section 15061(b)(3), as it will not have a potentially significant environmental effect and, therefore, falls under the "general rule" exemption;
2. Approve the City's Legislative Platform, Item 8 on the City Council Agenda, including the support for the reforming of federal immigration law, as detailed in the Platform and in the Background section of this report;
3. Consider what, if any, additional actions the Council may wish to take beyond those being implemented at the staff level, as described in this report and its attachments, in regard to federal immigration issues.

BACKGROUND:

The City of Pasadena is a thriving, diverse and welcoming community. The City strongly believes that immigrants strengthen the community economically and culturally, and welcomes their contributions to society. Recent actions at a national level on immigration matters and, specifically, calls for deportation of the undocumented, have sparked a debate over what position state and local governments should take on deportation and broader immigration issues. This report provides both the background on the City of Pasadena's attention to these issues to date, and context for any broader, or narrower, position which the City Council might wish to take as a matter of public policy.

THE CITY OF PASADENA LEGISLATIVE PLATFORM ON IMMIGRATION:

On October 28, 2013 the City Council adopted Resolution 9319 (Attachment "A"), which set forth the Council's position that Pasadena supports a humane and comprehensive immigration reform proposal with the following principles: provides an attainable and affordable pathway to full citizenship for the nearly 11 million undocumented immigrants in the United States; establishes family unity as a cornerstone of our immigration system; provides due process and labor protections; allows access to key essential services such as health care; and states that local governments should not be mandated to enforce federal immigration laws, particularly when resources necessary to enforce local laws are already stretched.

This position has been incorporated into the City's adopted Federal Legislative Platform each year since. Further, as part of this evening's Council agenda, the Legislative Policy Committee is recommending that the City Council amend this policy statement to include the additional support for federal legislation that would protect children who were brought to this country without immigration documents, as part of the Deferred Action for Childhood Arrivals (DACA) program. In addition, the Legislative Policy Committee is recommending opposing efforts to deny federal funding to Sanctuary Cities.

PASADENA POLICE POLICY ON IMMIGRATION:

In addition to the Council's policy statements, the Pasadena Police Department has long refrained from inquiring as to the immigration status of those persons with whom it has contact. The Pasadena Police administrative policy has embodied this practice since 1989. This practice reflects the relationship of trust between the Pasadena Police Department and the community it serves, as well as the reality that the safety of the entire community is put at risk if people are fearful of cooperating with local law enforcement for fear of deportation.

In light of the recent public attention to these issues, the Pasadena Police Department has been working to update its administrative policy, which has been informed by suggestions made by community members, including a Resolution suggested by community members entitled "Pasadena Police Department Immigration Status and Bias-Free Policing Policy," (Attachment "B"). This resulted in a draft policy, "Policy 428 Immigration Policy," (Attachment "C"). Notice was given to the Pasadena Police Officer's Association of the intent to adopt this draft Policy, and the Association had no objections. The intent of this draft Policy is to continue disengagement of the Pasadena

Police Department from deportation activity to the greatest extent permitted by law and adopts some of the language from the suggested Resolution. It differs from the suggested Resolution in a couple of areas: First, it is staff's position that the Police Department should not completely disengage from the U.S. Immigration and Customs Enforcement (ICE), or any law enforcement agency. For example, ICE is involved in matters of national security, including combating terrorism, human trafficking, drug trafficking, and money laundering, and the Police Department should continue working cooperatively with ICE in this type of law enforcement activity. Second, federal law does not allow any government entity to prohibit contact by individuals with ICE.

CITY OF PASADENA STANDARD OF CONDUCT REGARDING CONFIDENTIALITY:

The Trump administration's recent pronouncements regarding potential accelerated and expanded deportations of undocumented immigrants has stirred fear and concern in numerous communities, including Pasadena. On February 27th the Council heard considerable public testimony regarding the issue. Related to this, a number of community members have asked the City Council to adopt a Resolution (Attachment "D"), which would declare Pasadena to be a "Sanctuary City" and direct all "City departments, agencies, or commissions to review their confidentiality policies and identify any changes necessary to ensure that information collected from individuals is limited to that necessary to perform their duties and is not used or disclosed for any other purpose." It was further suggested that, "[i]t shall be the policy of all City departments, agencies, and commissions not to provide non-publicly available information about any individual to any entity or official, including but not limited to any state or federal government agency or official, unless necessary to perform department, agency, or commission duties or required by law." The intent of the Resolution provided by community members is to prevent the City from participating in any registry system that might facilitate deportations.

To address the community concerns regarding the need to prevent the reuse of personal information in a deportation or other adverse setting, a new citywide policy has been developed for incorporation into the City's Manual of Personnel Rules, Practices and Procedures, "Standards of Conduct Regarding Confidentiality" (Attachment "E"). This Policy would apply to all City employees. Notice has been given to all of the City's bargaining groups of the intent to finalize the Policy, and no questions were raised by any bargaining group. This Policy sets forth the City's commitment to the confidentiality of information gathered for municipal purposes and would explicitly limit collection or dissemination of information regarding a person's status. This policy, as developed by City staff, differs from that proposed by community advocates most significantly in that it does not declare the City of Pasadena to be a "Sanctuary City."

SANCTUARY DESIGNATION:

Currently, there is no legal definition or uniform approach as to what constitutes a "Sanctuary City." Neither those communities which embrace the definition, nor the elements of the federal government which might penalize a city for that designation have set forth a list of elements necessary to constitute a Sanctuary City. Historically, a "sanctuary" was a sacred place or place of worship. The notion of a sanctuary being a place in which the persecuted could seek refuge from civil authorities is found in the Biblical Book of Deuteronomy, in the laws of ancient Greece and Rome, and in medieval Church canon law. In the 1980's, the Sanctuary Movement was a religious and political movement to provide safe haven for Central American refugees fleeing civil wars. It responded to federal immigration policies that made obtaining asylum difficult for Central Americans. More recently, the term, Sanctuary City, has come to be a self-designation in conjunction with policies that limit or prevent collaboration with the federal government on immigration enforcement.

The purpose of the City's administrative policies is to set forth rules for the conduct of City business by City employees, consequently the self-designation as a "Sanctuary City" would not, in and of itself, affect administrative policy. Moreover, use of the term suggests a level of protection against Federal enforcement offered by the City that, in reality, does not exist. To the extent the City Council may wish to make a more definitive, public policy statement, staff would recommend that it be incorporated into the Legislative Policy Platform.

It should be noted that these public policy issues are being addressed at the state-level as well. Specifically Senate Bill 54 (SB54), is currently making its way through the legislature (Attachment "F"). This Bill, if passed and then approved by the Governor, would declare California to be a "Sanctuary State" and prohibit California law enforcement agencies from:

- (1) Using agency or department moneys, facilities, property, equipment, or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including, but not limited to, any of the following:
 - (A) Inquiring into or collecting information about an individual's immigration status, except as required to comply with Section 922(d)(5) of Title 18 of the United States Code.
 - (B) Detaining an individual on the basis of a hold request.
 - (C) Responding to requests for notification or transfer requests.
 - (D) Providing or responding to requests for non-publicly available personal information about an individual, including, but not limited to, information about the

person's release date, home address, or work address for immigration enforcement purposes.

(E) Making arrests based on civil immigration warrants.

(F) Giving federal immigration authorities access to interview individuals in agency or department custody for immigration enforcement purposes.

(G) Assisting federal immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.

(H) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.

(2) Making agency or department databases, including databases maintained for the agency or department by private vendors, or the information therein other than information regarding an individual's citizenship or immigration status, available to anyone or any entity for the purpose of immigration enforcement. Any agreements in existence on the date that this chapter becomes operative that conflict with the terms of this paragraph are terminated on that date. A person or entity provided access to agency or department databases shall certify in writing that the database will not be used for the purposes prohibited by this section.

(3) Placing peace officers under the supervision of federal agencies or employing peace officers deputized as special federal officers or special federal deputies, except to the extent those peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

(4) Using federal immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

The passage of SB54 would likely set up a court battle between the state of California and the Trump Administration, which, on January 25th, issued an Executive Order which seeks to withhold federal funds from jurisdictions that fail to comply with Federal law concerning immigration enforcement. To date, the City of San Francisco and the County of Santa Clara, along with the cities of Lawrence and Chelsea, MA, have filed suit against the Trump administration seeking to block any cut off of federal funds.

Annually, the City of Pasadena receives a significant amount of federal funding. The amount of federal funding that could actually be subject to elimination in the event of adverse action by the Trump Administration is currently undetermined. Nevertheless, in Fiscal Year 2016 the grand total amount of federal funding received by the City of Pasadena was just under \$35 million, broken down as follows:

Program Type	Amount of Federal Funds
Housing Programs (mostly Section 8)	\$17.8 million
Transportation related capital programs	\$6.8 million
Public Health Programs	\$3.5 million
Foothill Workforce Development Board	\$3 million
Nutrition Programs	\$1.7 million
Non-capital Transportation programs	\$1 million
Public Safety (Police & Fire)	\$768,000
Public Art	\$91,000
TOTAL	\$34.65 Million

It is worth noting that the President's proposed budget, if enacted, would significantly reduce this level of funding.

FISCAL IMPACT:

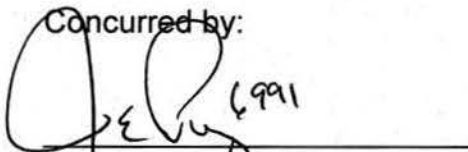
Various studies indicate that immigrants contribute hundreds of billions of dollars to the American economy. A 2014 conducted by USC estimated that undocumented immigrants contribute \$130 billion annually to California's economy and constitute 10% of the workforce. As outlined above, the City routinely received tens of millions of dollars annually from the Federal government to operate programs serving the communities most needy and benefiting the overall well-being of the City.

