



Memorandum

TO: RULES & OPEN GOVERNMENT
COMMITTEE

FROM: Councilmember Raul Peralez

SUBJECT: SEE BELOW

DATE: March 7, 2018

Approved

Date

3/7/2018

SUBJECT: RESPONDING TO U.S. DEPARTMENT OF JUSTICE'S LAWSUIT
AGAINST CALIFORNIA'S SANCTUARY STATE POLICIES

RECOMMENDATION

1. Direct the City Attorney's office to cooperate with any amicus briefs the State of California or any other local municipalities may be developing to counter the U.S. Department of Justice's (DOJ) lawsuit against California's Sanctuary Policies (AB 450, AB 103 & SB 54).
2. Direct City Staff to provide an update to the City Council on the "Coordinated Response to Immigrant Needs"¹ that was approved by Council on January 10, 2017.

BACKGROUND

Now in the second year of the current Federal administration, thousands of San José residents continue to endure the trepidation of family separation as a result of this administration's sweeping actions on immigration enforcement. These actions gravely impact our immigrant neighbors who are the lifeblood of our workforce and community, making the City of San José thrive.

Today, U.S. Attorney General Jeff Sessions announced that the Department of Justice filed a lawsuit against the State of California, Governor Jerry Brown, and California State

¹ Liccardo, S.; Peralez, R.; Jimenez, S.; Carrasco, M.; and Arenas, S. (2017, January). Coordinated Response to Immigrant Needs. *City of San José*. Retrieved from http://sanjose.granicus.com/Viewer.php?meta_id=610486.

Attorney General Xavier Becerra regarding state legislation SB 54, AB 450 and AB 103. These laws limit law enforcement cooperation with Immigration and Customs Enforcement (ICE), employer cooperation with ICE during workplace raids, and improves oversight of immigration detention centers. It is also important to take note that these laws do not and have not prevented ICE from performing their duties, as California witnessed this past January when they raided multiple 7-Eleven stores, and last month when they conducted operations throughout Northern California arresting hundreds of individuals².

I support our Governor and State Attorney General in their assessment that our State laws are constitutional and that DOJ's lawsuit is meant to only "further divide and polarize". I can confidently say that our state and local policies restricting ICE cooperation do not, nor intend to violate federal law. In fact, by passing legislation, California has ensured that Californians' constitutional rights to due process are preserved and protected.

As the son of an immigrant, I too understand the anxieties that our community continues to experience on a daily basis. Hence, why we as a City are determined to educate our residents about their constitutional rights and intend to protect all Californians and San Joseans from unjust and unlawful detentions, as well as all forms of discriminatory actions against them. I too share San José Police Department Chief Eduardo Garcia's sentiment on the importance of safeguarding the community's trust, especially so they do not fear reporting or providing essential information when crimes occur.³

We have stood in support of our immigrant community and as our State rights are being besieged by this Administration, we as a City should be prepared to support our State as well.

²Sanchez, T. (2018, March). Northern California ICE sweep over; 232 arrested. *Mercury News*. Retrieved from <https://www.mercurynews.com/2018/03/01/calls-reporting-ice-flood-rapid-response-hotline/>.

³ De León, K. (2017, March). Opinion: Sanctuary state bill will make Californians safer and more prosperous. *Mercury News*. Retrieved from <https://www.mercurynews.com/2017/03/12/opinion-sanctuary-state-bill-will-make-californians-safer-and-more-prosperous/>.