



- This presentation is the fourth in DPH's post-election series of presentation on the post-election environment



## Overview of this update

Sanctuary City

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What San Francisco is doing

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# What is a Sanctuary City?

**Federal Immigration and Customs Enforcement (ICE) often ask state and local criminal justice systems to assist in the enforcement of federal immigration laws.**

**Sanctuary Cities generally limit local law enforcement assistance with federal civil immigration enforcement.**

- California, Vermont, Connecticut, Rhode Island have statewide laws
- 364 counties and 39 cities have policies limiting cooperation

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- Federal Immigration and Customs Enforcement (ICE) often ask state and local criminal justice systems to assist in the enforcement of federal immigration laws
- There is no standard definition for sanctuary city, but in general sanctuary cities officially (through policies) or unofficially limit local law enforcement assistance with federal civil immigration enforcement.
- Four states have laws including California. The California Trust Act went into effect January 1, 2014
- The CA Trust Act limits local jails from holding people for extra time for purposes of deportation. County jails can not respond to civil immigration detainer requests or "ICE holds."
- On the local level, 364 counties and 39 cities have policies that limit cooperation with federal authorities
- In addition to San Francisco, several cities and counties in CA have formal sanctuary city policies or declarations like Berkeley, Santa Clara, Los Angeles

# San Francisco Sanctuary City Ordinance

## **In 1989, San Francisco passed the "City and County of Refuge" Ordinance (also known as the Sanctuary Ordinance)**

- Prohibits City employees from using City funds or resources to assist Immigration and Customs Enforcement (ICE) in the enforcement of Federal civil immigration law unless such assistance is required by federal or state law.

## **In 2013, San Francisco passed the "Due Process for All" Ordinance**

- Limits when City law enforcement officers may give ICE advance notice of a person's release from local jail. It also prohibits cooperation with ICE detainer requests, sometimes referred to as "ICE holds."

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- Sanctuary City policies are important because they keep our communities healthy by making sure that all residents, regardless of immigration status feel comfortable accessing city public health services and benefit programs. Sanctuary city policies also encourage cooperation with the police.
- San Francisco's sanctuary city status is formally in our law. The ordinance was created in 1989 and generally prohibits City employees from using City funds or resources to assist ICE in the enforcement of Federal civil immigration law unless such assistance is required by federal or state law
- In 2013, San Francisco passed the "Due Process for All" Ordinance which limits when City law enforcement officers may give ICE advance notice of a person's release from local jail. It also prohibits cooperation with ICE detainer requests, sometimes referred to as "ICE holds."

# San Francisco Sanctuary City Ordinance

## **Department employees acting in their official capacities may not use City funds or resources to:**

- a) Assist or cooperate with any investigation, detention, or arrest procedures, public or clandestine, conducted by federal immigration authorities (ICE) and relating to alleged violations of the civil provisions of federal immigration law, except as permitted under Chapter 12I of the Administrative Code.
- b) Request or give out information regarding the release status or personal information of any individual, except as permitted under Administrative Code Section 12I.3.
- c) Condition the receipt of City services or benefits on immigration status, except as required by federal or state statute or regulation, public assistance criteria, or court decision.
- d) Include any question regarding immigration status (other than those required by federal or state statute, regulation, or court decision) on any application, questionnaire, or interview form used in relation to benefits, services, or opportunities provided by the City.
- e) Detain an individual on the basis of a civil immigration detainer after that individual becomes eligible for release from local custody.
- f) Respond to a federal immigration officer's request for notification of an individual's release, unless the individual meets specified criteria listed in Administrative Code section 12I.3(c).

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- San Francisco's Sanctuary City Ordinance has specific provisions, all of which apply to law enforcement.
- Department employees acting in their official capacities may not use City funds or resources to:
  - a) Assist or cooperate with any investigation, detention, or arrest procedures, public or clandestine, conducted by federal immigration authorities (ICE) and relating to alleged violations of the civil provisions of federal immigration law, except as permitted in Administrative Code 12I
  - b) Request or give out information regarding the release status or personal information of any individual, except as permitted under Administrative Code Section 12I.3.
  - c) Condition the receipt of City services or benefits on immigration status, except as required by federal or state statute or regulation, public assistance criteria, or court decision.
  - d) Include any question regarding immigration status (other than those required by federal or state statute, regulation, or court decision ) on any application, questionnaire, or interview form used in relation to benefits, services, or opportunities provided by the City.
  - e) Detain an individual on the basis of a civil immigration detainer after that individual becomes eligible for release from local custody.
  - f) Respond to a federal immigration officer's request for notification of an individual's

release, unless the individual meets specified criteria listed in Administrative Code section 12I.3(c).

## President's Executive Order

### **"Enhancing Public Safety in the Interior of the United States" (1/25/17)**

- Directs enforcement action against sanctuary cities and threatens to withhold federal funding from these cities.
- The Executive Order is unconstitutional.

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- President Trump issued several executive orders the week of January 23, 2017.
- On January 25<sup>th</sup>, President Trump issued an executive order called "Enhancing Public Safety in the Interior of the United States". This Executive Order directs enforcement action against sanctuary cities and threatens to withhold federal funding from these cities.
- On February 1<sup>st</sup>, San Francisco City Attorney sued the President over this Executive Order stating that it is unconstitutional. The lawsuit also states that San Francisco complies with applicable federal law and seeks to prevent the federal government from cutting funds to San Francisco.