Respectfully submitted,



STEVE MERMELL
 City Manager

Concurred by:



PHILLIP SANCHEZ
 Chief of Police



JENNIFER CURTIS
 Director of Human Resources

ATTACHMENTS

- A. City Council Resolution No. 9319 (A Resolution of the City Council of the City of Pasadena Supporting a Humane and Comprehensive Immigration Reform Proposal.
- B. (Proposed by the Advocates) Pasadena Police Department Immigration Status and Bias-Free Policing Policy.
- C. Pasadena Police Department Policy 428 – Immigration Policy (proposed)
- D. (Proposed by the Advocates) A Resolution of the City Council of the City of Pasadena, California to Welcome, Protect and Defend All Residents By Making Pasadena a Sanctuary City.
- E. City of Pasadena Manual of Personnel & Administrative Rules, Section 2, City-Wide Policies and Standards of Conduct, AA. Standard of Conduct Regarding Confidentiality.
- F. Senate Bill 54 (Sanctuary State)

ATTACHMENT A

RESOLUTION NO. 9319

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PASADENA SUPPORTING A HUMANE AND COMPREHENSIVE
IMMIGRATION REFORM PROPOSAL**

WHEREAS, the United States of America is a nation of values, founded on the principles that all men and women are created equal, and the promise of freedom for all; AND

WHEREAS, the current immigration system is broken, antiquated and not meeting the challenges of the 21st century. It separates families, creates long backlogs for families who are seeking reunification. Further, it neglects the hard work and the financial contributions immigrants make to our country; AND

WHEREAS, since 2008 more than 1.6 million immigrants have been deported, and one in every ten American children faces the threat of deportation of a parent; AND

WHEREAS, it is estimated that about 11 million undocumented immigrants are in the United States, and California has the largest population of immigrants, both legal and undocumented; AND

WHEREAS, the President of the United States implemented the Deferred Action for Childhood Arrivals (DACA) and the Migration Policy Institute estimates that 460,000 Californians qualify for DACA and the United States Citizenship and Immigration Services has reported that 152,855 Californians have applied for citizenship as of June 30, 2013. This is a step in the right direction, but it is not enough; AND

WHEREAS, one in 10 workers in California is an undocumented immigrant, and immigrants are a vibrant, productive, and vital part of the state's growing economy, holding jobs in areas such as food preparation, machine operations, construction, domestic and household services and general sales; AND

WHEREAS, the White House reports that a comprehensive immigration reform policy with a pathway to citizenship would, over 10 years, boost U.S. GDP by \$1.4 trillion, increase total income for all Americans by \$791 billion, generate \$184 billion in additional state and federal tax revenue from currently undocumented immigrants, and add about 2 million jobs to the U.S. economy; AND

WHEREAS, Los Angeles County is home to nearly 1 million undocumented immigrants and 20 percent of children in Los Angeles County have at least one undocumented parent; AND

WHEREAS, the San Gabriel Valley and the City of Pasadena are home to an ever growing, diverse population of immigrant families who work and contribute to the City and the region; AND

WHEREAS, according to the 2010 Census, the City of Pasadena was made up of 31% of foreign born persons; AND

WHEREAS, the City of Pasadena has adopted as part of the 2013 Federal Legislative Platform that we strongly believe that immigrants strengthen the community economically and culturally, and welcomes their contributions to society. With regard to federal legislation aimed at reforming federal immigration laws, the City urges Congress and the President to reaffirm that addressing unlawful immigration in a compassionate manner is the primary responsibility of the federal government, and that sufficient resources must be committed on the federal level for this purpose.

NOW, THEREFORE, BE IT RESOLVED, that by adoption of this resolution, the City of Pasadena hereby supports a humane and comprehensive immigration reform proposal with the following principles: providing for an attainable and affordable pathway to full citizenship for the nearly 11 million undocumented immigrants in the United States; supporting family unity as a cornerstone of our immigration system; providing due process and labor protections; allowing access to key essential services such as health care; and removing mandates on local governments to enforce federal immigration laws, particularly when resources necessary to enforce local laws are already stretched.

Adopted by the following vote at the meeting of the City Council on the 28th day of October, 2013:

AYES: Councilmembers Gordo, Kennedy, Madison, McAustin, Tornek, Vice Mayor Robinson, Mayor Bogaard

NOES: None

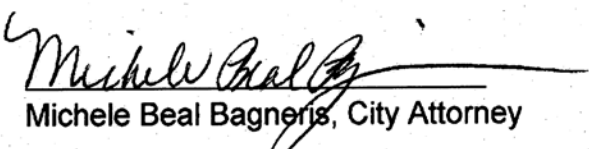
ABSTAIN: Councilmember Masuda

ABSENT: None



Mark Jomsky, City Clerk

Approved as to Form:



Michele Beal Bagneris, City Attorney



Agenda Report

October 28, 2013

TO: Honorable Mayor and City Council
THROUGH: Legislative Policy Committee (September 25, 2013)
FROM: City Manager
SUBJECT: A RESOLUTION OF THE CITY COUNCIL SUPPORTING A HUMANE AND COMPREHENSIVE IMMIGRATION REFORM PROPOSAL

RECOMMENDATION:

It is recommended that the City Council adopt a resolution of the City Council of the City of Pasadena supporting a humane and comprehensive immigration reform proposal

RECOMMENDATION BY THE LEGISLATIVE POLICY COMMITTEE:

On September 25, 2013 the Legislative Policy Committee had a discussion on a resolution supporting a humane and comprehensive immigration reform proposal. The Committee supported forwarding this resolution to the City Council for their consideration with the intent that the resolution include language from the 2013 Federal Legislative Platform.

BACKGROUND:

The U.S. Senate approved comprehensive immigration reform legislation (S 744) in June that would provide a path to citizenship for undocumented immigrants, a streamlined legal immigration process, tougher interior enforcement, and increased border security. While the measure was approved in bipartisan fashion (69-31), it took approval of a floor amendment to the bill that added \$30 billion in border security initiatives to secure significant Republican support. The Senate bill does not include provisions that would mandate that local law enforcement agencies federal immigration law.

Shortly after Senate approval of its immigration bill, House Republican leadership announced its intention of considering immigration reform in a piecemeal approach

Resolution on Immigration Reform
October 28, 2013
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rather than in one comprehensive measure. A handful of bills dealing with matters such as creating a guest worker program, legalizing children brought into the U.S. at a young age and who are now in school ("DREAMers"), increasing enforcement, and bolstering employment verification systems have been approved on the committee level. However, none of them has been scheduled for floor action.

While there are House Republicans interested in immigration reform, there appears to be a significant faction in the GOP ranks who strongly oppose any path to citizenship for undocumented immigrants and who are also likely to balk at the Senate proposal to spend an additional \$30 billion on border security. House Republican leaders have promised to not bring any immigration bill to the House floor that does not have the support of the majority of the Republican caucus, and since they will probably be consumed by budget matters from now until the end of this year, chances that the House will take up immigration legislation during that time is slim.

Attached to this agenda are two examples of support for immigration reform from organization that advocate the needs of cities: The National League of Cities and the League of California Cities. Attachment A from the National League of Cities is a Legislative Issue Brief titled "Fix The Nation's Broken Immigration System" in which they call for the federal government to adopt a strong and consistent national immigration policy that balances national security needs with renewed effort to grow the nation's workforce, stimulate economy recovery, and remain competitive in the 21st century global market. Attachment B is a letter from the League of California Cities to Senator Feinstein asking for prompt action on this legislation in concert with the principles that include: do not to mandate local enforcement of federal immigration laws and assistance to local governments affected by new immigrants.

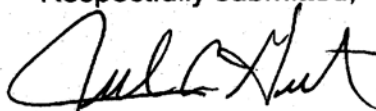
At the September 2013 regular meeting of the Legislative Policy Committee, Vice Mayor Robinson introduced Rita Medina, a representative from the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA). Ms. Medina made a presentation on immigration reform and working towards a fair and humane path to citizenship that is included as Attachment C. As noted in the presentation, the Los Angeles County is home to nearly one million undocumented immigrants. An estimated 11% of the Los Angeles County workforce is undocumented and 20% of the children in Los Angeles county have at least on undocumented parent. According to our 2010 census date, Pasadena is made up of 31% of foreign born persons.

Resolution on Immigration Reform
October 28, 2013
Page 3 of 3

FISCAL IMPACT:

Support of this resolution will not have any fiscal impact to the City.

Respectfully submitted,



JULIE A. GUTIERREZ
Assistant City Manager

Approved by:



MICHAEL J. BECK
City Manager

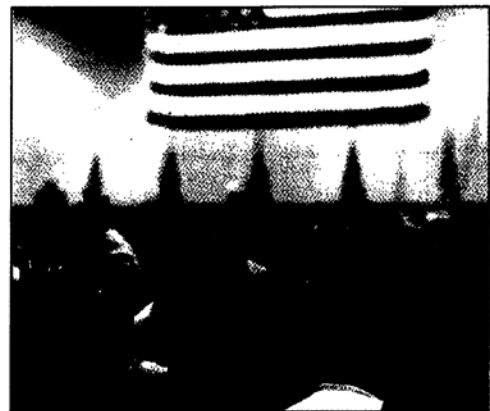
**NATIONAL
LEAGUE
of CITIES** |  **Legislative Issue Brief**

Fix the Nation's Broken Immigration System

NLC calls on the federal government to adopt a strong and consistent national immigration policy that balances national security needs with renewed efforts to grow the nation's workforce, stimulate economy recovery, and remain competitive in the 21st century global marketplace.

