

SB 54 (de León) – California Values Act

How Local Law Enforcement’s Entanglement with Immigration Enforcement Harms Public Safety

What SB 54 Does:

This legislation protects the safety and well-being of all Californians by ensuring that state and local resources are not used to fuel mass deportations, separate families, and ultimately hurt California’s economy. Included in SB 54’s key provisions are prohibitions on officers making arrests for most immigration violations and officers acting as immigration agents through the 287(g) program.

Current Status of Police/ICE Entanglement in California:

- President Trump’s January 2017 Executive Order “Enhancing Public Safety in the Interior of the United States” (EO) **revived the discredited Secure Communities (S-Comm) program** and directed the Department of Homeland Security to seek **increased participation by local law enforcement agencies (LEAs) in the controversial 287(g) program**. When S-Comm began in 2008, it was roundly criticized by everyone from the Major Cities Policies Chiefs to the Government Accountability Office because it undercut community trust in LEAs, violated due process, and tore apart immigrant families.¹ The rollout of S-Comm was plagued by opacity, confusion, and intentional misinformation. Under the 287(g) program, made infamous by former Sheriff Arpaio in Arizona, LEAs are trained and deputized to conduct immigration enforcement. 287(g) came under fire for encouraging racial profiling, civil rights violations, and other constitutional concerns. Both programs rely on police a “force multipliers” to assist ICE in mass deportations.²
- Research shows that **LEAs’ entanglement with the deportation system severely undercuts confidence in police and sheriffs in immigrant communities**.³
- **Over 600 counties nationwide, many with large immigrant populations, have decided to limit local law enforcement’s participation in immigration enforcement**. Many localities concluded that public safety is better served by focusing LEAs’ limited time and financial resources on matters not related to immigration enforcement.⁴
- In 2014, the California TRUST Act limited the circumstances under which local law enforcement could comply with ICE’s “detainer” requests. ICE responded by shifting its enforcement tactics to target people through requests for transfer and notification of release date, rather than detainer requests.
- Starting in 2017, the California TRUTH Act requires LEAs, prior to an interview between ICE and an individual in custody, to provide that individual with a consent form indicating the voluntary nature of the interview.
- **Immigration arrests have increased more than 40% compared to last year**.⁵ ICE agents are knocking on doors and **identifying themselves as “police.”**⁶ Immigrants are increasingly expressing concerns about contacting police when they are victims of crime because they fear deportation.⁷

Decreased Reporting of Crimes: When immigrants are too afraid to report crimes because of deportation fears, everyone’s safety suffers. Law enforcement associations have stated that “state and local law enforcement agencies depend on the cooperation of immigrants, in solving a wide array of crimes.”

- Santa Clara County Sheriff offered an example: *Farmworkers came forward to provide information during a high profile 2012 investigation of the murder of a teenage girl who disappeared on her way to school. “Had they feared that my office would question their immigration status, or the status of their loved ones, it is very unlikely they would have come forward.”*
- **LAPD Police Chief Beck** reported that increased deportation fears have contributed to the **dramatic drop in Latinos reporting sexual assault and domestic violence** in 2017 (25% and 10%, respectively), as compared to last year.
- Data for the first three months of this year in **Houston, Texas** revealed a **43% drop in the number of Latinos reporting rape and sexual assault, as well as a 12% decline in reports of aggravated assault and robbery**.

Recent incidents show how this entanglement has blurred the line between LEAs and immigration enforcement:

- In March, Guadalupe Plascencia, **a U.S. citizen, was wrongfully transferred into ICE custody after the San Bernardino County Sheriff honored an ICE detainer** based on her one-night jail stay for a decade-old bench warrant for failing to appear as a witness in a court case. She was released when her daughter showed ICE agents her U.S. passport. Guadalupe says this ordeal has shaken her confidence in the protections she is entitled to as a U.S. citizen.
- **Police manuals for a number of California law enforcement agencies allow officers to stop people based purely on suspected immigration status, including considering factors as limited English proficiency**.⁸

¹ Currently, Orange County is the only California jurisdiction that voluntarily participates in the 287(g) program.

² See <https://www.americanimmigrationcouncil.org/immigration-interior-enforcement-executive-order>.

³ See http://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF.

⁴ New York State Office of the Attorney General and Office of the Attorney General of California, et. al., “Setting the Record Straight on Local Involvement in Federal Civil Immigration Enforcement: The Facts and the Laws,” May 2017, at https://ag.ny.gov/sites/default/files/setting_the_record_straight.pdf.

⁵ See <http://www.tahirih.org/wp-content/uploads/2017/05/2017-Advocate-and-Legal-Service-Survey-Key-Findings.pdf>.

⁶ See <http://www.latimes.com/local/lanow/la-me-ln-la-officials-protest-ice-tactics-20170223-story.html>.

⁷ See <https://theiacpblog.org/2017/03/27/statement-by-the-international-association-of-chiefs-of-police-on-united-states-immigration-enforcement-policy-and-sanctions/>.

⁸ See <http://www.latimes.com/local/lanow/la-me-ln-california-police-immigration-enforcement-20170412-story.html>; <http://www.sacbee.com/news/local/article150207962.html>.