



Kate Harrison
Councilmember District 4

CONSENT CALENDAR
July 24, 2018

To: Honorable Mayor and Members of the City Council
 From: Councilmembers Harrison, Hahn, Davila, and Mayor Arreguin
 Subject: Resolution Supporting SB 54, AB 103, and AB 450 and Opposing US vs. California, the Lawsuit against those Laws by Attorney General Jeff Sessions

RECOMMENDATION

That the Council adopt a resolution supporting SB 54 (Sanctuary State), AB 103 (Detention Facility Review), and AB 450 (Anti Workplace Immigration Raids), opposing the United States vs. California, the lawsuit against those laws by Attorney General Jeff Sessions, and requesting that the City Attorney to join the amicus brief in favor the law.

BACKGROUND

Berkeley prides itself on being the first city in the United States to become a “sanctuary city” through a 1971 resolution that protected sailors resisting the Vietnam War. The initiative forbade city employees from assisting in federal law enforcement. In 2017, due to the election of Donald Trump and his rhetoric of “cracking down” on immigration, Berkeley has re-affirmed its status of being a sanctuary city. The City has committed not to respond to requests by Immigration and Customs Enforcement concerning local residents unless agents have a judicial warrant. Berkeley has continuously committed to protecting its community and ensuring all of its residents feel safe.

Senate Bill 54, introduced by then Senate President Pro Tem Kevin De Leon on December 5, 2016, and signed by Governor Jerry Brown on October 5, 2017, has made the entirety of California a “sanctuary state” by standardizing protocol on non-cooperation policies between law enforcement agencies and federal immigration authorities. The bill makes it illegal for county or municipal police officers to ask about an arrestee’s immigration status, notify federal authorities about the pending release of a jailed undocumented immigrant, participate in task forces that target undocumented immigrant offenders, or utilize immigration officers as interpreters during local interactions with suspects. The law preserves trust between local government and immigrant communities that may fear deportation.

Assembly Bill 103, an omnibus public safety law signed by Governor Jerry Brown on June 27, 2017, mandates that the California Attorney General be given access to any detention facility holding immigrants awaiting a hearing on their immigration status.

Assembly Bill 450, signed by Governor Jerry Brown on October 5, 2017, bans employers from giving access to private areas of their workplace or confidential documents without giving their employees notice and receiving a judicial warrant from ICE.

On March 5, 2018, Attorney General Jeff Sessions sued the state of California over SB 54, AB 103, and AB 450, alleging that these laws “have the purpose and effect of interfering with the enforcement of the [federal] prohibition on working without authorization.”

However, Supreme Court precedent affirms that the federal government cannot “commandeer” state governments. Senate Bill 54 does not prevent or prohibit Immigrations and Customs Enforcement or the Department of Homeland Security from doing their work in any way. When local communities view police as immigration officers in a different uniform, fewer crimes get reported and fewer witnesses come forward, which undermines the criminal justice system and community safety.

It is incumbent upon all public safety departments to make a commitment to equal enforcement of the law and service to the public, regardless of immigration status. Berkeley has set the precedent for sanctuary status in the country and should remain a cornerstone in immigrant protection policy.

FINANCIAL IMPLICATIONS

No additional cost to the city.

ENVIRONMENTAL SUSTAINABILITY

No ecological impact.

CONTACT PERSON

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Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

Resolution Supporting SB 54, AB 103, and AB 450 and Opposing the Lawsuit against those Laws by Attorney General Jeff Sessions

WHEREAS, in 1971, the City of Berkeley became the first “Sanctuary City” in the United States through a resolution that protected sailors resisting the Vietnam War; and,

WHEREAS, in 2017 the City of Berkeley re-affirmed its Sanctuary City status; and,

WHEREAS, in 2017, Governor Brown signed in to law three acts, SB 54, AB 103, and AB 450, in order to make California a Sanctuary State; and,

WHEREAS, these laws serve to make all Californians, immigrants, citizens, and the undocumented alike feel secure and protected in speaking with and seeking aid from California law enforcement; and,

WHEREAS, these laws protect Californians from unannounced workplace immigration raids and work to ensure that those being detained on the grounds of their citizenship are treated fairly and not being held under poor conditions; and,

WHEREAS, on March 5, 2018, Attorney General Jeff Sessions sued the state of California over SB 54, AB 103, and AB 450, alleging that these laws “have the purpose and effect of interfering with the enforcement of the [federal] prohibition on working without authorization.”; and,

WHEREAS, the City of Berkeley believes that the federal administrations attack on California’s immigrant population is unjust, unacceptable, and an expression of deeply held nativist views; and,

WHEREAS, the City of Berkeley must work to protect its immigrant community from all such attacks.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley supports SB 54, AB 103, AB 450, California’s status as a Sanctuary State, and any effort in the state of California to protect our immigrant community from unjust persecution; and,

BE IT FURTHER RESOLVED that the Council of the City of Berkeley opposes Attorney General Session’s attempt through US vs. California to undermine California’s protection of its immigrant community; and,

BE IT FURTHER RESOLVED that the Council of the City of Berkeley requests that the City Attorney to join the amicus brief in US vs. California supporting California’s status as a Sanctuary State.