America's immigration system is failing our cities and our economic future. Local governments are caught in the middle of the national debate with no control over the regulation of immigration but with the responsibility for integrating immigrants into our communities and providing the services necessary for stable neighborhoods. Municipal leaders join with civic and business leaders to highlight the economic necessity of comprehensive immigration reform.

It is time for Congress to acknowledge the economic vitality that immigration brings to this nation and adopt a reform policy that supports secure borders and a path to citizenship for the millions of immigrants currently contributing to our local and national economies. Comprehensive reform will provide cities and towns with the support needed to integrate immigrants into their communities and allow them to make both cultural and economic contributions to the nation.



Immigration Reform Facts and Figures

- Passing the DREAM Act would add \$329 billion to the U.S. economy, create 1.4 million new jobs by 2030 and result in an additional \$5.6 billion in state and federal household income tax revenue (*Partnership for a New American Economy, Center for American Progress*)
- Immigrant business owners contribute more than \$775 billion dollars in revenue to our annual Gross Domestic Product and employ 1 out of every 10 American workers at privately-owned companies across the country. (*Partnership for a New American Economy*)
- Despite accounting for just 12.9 percent of the U.S. population, immigrants started 28 percent of all new U.S. businesses in 2011. (*Partnership for a New American Economy*)
- In the 25 largest metropolitan areas combined, foreign-born workers are responsible for 20 percent of economic output and make up 20 percent of the population. (*Keystone Research Center*)

Request for Congress and the Administration

- Immigration has been a source of innovation and economic growth throughout the nation's history.
- The debate in states across the nation and in the courts demonstrates the urgent need for comprehensive immigration reform at the federal level.
- Congress' failure to act is harming communities. It is imperative that Washington act now to pass comprehensive immigration reform.



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

July 22, 2013

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

RE: Reform of Federal Immigration Laws

Dear Senator Feinstein:

As Congress moves forward with reform of our immigration laws, I am writing on behalf of the League of California Cities (League) to urge your support for prompt action on this legislation in concert with the principles laid out below. Like the National League of Cities and many others across our nation, the board of directors of the League believes it should be an urgent priority of Congress to enact comprehensive immigration reform. Every day city officials and staff are affected by the current dysfunction in our immigration system, and the need for action is critical. The League of California Cities supports the following federal Immigration Reform Principles with the highest priority attached to No. 2, with a particular focus on the urgency of eliminating illegal entry at the borders.

1. **Prompt Action Needed.** Congress should move quickly to enact comprehensive reform of the current immigration laws with support of the Administration to implement the immigration laws effectively.
2. **Consistent Federal Enforcement Required.** The federal government should enforce its current immigration laws consistently and vigorously to eliminate illegal entry at the borders, visa overstays, working without proper documentation, and employing undocumented workers.
3. **Increased Enforcement of Visa Laws Required.** The federal government must increase enforcement of visa overstays through the full implementation and staffing of the US-VISIT and SEVIS programs.
4. **Do Not Mandate Local Enforcement of Federal Immigration Laws.** Local personnel, such as police officers, fire inspectors, educators, health personnel and social service personnel, should not be conscripted into federal service because the federal government has not adequately funded and staffed its immigration enforcement agencies; and the federal government must not transfer the responsibility of enforcing U.S. immigration laws to local personnel by making undocumented status in the U.S. a criminal offense.
5. **Increase Worksite Enforcement; Modernize Verification System.** The federal government must strengthen its worksite enforcement capacity and dramatically increase enforcement efforts at places of employment, as well as providing employers with a universal, reliable, effective, secure, non-discriminatory, and non-counterfeitable employee verification system, using the most up-to-date technology that will minimize fraud.

6. **Provide Efficient Process for Securing Visas and Legal Permanent Residency.** The federal government must increase its capacity and infrastructure to enforce the laws and provide efficient means for foreign nationals to obtain legal authorization for temporary visas or legal permanent residency.
7. **Improve Process for Temporary Workers, and to Become Legal Resident or Citizen.** The federal government must provide an appropriate, legal means of immigration, as is determined to be necessary and effective for the United States, for foreign nationals that want to work here temporarily, become legal permanent residents, or gain citizenship.
8. **Provide Path to Legal Status and Citizenship With Strict Conditions.** The federal government should establish a process whereby undocumented immigrants currently living in the United States may earn legalized status through payment of appropriate fees and back taxes, background checks, absence of criminal or gang activity, consistent work history, and meeting English and civics requirements; and that the immigrants who have earned such legal status should also be able to apply for citizenship through additional processes, as appropriate and practical, as long as they do not move ahead of applicants with proper documentation waiting to adjust their status or those waiting on lists in their home countries.
9. **Assist Local Governments Affected by New Immigrants.** The federal government should provide local governments with financial and technical assistance to alleviate the local impact of new immigrants, including the costs of providing social services, health care, education, language services, and civic integration.

Thank you for your attention to the concerns of California cities on this important matter. Please let me know if you have any questions or need any additional information. You can also contact the League's Washington advocate, Eve O'Toole, at (202) 419-2505. We look forward to continuing to work with you on California's important local priority issues.

Sincerely,



Chris McKenzie
Executive Director

c. National League of Cities

Immigration Reform

Working towards a fair and humane path to Citizenship



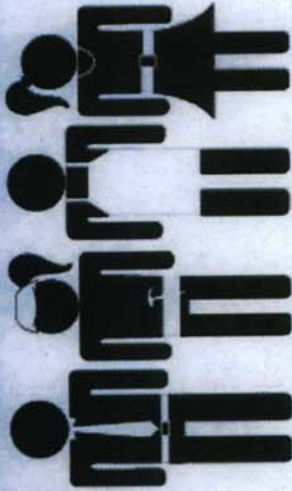
Coalition for Humane Immigrant Rights of Los Angeles

CHIRLA

The Nation's Aspiring Americans

- Nationally, there are an estimated **11 million** undocumented immigrants in the United States who are working within and contributing to our economy
- In California there are an estimated **2.6 million** undocumented immigrants
- Immigrants are **34%** of the California's workforce
 - **9%** of the workforce in unauthorized
- Immigrants in California contribute **33%** to the State's Domestic GDP

NEW AMERICANS IN CALIFORNIA



Asian-owned businesses in California have sales and receipts of **\$181.3 billion.**

Latino-owned businesses in California have sales and receipts of **\$80.3 billion.**



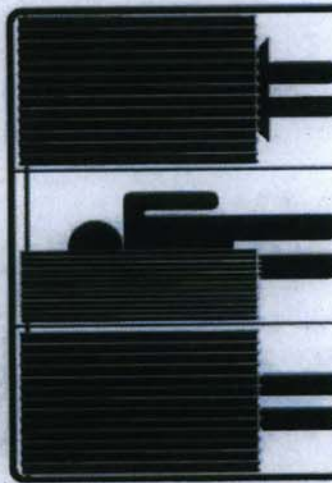
27.2% of Californians are foreign born.

50.8% of Californians are Latino or Asian.

Immigrants are **34.6%** of the state's workforce. **9.7%** of the workforce is unauthorized.



The purchasing power of California's Latino population and Asian population, respectively, is **\$265.2 billion** and **\$171.7 billion.**



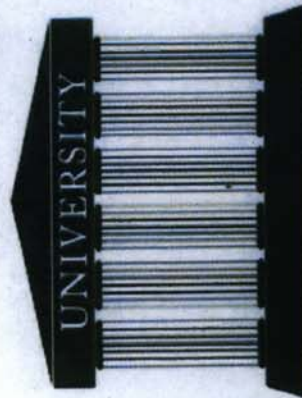
45.6% of immigrants in the state are eligible to vote.

28.9% of registered voters are New Americans.



90.4% of California's children with immigrant parents are U.S. citizens.

81% of children with immigrant parents are English proficient.



California has **94,279** foreign students who contribute **\$2.8 billion** to the state economy.

32.1% of foreign-born adults have a bachelor's degree or higher.

DID YOU KNOW? California would lose **\$301.6 billion** in economic activity if unauthorized immigrants were removed.

www.immigrationpolicy.org

Immigration Locally

- Los Angeles County is home to nearly **1 million** undocumented immigrants
- **11%** of the Los Angeles County workforce is undocumented
- **20%** of children in Los Angeles County have **at least one** undocumented parent
- According to the 2010 Census, the city of Pasadena was made up of **31% of foreign born persons**

Current State of Enforcement

- The U.S. spent nearly **18 billion dollars** on immigration enforcement last year
 - **More than all other federal law enforcement agencies combined**
- Since 2008 almost **2 million** people have been deported
- In one year, California deported nearly **90,000** people under the Secure Communities program

Our Communities Deserve a Chance

- Calling on Congress to pass a bi-partisan immigration reform bill that provides a **fair and humane path to citizenship**
- Creating immigration reform legislation without crafting a pathway to citizenship for undocumented immigrants creates a permanent second class status for these **Aspiring Americans**
- Undocumented immigrants are already contributing to the country but can contribute so much more with a legal status

The Economic Benefits of Immigration Reform with a pathway to citizenship

- According to the Congressional Budget Office (CBO),
In the first 10 years of enacting immigration reform,
immigrants will reduce the national deficit by **150 billion dollars**
- Enacting reform would increase federal revenues by **\$459 billion over the 2014–2023 period**

The Real Estate Market:

- **Citizenship matters to homeownership.**
- **Only 17% of undocumented Californians own a home compared to 36% of non-naturalized, documented immigrants and 64% of citizens**



Immigrants are Entrepreneurs

- There are **900,000** immigrants among small business owners in the United States, **18% of the total number of small business owners**
- The business ownership rate is higher for immigrants than the native-born, with **10.5% of the immigrant work force owning a business** compared with **9.3%** of the native-born work force
- **Roughly one out of ten immigrant workers owns a business**

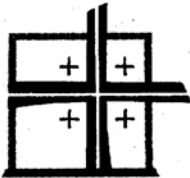
Citizenship Means...

- Access to “good jobs” and higher wages
- The ability to use earned professional degrees
- Access to financial services to help jumpstart small businesses
- Access to educational benefits for DREAMers and beyond
- Better worker protection and fewer cases of wage theft and worker intimidation
- **Living without fear of deportation**

Pasadena: A Diverse Community ready to support reform

- Pasadena is a leading city in the State with a Population of **137,122**
- Pasadena is an ethnically diverse community:
 - **33% Latino**
 - **13.4% African-American**
 - **12.7% Asian**
- The proportion of those speaking a language other than English at home is **44.9%**
 - **16.6% of those do not speak English well**
- **60% of Pasadena Unified School District student body is Latino**





ALL SAINTS CHURCH

13 OCT 25 03:28PM

October 25, 2013

Dear Members of the Pasadena City Council:

CITY CLERK

On behalf of the Vestry and members of All Saints Church, I would like express our whole-hearted support for the *Resolution of the City Council Supporting a Humane and Comprehensive Immigration Reform*, as recommended to you for consideration by the City's Legislative Policy Committee, and which is coming before you for a vote on Monday, October 28, 2013. At All Saints Church we have been actively engaged with other faith partners and advocacy organizations in calling on Congress to enact comprehensive, just, and humane immigration reform for many years. In 2008, the All Saints Church Vestry, our church's decision-making body, passed such a resolution for comprehensive immigration reform, and this document has since guided our efforts on this critical humanitarian and social issue. Our resolution is included here for your reference.

The impact of our broken immigration system is disproportionately felt regionally and locally—nearly 1 million undocumented immigrants reside in Los Angeles County. One in five children in Los Angeles County have at least one undocumented parent. As the proposed city resolution before you well indicates, Pasadena is a city with a significant immigrant population, with over a third of its residents being foreign-born. Immigrant families live, work, worship and play alongside the rest of us in this great city. Our city and faith communities are enriched by the presence of these families economically, socially, and culturally. However many of them still live as second-class citizens, as they lack full access to all aspects of our democratic, social, and economic institutions.

While the passing of comprehensive immigration reform is a federal decision, it would be a powerful statement of support and solidarity for the city of Pasadena to acknowledge the plight of the many immigrant families within its city boundaries, and would contribute to current national efforts to make reform a reality in this legislative term.

With Great Appreciation,



J. Edwin Bacon, Jr.
Rector, All Saints Church

10/28/2013
Item 17

We are, all of us, in some sense immigrants and sojourners, strangers in a strange land seeking a homeland. Some of us or members of our families have personally experienced hardships and, at times, unspeakable indignities, in coming to America. Others of us fortunate to have been born here have trekked into the desert wilderness to see for ourselves the migrant path of tears and triumph. We felt the sand beneath our feet. We saw the abandoned water bottles and children's backpacks amid the cactus thorns. We listened to their stories. We touched the cold steel of border walls. We prayed in the presence of border guards. Now, we are once again called by Christ to love our neighbors as ourselves. As a people of faith committed to dismantling oppressive systems and building structures and communities that reflect God's compassion and justice, we must do no less than make straight a highway in the desert for our sisters and brothers.

RESOLUTION ON COMPREHENSIVE IMMIGRATION REFORM

Adopted by the Vestry of All Saints Church, Pasadena, on October 7, 2008

Whereas, the Holy Scriptures make known to us that we are created "in the image of God" (Genesis 1:26-27) and that one of our great commandments from Jesus is to "Love your neighbor as yourself (Mark 12:28-31);"

Whereas, the Vision Statement of All Saints Church calls on us to "embody the inclusive love of God in Christ through Spirituality, Community and Peace & Justice;"

Whereas, All Saints Church is committed to dismantling oppressive systems and to building structures and communities that reflect God's compassion and justice;

Whereas, All Saints Church participated in the Sanctuary Movement during the 1980s in solidarity with Central American immigrant refugees fleeing their war-torn countries of origin;

Whereas, the current immigration system is broken and the crisis continues to worsen with increased enforcement-only actions such as workplace raids and border militarization;

Now, Therefore be it resolved that the Vestry of All Saints Church urges the President and Congress to adopt comprehensive immigration reforms that promote a more humane immigration system consistent with our faith and values and that include the following:

1. A clear and workable path to citizenship for immigrants already in the U.S.
2. Reforms in the family-based immigration system which promote family reunification and reduce the waiting times for separated families
3. Legal protections and due process rights for all persons and labor protections for all workers regardless of immigration status
4. Reforms to eliminate existing barriers to naturalization and reduce the backlog in the naturalization process; and

Now, Therefore be it resolved that the Vestry of All Saints Church calls on the Parish to:

1. Participate in educational events and forums, such as those developed by the All Saints Immigration Task Force, partner ministries, and community allies, to learn about the plight of immigrants, to listen to people's experiences of enforcement and its impact on their lives and families, to learn about the root causes of migration, and to discuss long-term solutions to the immigration crisis both in the U.S. and abroad; and
2. Join the parish Immigration Task Force and community-wide organizations in supporting vigils, fasts, marches and advocacy campaigns for comprehensive immigration reform, and provide pastoral support and assistance to immigrants with special needs, such as those who cannot support their families, are ineligible for government-funded services, seek protection from detention and deportation, or whose parents or spouse have been detained or deported due to their unlawful immigration status.

Background

As a church and as a nation we are confronted by a humanitarian crisis, where human anguish, oppression, inhospitality, and the deaths of thousands betray our highest ideals as people of faith and citizens of the United States.

At the heart of this crisis are immigration laws, which understandably seek to enhance border security in a time of transnational criminal enterprises and terrorism, but fail to offer a timely, workable and legal framework so that millions of hard working and honest immigrants residing in the U.S. may remain in the U.S. legally without fear of deportation, and others may enter legally to live, work, and contribute to the U.S. economy. Meanwhile, global economics and unfair trade policies continue to push people out of their homelands and pull them into another.

Absent comprehensive immigration reform, narrowly drawn immigration laws which seek to respond to fears but not to human hopes are self-defeating. History teaches and our faith proclaims that the human spirit will not forever be bound by walls, whether those of cold steel and razor wire, or those which hobble the human heart. Desperation born of abject poverty and injustice abroad dares to hope. Love seeks to reunite families separated by the need of a provider to earn their daily bread, or splintered by imprisonment and deportation for those who are caught.

It is a costly hope.

It is a costly love.

Since 1994, when the U.S. stepped up security more than 4,000 migrant men, women and children have died crossing the U.S-Mexico border. The Government Accountability Office—the watchdog agency of the United States Congress—has reported that by 2005, annual deaths had doubled to 472. By comparison, the number of people killed trying to cross the communist-era Berlin Wall between 1961 and 1989 was an estimated 263, of which 125 were confirmed by researchers. When people do get across, their journey is far from over as they encounter a world full of alienation and uncertainty. Lacking legal recourse or labor protections, many undocumented workers go to work each day fearing a workplace raid, and come home with the threat of ICE agents knocking on their door. This fear is magnified for LGBT immigrants, who face discrimination and lack of protection on multiple fronts.

As people of faith, we must choose a different path. We will choose to love at all costs. We will say no more to the deaths at the border, and no more to the fear of living in the shadows.

JUDY CHU, Ph.D.
27TH DISTRICT, CALIFORNIA

**COMMITTEE ON
THE JUDICIARY**
SUBCOMMITTEE ON
CRIME, TERRORISM, HOMELAND SECURITY
AND INVESTIGATIONS

SUBCOMMITTEE ON
COURTS, INTELLECTUAL PROPERTY
AND THE INTERNET

**COMMITTEE ON
SMALL BUSINESS**
RANKING MEMBER, SUBCOMMITTEE ON
ECONOMIC GROWTH, TAX AND CAPITAL ACCESS
SUBCOMMITTEE ON
CONTRACTING AND WORKFORCE



Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE:
1520 Longworth House Office Building
Washington, DC 20515
(202) 225-5464
(202) 225-5467 (Fax)

PASADENA DISTRICT OFFICE:
527 South Lake Avenue, Suite 106
Pasadena, CA 91101
(626) 304-0110

October 25, 2013

City of Pasadena
100 N. Garfield Ave.,
Pasadena, CA 91109

RE: Support for the City of Pasadena's Resolution on Immigration Reform

Dear Mayor and Councilmembers:

I write in support of the Resolution that is before the Pasadena City Council today, which recognizes the need and importance of comprehensive immigration reform. I strongly believe that all Americans who love this country deserve a common sense immigration process, one that includes a clear roadmap for people who aspire to be citizens.

As a member of the Judiciary Committee, which has jurisdiction over immigration reform, passing a comprehensive immigration bill that keeps families together and includes a clear roadmap to citizenship is one of my top priorities. This is why I joined four of my Democratic colleagues to introduce H.R. 15, the Border Security, Economic Opportunity, and Immigration Modernization Act. This bill combines the bipartisan bill that passed the Senate earlier this year with a border protection bill that passed unanimously in the House Homeland Security Committee. Over 180 Democratic members have signaled their support for comprehensive immigration reform by cosponsoring our bill.

This bill is by no means perfect. Like any compromise, we lost good provisions to the give and take of negotiations. But we cannot allow the perfect to be the enemy of the good. The non-partisan Congressional Budget Office (CBO) estimates that the Senate bill would reduce our deficits by \$850 billion, and improve Social Security's short- and long-term solvency. The economic benefits are coupled with the human impact of finally creating an immigration system that does not keep families apart or push bright minds away.

We waited three long decades to reform our immigration laws. The time to act is now. I urge the passage of the Resolution and commend the Pasadena City Council for its leadership in recognizing the importance of restoring one of our nation's founding principles – to leave our country better off not just for the next generation, but also for our newcomers.

Sincerely,

JUDY CHU, Ph.D.
Member of Congress, 27th District, California

October 28, 2013

**City of Pasadena, Mayor Bill Bogaard and City Council
Pasadena City Hall Council Chambers - Room 247
100 N. Garfield Ave.
Pasadena, CA 91109**

**Re: Comprehensive Immigration Reform Resolution
Position: SUPPORT**

Dear Mayor Bogaard and Pasadena City Council Members,

We the undersigned community organizations, representing a broad sector of the city of Pasadena are urging the City of Pasadena to voice its support of humane immigration reform. Each of us has been involved in the national efforts to urge Congress to overhaul our broken immigration system. It is in this spirit and because of the work we have done and the community members we serve that we urge the council to support a city resolution authored by Vice Mayor Jacque Robinson, urging Congress to enact Comprehensive Immigration Reform. The city will join other localities including our state on calling on the federal government to enact immigration reform this year.

Our current immigration system is broken, antiquated and does not meet the challenges of the 21st century. It separates families, creates long backlogs for families who are seeking reunification. Further, it neglects the hard work and financial contributions immigrants make to our country. Since 2008 close to 2 million immigrants have been deported, and one in every ten American children faces the threat of deportation of a parent. This system is tearing our families and communities apart.

While it is estimated that about 11 million undocumented immigrants are in the United States, California has the largest population of immigrants, both legal and undocumented. Los Angeles County alone is home to nearly 1 million undocumented immigrants and 20 percent of children in Los Angeles County have at least one undocumented parent.

The economic benefits of supporting a comprehensive solution with a pathway to citizenship are great. Citizens go on to become successful small business owners, providing jobs and revenue in their communities. Citizens also on average have higher rates of income than non-citizens and access to "good jobs." All of these things help our communities grow.

We urge you to support this resolution. The Resolution is simply a call to action to congress to act this year. It is a call for Congress to find a solution to this every growing issue, a call for congress to find a solution that will keep our communities and families safe from the devastation caused by deportation and a call for a solution that will allow undocumented immigrants in this country to come out of the shadows and begin down a proud pathway to citizenship.

Sincerely,

All Saints Episcopal Parish

All Saints Peace and Justice Committee

Pasadena en Espanol, Isabel Ramirez

Pasadena Latino Coalition

Pasadena Youth Center, Stella Murga

Pasadena Jewish Temple and Center

Greater Pasadena Jews for Justice

Rabbi Joshua Levine Grater

Pastor Ricardo Moreno

Pasadena Presbyterian Church

Pasadena Altadena Coalition of Transformative Leaders

Pasadena Latino Forum

RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA SUPPORTING A HUMANE AND COMPREHENSIVE IMMIGRATION REFORM PROPOSAL

WHEREAS, The United States of America is a nation of values, founded on the principles that all men and women are created equal, and promise of freedom for all; AND

WHEREAS, the current immigration system is broken, antiquated and not meeting the challenges of the 21st century. It separates families, creates long backlogs for families who are seeking reunification. Further, it neglects the hard work and financial contributions immigrants make to our country; and

WHEREAS, since 2008 more than 1.6 million immigrants have been deported, and one in every ten American children faces the threat of deportation of a parent; AND

WHEREAS, It is estimated that about 11 million undocumented immigrants are in the United States, and California has the largest population of immigrants, both legal and undocumented; AND

WHEREAS, The President of the United States implemented the Deferred Action for Childhood Arrivals (DACA) and The Migration Policy Institute estimates that 460,000 Californians qualify for DACA and the United States Citizenship and Immigration Services has reported that 152, 855 Californians have applied as of June 30th 2013. This is a step in the right direction but, it is not enough; AND

WHEREAS, One in 10 workers in California is an undocumented immigrant, and immigrants are a vibrant, productive, and vital part of the state's growing economy, holding jobs in areas such as food preparation, machine operations, construction, domestic and household services and general sales; AND

WHEREAS, the White House reports that a comprehensive immigration reform with a pathway to citizenship would, over 10 years, boost U.S. GDP by \$1.4 trillion, increase total income for all Americans by \$791 billion, generate \$184 billion in additional state and federal tax revenue from currently undocumented immigrants, and add about 2 million jobs to the U.S. economy.

WHEREAS, Los Angeles County is home to nearly 1 million undocumented immigrants and 20 percent of children in Los Angeles County have at least one undocumented parent; AND

WHEREAS, the San Gabriel Valley and the city of Pasadena are home to an ever growing, diverse population of immigrant families who work and contribute to the city and the region; AND

WHEREAS, according to the 2010 Census, the city of Pasadena was made up of 31% of foreign born persons; AND

WHEREAS, the City of Pasadena has adopted as part of the 2013 Federal Legislative Platform that we strongly believes that immigrants strengthen the community economically and culturally, and welcomes their contributions to society. With regard to federal legislation aimed at reforming federal immigration laws, the City would urge Congress and the President to reaffirm that addressing unlawful immigration in a compassionate manner is the primary responsibility of the federal government, and that sufficient resources must be committed on the federal level for this purpose; AND

NOW, THEREFORE, BE IT RESOLVED, that by the adoption of this Resolution, the City of Pasadena hereby supports a humane and comprehensive immigration reform proposal with the following principles: provides an attainable and affordable pathway to full citizenship for the nearly 11 million undocumented immigrants in the United States; family unity as a cornerstone of our immigration system; provides due process and labor protections; allows access to key essential services such as health care; and local governments should not be mandated to enforce federal immigration laws, particularly when resources necessary to enforce local laws are already stretched.

Adopted by the following vote at the meeting of the City Council on September 30, 2012

AYES:


NOES:

ABSTAIN:

ABSENT:

Mark Jomsky, City Clerk

Approved as to Form:


Michele Beal Bagneris, City Attorney

ATTACHMENT B

**(Proposed) Pasadena Police Department
Immigration Status and Bias-Free Policing Policy**

Purposes

The City of Pasadena ("the City") is home to people from all walks of life, of different races, religions, sexual orientations, and national and ethnic origins. The Department values and celebrates this diversity, which makes our community strong and vibrant.

A relationship of trust between the Pasadena Police Department ("the Department") and the City's residents, regardless of race, religion, sexual orientation, national origin, ethnicity, or immigration status, is essential for accomplishing core Department functions, including protecting the safety and civil and human rights of all residents.

The enforcement of federal immigration law falls exclusively within the authority of the federal government. The Department will not engage in law enforcement activities based solely on someone's immigration status. The Department does not work together with federal immigration authorities, including the Department of Homeland Security's immigration enforcement agency Immigration and Customs Enforcement ("ICE") on deportation efforts. That is not the job of the Pasadena Police Department.

The Department's commitment to equal enforcement of the law and equal service to the public regardless of immigration status increases the Department's effectiveness in protecting and serving the entire Pasadena community. All individuals, regardless of immigration status, should feel secure that contacting law enforcement will not make them vulnerable to harassment, arrest, or deportation.

Voluntary assistance in the enforcement of federal civil immigration law would drain already-limited Department resources; detract from the Department's core mission to create safe communities; and make it difficult to maintain trust between the Department and the City's residents, thereby threatening the safety and well-being of City residents.

Assistance in the enforcement of immigration law could also lead to profiling based on race, ethnicity, and national origin in violation of the United States and California Constitutions and state and federal anti-discrimination laws.

The City of Pasadena recognizes the United States Supreme Court's

pronouncement in *Arizona v. United States v. Arizona*, 132 S. Ct. 2492 (2012), that removal is a civil matter and that state officers generally may not arrest immigrants based solely on possible removability. Moreover, there is a growing public policy in the State of California to disentangle ICE deportation programs from local law enforcement agencies and to increase the transparency and accountability of immigration enforcement in the state.

Policy

1. The Department is committed to equal enforcement of the law and equal service to the public regardless of race, nationality, ethnicity, or immigration status.
2. The Department is committed to bias-free policing.
3. The immigration status of individuals is not a matter for police action.
4. The Department shall investigate criminal activity without regard to an individual's actual or perceived immigration status.
5. The enforcement of civil and criminal federal immigration laws falls exclusively within the authority of the federal government.
6. The Department shall not initiate police action with the objective of discovering an individual's immigration status.
7. The Department shall not attempt to determine the immigration status of crime victims, witnesses, suspects, or arrestees unless necessary to perform Department duties or required by law.
8. The Department shall not conduct or participate in efforts to enforce federal immigration law. The Department shall not undertake joint efforts or investigations with federal, state or local law enforcement agencies, to investigate, detain or arrest individuals for violations of federal immigration law. The Department shall terminate as soon as possible any contracts or memoranda of understanding with federal immigration authorities, including ICE, and shall not enter into any new such contracts or memoranda of understanding. To the maximum extent permitted by law, the Department shall not have contact with federal immigration authorities. The Department shall work with other federal, state, and local law enforcement agencies to attempt to obtain agreements, memoranda of understandings, or other arrangements that minimize residents exposure to federal immigration enforcement.

9. The Department shall not investigate, detain, arrest, or book an individual for violations of federal criminal immigration law, including Title 8, Sections 1304, 1325 or 1326 of the United States Immigration Code.
10. The Department shall not permit any collateral arrests for immigration enforcement purposes in connection with Department operations.

Procedure

1. Protection of Sensitive Information.

- A. No Department officer, employee or agent shall request citizenship or immigration status information about any individual unless necessary to perform Department duties or required by law.
- B. Where citizenship or immigration status information is collected, Department officers, employees or agents may use and disseminate the information only to the extent necessary to accomplish the Department duties for which the information was requested or maintained, or where required by law.
- C. This section shall not prevent the Department from responding to a request for assistance from residents to obtain a benefit under federal immigration law, such as 8 U.S.C. § 1101(a)(15)(U), 8 U.S.C. § 1101(a)(15)(T)

2. Immigration Enforcement.

- A. In connection with the Department's commitment to bias-free policing, no Department monies, facilities, property, equipment or personnel shall be used for immigration enforcement, including but not limited to:
 - I. Identifying, investigating, arresting, detaining or assisting in the identification, investigation, arrest or detention of any person on the basis of a suspected violation of immigration law;
 - ii. Responding to any civil immigration warrant or request, for immigration purposes, to detain or notify federal authorities about the release of any individual;

- iii. Making individuals in Department custody available to federal immigration authorities for interviews for immigration purposes; and
- iv. Providing federal authorities with non-publicly available information about any individual for immigration purposes, including by providing access to Department databases, except where required by state or federal law.

B. Nothing in this section shall prevent the City from responding to a lawfully-issued judicial criminal warrant, or court order issued by a federal or state judge.

3. Training and Oversight.

- A. The Department shall develop training protocols to implement this policy.
- B. The Department shall document in writing all contacts with federal immigration authorities. This includes all phone calls, all emails, all requests to use money, facilities, property, equipment, personnel, or databases, or to receive non-publicly available information about any individual. The documenting shall include the time and date of contact, the identities of the Department officer and immigration officials, and the specific purpose and outcome of the contact. This written record shall be considered a public record pursuant to the California Public Records Act ("CPRA") that is exempt from any exception to the CPRA to the maximum extent permitted by law.
- C. The City's Internal Auditor shall conduct regular and periodic audits of all contacts with federal immigration authorities and report his/her findings in writing to the City Manager and the City Council's Public Safety Committee.
- D. The Department shall create a new bias category of "immigration bias." The Department shall investigate and resolve complaints of immigration bias consistent with its biased policing protocols. The Department shall include its findings of "immigration bias" complaints in its reports to the City Council's Public Safety Committee.

Construction

This policy is to be construed in accordance with 8 U.S.C. § 1373(a) which provides "Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, [ICE] information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

ATTACHMENT C

Policy

428**Immigration Policy**

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Pasadena Police Department when contacting persons who are or may be residing in the United States while undocumented and to reaffirm equal enforcement of the law and equal service to the public regardless of immigration status.

428.2 POLICY

It is the expectation that Pasadena Police Department members will enforce the law equally and will not engage in law enforcement activities based solely on someone's immigration status. Members of the Pasadena Police Department shall not contact, stop, detain, investigate or arrest persons exclusively on their immigration status, with the narrow exception of investigations involving national security concerns such as terrorism or transnational criminal activity (e.g. human, drug or weapon trafficking). The Pasadena Police Department will continue to enforce all applicable local and state laws; however, people living in, working, or visiting our community will not be subject to scrutiny by the Pasadena Police Department solely based on their immigration status. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status or national origin.

428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status or national origin, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or California Constitutions. All individuals, regardless of immigration status, should feel secure that contacting the Pasadena Police Department will not make them vulnerable to harassment, arrest or deportation.

428.4 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual non-US citizen who enters into the United States without the proper visa or immigration documents has committed a federal misdemeanor (8 USC § 1325(a)). Generally, an individual who initially made a legal entry into the United States but remained beyond the time approved in their documents has committed a federal civil offense. The investigation and prosecution of violations of civil and criminal federal immigration law falls within the authority of the federal government.

Despite the fact that an individual's immigration status may reveal itself during an investigation, it is not the Pasadena Police Department's duty to determine the immigration status of crime victims, witnesses, suspects or arrestees. Unless required by law, or the narrow exception of investigations involving national security concerns such as terrorism or transnational criminal activity (e.g.

human, drug or weapon trafficking), the Department shall not investigate, detain, arrest or book any individual solely for federal criminal or civil immigration law even when undocumented status has been revealed.

428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Except as may be required by law, it is not the practice of the Pasadena Police Department to notify Immigration and Customs Enforcement ("ICE") when booking arrestees.

No individual who is otherwise ready to be released should continue to be detained solely for the purpose of making notification to immigration authorities except to the extent required by law.

428.6 ICE REQUESTS FOR ASSISTANCE

Requests by ICE, or other federal agency, for assistance from the Department should be directed to a supervisor. The Department may provide to ICE or other federal agency the same, available, ancillary support services, such as traffic control or peacekeeping efforts, to protect the general public as the Department would provide based upon an incident dispatch made on complaint or request of any member of the public or inter-agency assist. To the maximum extent permitted by law, the Department shall not directly assist ICE in investigating, detaining or arresting individuals solely for violations of federal immigration law. The Department shall cooperate with ICE to the extent required by law and in efforts to investigate and to apprehend individuals in the United States that present national security concerns involving terrorism or transnational criminal activity such as human, drug or weapon trafficking.

428.7 INFORMATION SHARING

Federal law explicitly precludes the Pasadena Police Department from prohibiting, or in any way restricting, any individual (including any member of the Department) from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- a) Sending information to, or requesting or receiving such information from ICE;
- b) Maintaining such information in department records;
- c) Exchanging such information with any other federal, state or local government entity.

428.7.1 IMMIGRATION HOLDS

Individuals should not be held in custody in the Pasadena City jail solely for a civil immigration hold under 8 USC § 287.7 unless pursuant to court order.

428.7.2 NOTICE TO INDIVIDUALS

Individuals shall be given a copy of documentation received from Immigration and Customs Enforcement (ICE) regarding a hold, notification or transfer request along with information as to whether the Pasadena Police Department intends to comply with the request (Government Code § 7283.1).

If the Pasadena Police Department is required to provide ICE with notification that an undocumented person is being, or will be, released on a certain date, the same notification shall be

provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

428.7.3 ICE INTERVIEWS

Before any interview between ICE personnel and an individual in custody for federal civil immigration violations, the Pasadena Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

428.8 U VISA AND T VISA PROTECTION FOR CERTAIN VICTIMS AND WITNESSES WHO ARE UNDOCUMENTED

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). In order for a U visa to be issued, a law enforcement certification should be completed by the Lieutenant assigned to Crimes Against Persons with review by the Criminal Investigations Division Commander, and approval by the Chief of Police.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(U)). In order for a T visa to be issued, a law enforcement declaration should be completed by the Lieutenant assigned to Crimes Against Persons with review by the Criminal Investigations Division Commander, and approval by the Chief of Police.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Lieutenant assigned to Crimes Against Persons. This Lieutenant shall:

- a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (Human Trafficking).
- d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
- e) Inform the victim liaison of any requests and their status.

428.8.1 TIME FRAMES FOR U VISA AND T VISA APPLICATION COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and submit the T visa application to the Lieutenant assigned to Crimes Against Persons within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed for a U visa or T visa application to the Lieutenant assigned to Crimes Against Persons pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 90 days of a request from the victim or victim's family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

428.8.2 REPORTING TO LEGISLATURE

The Custodian of Records or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

428.9 TRAINING

The Training Sergeant and the Jail Administrator shall ensure that all appropriate members receive immigration training.

ATTACHMENT D

Pasadena City Resolution

RESOLUTION NO. XXXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA TO WELCOME, PROTECT AND DEFEND ALL RESIDENTS BY MAKING PASADENA A SANCTUARY CITY

WHEREAS, Pasadena is home to people from all walks of life, of different races, religions, sexual orientations, and national and ethnic origins. The City values and celebrates this diversity, which makes our community and our economy strong and vibrant;

WHEREAS, a relationship of trust between the City and all residents, regardless of race, religion, sexual orientation, national origin, ethnicity, or immigration status, is essential for accomplishing core City functions, including protecting the safety and civil and human rights of all residents;

WHEREAS, this trust is threatened when the City is entangled with federal immigration enforcement programs, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes; seeking basic services; and attending school, to the detriment of the public safety and well-being of all City residents.

WHEREAS, the enforcement of federal civil immigration law falls exclusively within the authority of the federal government. No City department, agency, or commission, including the Pasadena Police Department, has any inherent authority or duty to investigate violations of federal civil immigration law or to assist in enforcement of such laws;

WHEREAS, the creation of a national registry based on religion or national origin would violate the City's core values of religious freedom and tolerance and would sow fear and concern among the City's residents of Muslim faith or Muslim-majority countries;

WHEREAS, voluntary assistance in the enforcement of federal civil immigration law or implementation of a national registry based on race, religion, sexual orientation, national origin, or ethnicity by City departments, agencies, and commissions would drain already-limited City resources, blur lines of accountability between our local and federal government, imperil effective policing, deter access to basic services, and threaten the safety and well-being of City residents.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASADENA AS FOLLOWS:

Section 1: The City Council of the City of Pasadena, California, hereby finds, determines and declares as follows:

Pasadena City Resolution

Protection of Residents' Personal Information. In order to ensure that eligible individuals are not deterred from seeking services or engaging with City departments, agencies, or commissions, all City departments, agencies, or commissions shall review their confidentiality policies and identify any changes necessary to ensure that information collected from individuals is limited to that necessary to perform their duties and is not used or disclosed for any other purpose. It shall be the policy of all City departments, agencies, and commissions not to provide non-publicly available information about any individual to any entity or official, including but not limited to any state or federal government agency or official, unless necessary to perform department, agency, or commission duties or required by law.

Section 2: The City Council of the City of Pasadena, California, hereby finds, determines and declares as follows:

Restriction on Use of City Law Enforcement Resources. The City shall adopt a policy affirming its commitment to bias-free policing and disallowing the use of any Pasadena Police Department monies, facilities, property, equipment or personnel for the following:

- A. Immigration enforcement, including but not limited to:
 - (1) Identifying, investigating, arresting, detaining or assisting in the identification, investigation, arrest or detention of any person on the basis of a suspected violation of immigration law;
 - (2) Responding to any civil immigration warrant or request to detain, transfer or notify federal authorities about the release of any individual for immigration purposes;
 - (3) Making individuals in City custody available to federal immigration authorities for interviews for immigration purposes; and
 - (4) Providing non-publicly available personal information about any individual, including, but not limited to, information about the person's release date, home address, or work address, for immigration purposes, including by providing access to City databases, except where required by law.
- B. Enforcement of any federal program requiring the registration of individuals on the basis of religious affiliation, or national or ethnic origin.
- C. Notwithstanding the above, and consistent with Sections 1373 and 1644 of Title 8 of the United States Code, nothing in this Section requires, prohibits or restricts any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of any individual, or from maintaining or exchanging information regarding the immigration status, lawful or unlawful, of any individual, with any other federal, state, or local government entity. This Section does not alter any existing confidentiality policies of the City.

Section 3: The City Council of the City of Pasadena, California, hereby finds, determines and declares as follows:

Pasadena City Resolution

Training and Oversight. To ensure meaningful implementation, the City will:

- A. Develop a plan for dissemination of the policies described in Sections 1-2 above and appropriate training to ensure all relevant officers, employees and agents of the City understand their responsibilities.
- B. Appoint a commission composed of directly impacted individuals from the community and their advocates, which will:
 - (1) advise the City on implementation of Sections 1-2 above;
 - (2) monitor the City's activities on the matters described in Sections 1-2 above; and
 - (3) provide input on an accountability mechanism for resolving complaints of any violation of the policies described in Sections 1-2.

Section 4: The City Council of the City of Pasadena, California, hereby finds, determines and declares as follows:

Defense of Sanctuary Designation. The City will resist any improper effort by the federal government to withhold or withdraw federal funding as a result of the City's policies to protect and defend its residents, including immigrants and members of religious minorities.

ATTACHMENT E

CITY OF PASADENA MANUAL OF PERSONNEL & ADMINISTRATIVE RULES

SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

AA. STANDARD OF CONDUCT REGARDING CONFIDENTIALITY

Effective Date: March 6, 2017	Supersedes: n/a
City Manager Approval:	

1. During the course of employment, employees encounter people from all walks of life, of different races, religions, sexual orientations, and national and ethnic origins and immigration status. The City values and celebrates this diversity. As a result, the City expects that all employees will treat its residents, customers, and all other people with whom employees conduct business and interact with dignity, respect, and professionalism.

The City believes that affording our residents, customers, and all other people with whom employees conduct business and interact with this level of courtesy and respect is essential to delivering efficient public services, ensures opportunities for our youth, and ensures a high quality of life for our residents.

This also promotes trust and cooperation between the City and its residents, customers, and employees who are encouraged to seek City services, programs, or employment with the confidence that the City prioritizes the provision of the excellent services and programs to all of its residents without fear of it resulting in adverse action because of race, religion, sexual orientation, national and ethnic origin or immigration status.

2. To meet this above stated requirement:
 - a. Employees must acknowledge that the City's priority is to provide excellent services and programs to its residents and customers.
 - b. No city employee shall collect personal information from individuals beyond information necessary to perform their public duties and shall not disclose personal information for any other purpose unless required by federal or state statute, regulation or court decision. For the purposes of this section, personal information means religion, sexual orientation, national and ethnic origin and immigration status.
 - c. No City employee will use City funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information regarding the immigration status of individuals in the City unless such assistance is required by federal or state statute, regulation, or court decision. This includes:
 - i. Assisting or cooperating, in one's official capacity, with United States Immigration and Customs Enforcement ("ICE") investigation, detention, or arrest procedures, public or clandestine, relating to alleged violations of the civil provisions of the federal immigration law;

CITY OF PASADENA MANUAL OF PERSONNEL & ADMINISTRATIVE RULES

SECTION 2 | CITY-WIDE POLICIES AND STANDARDS OF CONDUCT

- ii. Assisting or cooperating, in one's official capacity, with any investigation, surveillance or gathering of information conducted by foreign governments, except for cooperation related to an alleged violation of City and county, state or federal criminal laws.
 - iii. Requesting information about, or disseminating information regarding, the citizenship status of any individual, or conditioning the provision of services or benefits by the City upon immigration status, except as required by Federal or State statute or regulation, City ordinance or public assistance criteria, or court decision.
 - iv. Including on any application, questionnaire or interview form used in relation to benefits, services, or opportunities provided by the City, any question regarding citizenship status other than those required by federal or state statute, regulation or court decision.
- d. Employees are prohibited from inquiring into, maintaining, or disclosing sensitive information about residents except to the extent necessary to provide the City service in question or with the consent of the individual or as required by law. Sensitive information includes information of a personal nature or about private attributes, such as status as a victim of domestic violence or sexual assault, status as a crime witness, sexual orientation, immigration status, disability status, or status as a recipient of public assistance.

ATTACHMENT F

AMENDED IN SENATE MARCH 6, 2017
AMENDED IN SENATE MARCH 1, 2017
AMENDED IN SENATE JANUARY 24, 2017

SENATE BILL

No. 54

Introduced by Senator De León
(Principal coauthors: Senators Atkins, Pan, and Wiener)
(Principal coauthors: Assembly Members Bonta, Chiu, Cooper, Gomez,
Levine, and Reyes)

December 5, 2016

An act to add Chapter 17.25 (commencing with Section 7284) 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 declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 54, as amended, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual

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exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things, prohibit state and local law enforcement ~~agencies and agencies, including school police and security departments~~ *departments*, from using resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified. The bill would require, within 3 months after the effective date of the bill, the Attorney General, in consultation with *the* appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by those entities for those purposes. The bill would require all public schools, health facilities operated by the state or a political subdivision of the state, ~~courthouses, and shelters~~ *and courthouses* to implement the model policy, or an equivalent policy. The bill would state that all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, to submit a report every 6 months to the Department of ~~Justice~~. *Justice, as specified.* The bill would require the Attorney General, within 14 months after the effective date of the bill, and twice a year thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill would require the Board of Parole Hearings or the Department of Corrections and Rehabilitation, as applicable, to notify the Federal Bureau of Investigation of the scheduled release on parole or postrelease community supervision, or rerelease following a period of confinement pursuant to a parole revocation without a new commitment, of all persons confined to state prison serving a term for the conviction of a violent felony, and would authorize the sheriff to notify the Federal Bureau of Investigation of the scheduled release of a person confined to county jail for a misdemeanor offense who has a prior conviction for a violent felony, as specified.

~~The~~

This bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 17.25 (commencing with Section 7284)
2 is added to Division 7 of Title 1 of the Government Code, to read:

3
4 CHAPTER 17.25. COOPERATION WITH FEDERAL IMMIGRATION
5 AUTHORITIES

6
7 7284. This chapter shall be known, and may be cited, as the
8 California Values Act.

9 7284.2. The Legislature finds and declares the following:

10 (a) Immigrants are valuable and essential members of the
11 California community. Almost one in three Californians is foreign
12 born and one in two children in California has at least one
13 immigrant parent.

14 (b) A relationship of trust between California's immigrant
15 community and state and local agencies is central to the public
16 safety of the people of California.

17 (c) This trust is threatened when state and local agencies are
18 entangled with federal immigration enforcement, with the result
19 that immigrant community members fear approaching police when
20 they are victims of, and witnesses to, crimes, seeking basic health
21 services, or attending school, to the detriment of public safety and
22 the well-being of all Californians.

23 (d) Entangling state and local agencies with federal immigration
24 enforcement programs diverts already limited resources and blurs
25 the lines of accountability between local, state, and federal
26 governments.

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1 (e) State and local participation in federal immigration
2 enforcement programs also raises constitutional concerns, including
3 the prospect that California residents could be detained in violation
4 of the Fourth Amendment to the United States Constitution,
5 targeted on the basis of race or ethnicity in violation of the Equal
6 Protection Clause, or denied access to education based on
7 immigration status.

8 (f) This act seeks to ensure effective policing, to protect the
9 safety, well-being, and constitutional rights of the people of
10 California, and to direct the state's limited resources to matters of
11 greatest concern to state and local governments.

12 7284.4. For purposes of this chapter, the following terms have
13 the following meanings:

14 (a) "California law enforcement agency" means a state or local
15 law enforcement agency, including school police or security
16 departments.

17 (b) "Civil immigration warrant" means any warrant for a
18 violation of federal civil immigration law, and includes civil
19 immigration warrants entered in the National Crime Information
20 Center database.

21 (c) "Federal immigration authority" means any officer,
22 employee, or person otherwise paid by or acting as an agent of
23 United States Immigration and Customs Enforcement or United
24 States Customs and Border Protection, or any division thereof, or
25 any other officer, employee, or person otherwise paid by or acting
26 as an agent of the United States Department of Homeland Security
27 who is charged with immigration enforcement.

28 (d) "Health facility" includes health facilities as defined in
29 Section 1250 of the Health and Safety Code, clinics as defined in
30 Sections 1200 and 1200.1 of the Health and Safety Code, and
31 substance abuse treatment facilities.

32 (e) "Hold request," "notification request," "transfer request,"
33 and "local law enforcement agency" have the same meaning as
34 provided in Section 7283. Hold, notification, and transfer requests
35 include requests issued by United States Immigration and Customs
36 Enforcement or United States Customs and Border Protection as
37 well as any other federal immigration authorities.

38 (f) "Immigration enforcement" includes any and all efforts to
39 investigate, enforce, or assist in the investigation or enforcement
40 of any federal civil immigration law, and also includes any and all

1 efforts to investigate, enforce, or assist in the investigation or
2 enforcement of any federal criminal immigration law that penalizes
3 a person's presence in, entry, or reentry to, or employment in, the
4 United States, including, but not limited to, violations of Section
5 1253, 1324c, 1325, or 1326 of Title 8 of the United States Code.

6 (g) "Joint law enforcement task force" means a California law
7 enforcement agency collaborating, engaging, or partnering with a
8 federal law enforcement agency in investigating, interrogating,
9 detaining, detecting, or arresting persons for violations of federal
10 or state crimes.

11 (h) "Judicial warrant" means a warrant based on probable cause
12 and issued by a federal judge or a federal magistrate judge that
13 authorizes federal immigration authorities to take into custody the
14 person who is the subject of the warrant.

15 (i) "Public schools" means all public elementary and secondary
16 schools under the jurisdiction of local governing boards or a charter
17 school board, the California State University, and the California
18 Community Colleges.

19 (j) "School police and security departments" includes police
20 and security departments of the California State University, the
21 California Community Colleges, charter schools, county offices
22 of education, schools, and school districts.

23 7284.6. (a) California law enforcement agencies shall not do
24 any of the following:

25 (1) Use agency or department moneys, facilities, property,
26 equipment, or personnel to investigate, interrogate, detain, detect,
27 or arrest persons for immigration enforcement purposes, including,
28 but not limited to, any of the following:

29 (A) Inquiring into or collecting information about an individual's
30 immigration status, except as required to comply with Section
31 922(d)(5) of Title 18 of the United States Code.

32 (B) Detaining an individual on the basis of a hold request.

33 (C) Responding to requests for notification or transfer requests.

34 (D) Providing or responding to requests for nonpublicly
35 available personal information about an individual, including, but
36 not limited to, information about the person's release date, home
37 address, or work address for immigration enforcement purposes.

38 (E) Making arrests based on civil immigration warrants.

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1 (F) Giving federal immigration authorities access to interview
2 individuals in agency or department custody for immigration
3 enforcement purposes.

4 (G) Assisting federal immigration authorities in the activities
5 described in Section 1357(a)(3) of Title 8 of the United States
6 Code.

7 (H) Performing the functions of an immigration officer, whether
8 pursuant to Section 1357(g) of Title 8 of the United States Code
9 or any other law, regulation, or policy, whether formal or informal.

10 (2) Make agency or department databases, including databases
11 maintained for the agency or department by private vendors, or
12 the information therein other than information regarding an
13 individual's citizenship or immigration status, available to anyone
14 or any entity for the purpose of immigration enforcement. Any
15 agreements in existence on the date that this chapter becomes
16 operative that conflict with the terms of this paragraph are
17 terminated on that date. A person or entity provided access to
18 agency or department databases shall certify in writing that the
19 database will not be used for the purposes prohibited by this
20 section.

21 (3) Place peace officers under the supervision of federal agencies
22 or employ peace officers deputized as special federal officers or
23 special federal deputies except to the extent those peace officers
24 remain subject to California law governing conduct of peace
25 officers and the policies of the employing agency.

26 (4) Use federal immigration authorities as interpreters for law
27 enforcement matters relating to individuals in agency or department
28 custody.

29 (b) Nothing in this section shall prevent any California law
30 enforcement agency from doing any of the following:

31 (1) Responding to a request from federal immigration authorities
32 for information about a specific person's criminal history, including
33 previous criminal arrests, convictions, and similar criminal history
34 information accessed through the California Law Enforcement
35 Telecommunications System (CLETS), where otherwise permitted
36 by state law.

37 (2) Participating in a joint law enforcement task force, so long
38 as the purpose of the joint law enforcement task force is not
39 immigration enforcement, as defined in subdivision (f) of Section
40 7284.4.

1 (c) If a California law enforcement agency chooses to participate
2 in a joint law enforcement task force, it shall submit a report every
3 six months to the Department of Justice, as specified by the
4 Attorney General. ~~Sensitive information, as determined by the~~
5 ~~Attorney General;~~ *The reporting agency or the Attorney General*
6 *may determine a report, in whole or in part, is not a public record*
7 *for purposes of the California Public Records Act pursuant to*
8 *subdivision (f) of Section 6254 of the Government Code. to prevent*
9 *the disclosure of sensitive information, including, but not limited*
10 *to, an ongoing operation or a confidential informant.*

11 (d) The Attorney General, within 14 months after the effective
12 date of the act that added this section, and twice a year thereafter,
13 shall report on the types and frequency of joint law enforcement
14 task forces. The report shall include, for the reporting period,
15 assessments on compliance with paragraph (2) of subdivision (b),
16 a list of all California law enforcement agencies that participate
17 in joint law enforcement task forces, a list of joint law enforcement
18 task forces operating in the state and their purposes, the number
19 of arrests made associated with joint law enforcement task forces
20 for the violation of federal or state crimes, and the number of arrests
21 made associated with joint law enforcement task forces for the
22 purpose of immigration enforcement by all task force participants,
23 including federal law enforcement agencies. The Attorney General
24 shall post the reports required by this subdivision on the Attorney
25 General's Internet Web site.

26 (e) Notwithstanding any other law, in no event shall a California
27 law enforcement agency transfer an individual to federal
28 immigration authorities for purposes of immigration enforcement
29 or detain an individual at the request of federal immigration
30 authorities for purposes of immigration enforcement absent a
31 judicial warrant. This subdivision does not limit the scope of
32 subdivision (a).

33 (f) This section does not prohibit or restrict any government
34 entity or official from sending to, or receiving from, federal
35 immigration authorities, information regarding the citizenship or
36 immigration status, lawful or unlawful, of an individual pursuant
37 to Sections 1373 and 1644 of Title 8 of the United States Code.

38 7284.8. The Attorney General, within three months after the
39 effective date of the act that added this section, in consultation
40 with the appropriate stakeholders, shall publish model policies

1 limiting assistance with immigration enforcement to the fullest
2 extent possible consistent with federal and state law at public
3 schools, health facilities operated by the state or a political
4 subdivision of the state, courthouses, Division of Labor Standards
5 Enforcement facilities, and shelters, and ensuring that they remain
6 safe and accessible to all California residents, regardless of
7 immigration status. All public schools, health facilities operated
8 by the state or a political subdivision of the state, and courthouses
9 shall implement the model policy, or an equivalent policy. All
10 other organizations and entities that provide services related to
11 physical or mental health and wellness, education, or access to
12 justice, including the University of California, are encouraged to
13 adopt the model policy.

14 7284.10. The provisions of this act are severable. If any
15 provision of this act or its application is held invalid, that invalidity
16 shall not affect other provisions or applications that can be given
17 effect without the invalid provision or application.

18 SEC. 2. Section 11369 of the Health and Safety Code is
19 repealed.

20 SEC. 3. Section 3058.10 is added to the Penal Code, to read:

21 3058.10. (a) The Board of Parole Hearings, with respect to
22 inmates sentenced pursuant to subdivision (b) of Section 1168, or
23 the Department of Corrections and Rehabilitation, with respect to
24 inmates sentenced pursuant to Section 1170, shall notify the Federal
25 Bureau of Investigation of the scheduled release on parole or
26 postrelease community supervision, or rerelease following a period
27 of confinement pursuant to a parole revocation without a new
28 commitment, of all persons confined to state prison serving a term
29 for the conviction of a violent felony listed in subdivision (c) of
30 Section 667.5.

31 (b) The notification shall be made at least 60 days prior to the
32 scheduled release date or as soon as practicable if notification
33 cannot be provided at least 60 days prior to release. The only
34 nonpublicly available personal information that the notification
35 may include is the name of the person who is scheduled to be
36 released and the scheduled date of release.

37 SEC. 4. Section 3058.11 is added to the Penal Code, to read:

38 3058.11. (a) Whenever any person confined to county jail is
39 serving a term for the conviction of a misdemeanor offense and
40 has a prior conviction for a violent felony listed in subdivision (c)

1 of Section 667.5 or has a prior felony conviction in another
2 jurisdiction for an offense that has all the elements of a violent
3 felony described in subdivision (c) of Section 667.5, the sheriff
4 may notify the Federal Bureau of Investigation of the scheduled
5 release of that person, provided that no local law or policy prohibits
6 the sharing of that information with either the Federal Bureau of
7 Investigation or federal immigration authorities.

8 (b) The notification may be made up to 60 days prior to the
9 scheduled release date. The only nonpublicly available personal
10 information that the notification may include is the name of the
11 person who is scheduled to be released and the scheduled date of
12 release.

13 SEC. 5. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.

18 SEC. 6. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health, or safety within
20 the meaning of Article IV of the California Constitution and shall
21 go into immediate effect. The facts constituting the necessity are:

22 Because changes in federal immigration enforcement policies
23 require a statewide standard that clarifies the appropriate level of
24 cooperation between federal immigration enforcement agents and
25 state and local governments as soon as possible, it is necessary for
26 this measure to take effect immediately.