## What is San Francisco Doing?

- San Francisco City Attorney sued President Trump for his Executive Order which directs enforcement action against sanctuary cities and threatens to withhold federal funding.
- Mayor Lee launched the Equity and Immigrant Services Campaign to serve the legal needs of the City's immigrant community and promote partnerships with community-based organizations.
  - San Francisco Immigrant Legal Education Network (SFILEN) and
  - The San Francisco Immigration Legal Defense Collaborative (SFILDC)
- Supporting two California bills - SB 6 and SB 54

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- In response to recent threats and actions by the federal government, San Francisco has taken several actions:
- San Francisco City Attorney sued President Trump for his Executive Order which directs enforcement action against sanctuary cities and threatens to withhold federal funding. The lawsuit says that the Executive Order violates the 10<sup>th</sup> amendment. The 10<sup>th</sup> amendment states that the federal government possesses only those powers provided by the Constitution. All remaining powers reside with the states or the people.
- Mayor Lee launched the Equity and Immigrant Services Campaign which dedicates an additional \$1.5 million dollars to serve the legal needs of the City's immigrant population. Two organizations, the San Francisco Immigrant Legal Education Network and the San Francisco Immigration Legal Defense Collaborative will receive city funds to help immigrant communities. The \$1.5 million will be allocated as follows:
  - Legal Representation & Rapid Response Social Services - \$1.2 million
  - SF Pathways to Citizenship initiative-\$200k
  - Public Outreach-\$100k
- The Mayor's State Legislative Committee has taken action to support two California bills:
  - SB 54 - The California Values Act. This bill would "limit state and local law



enforcement agencies involvement in immigration enforcement and to ensure that eligible individuals are able to seek services from and engage with state agencies without regard to their immigration status.”

- SB 6 – This bill would create a state program to fund legal representation for those facing deportation.

## What is San Francisco Doing? (cont.)

- Mayor Lee issued a statement on the Executive Order on immigration.
- Mayor Lee introduced legislation to prohibit employees from using city resources to assist with a program that creates a list, database, or registry on the basis of religious affiliation or requires registration of individuals on the basis of religious affiliation.
- Board of Supervisors created a Budget & Finance Federal Select Committee to address potential changes in federal policy.

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- In response to the Executive Order on immigration, Mayor Lee issued a statement which commends the judge that granted the emergency stay on January 28<sup>th</sup>, allowing Muslim immigrants with valid visas to enter the United States. Mayor Lee's statement also stated that he is "disgusted by the President's Executive Order to target the Muslim community and ban immigrants from entering the United States".
- Mayor Lee introduced legislation last week that would prohibit employees from using city resources to assist with the creation of a list, database, or registry based on religious affiliation, national origin and ethnicity. The legislation also prohibits disclosure of any information for the purposes of creating a list or registry etc.
- Board of Supervisors created a Budget & Finance Federal Select Committee to address potential changes in federal policy. For example, the Committee will examine impact of potential federal policy changes.

## What is San Francisco Doing? (cont.)

Mayor's Office is convening city departments and community organizations, to ensure that all San Franciscans, including immigrants, continue to access services in their communities.

- Human Rights Commission and Office of Civic Engagement and Immigrant Affairs are developing a toolkit with information and resources
- Mayor's Office is developing Immigration Emergency Protocol
- City Attorney has issued guidance for responding to ICE
- Carecen is developing a hotline for community groups

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- The Mayor's Office is convening city departments and community organizations, to ensure that all San Franciscans, including immigrants, continue to access services in their communities
- Some of the current efforts include:
  - Human Rights Commission and Office of Civic Engagement and Immigrant Affairs is developing a toolkit with information and resources
  - Mayor's Office is developing Immigration Emergency Protocol in the event that ICE appears at any of our community partner agencies.
  - City Attorney has issued guidance for responding to ICE
  - Carecen is developing a hotline for all community groups

## What SFDPH is doing?

### Policy & Procedure - “Immigration Status and Interactions with Immigration and Customs Enforcement Agents”

- City employees must comply with the San Francisco Sanctuary Ordinance.
- DPH employees are generally prohibited from assisting U.S. Immigration and Customs Enforcement (ICE) in enforcing federal immigration laws. Please refer to the policy for specific guidance.
- If you are contacted by an ICE agent while at work, you must **immediately** notify your site director/supervisor. The site director/supervisor must **immediately** notify the Office of the Director of Health.

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- We have taken the guidance issued by the City Attorney and developed a policy for DPH staff and clinics.
- The main points of the policy:
  - City employees must comply with the San Francisco Sanctuary Ordinance.
  - DPH employees are generally prohibited from assisting U.S. Immigration and Customs Enforcement (ICE) in enforcing federal immigration laws. Please refer to the policy for specific guidance.
  - If you are contacted by an ICE agent while at work, you must immediately notify your site director/supervisor. The site director/supervisor must immediately notify the Office of the Director of Health.

## What SFDPH is doing? (cont.)

### Policy & Procedure - "Immigration Status and Interactions with Immigration and Customs Enforcement Agents"

- Unless ICE has a judicial warrant, city employees are not required to cooperate with ICE agents.
  - The issuer would be "District Court Judge", "Magistrate Judge", "U.S. District Court"
- City employees do not need to comply with an ICE subpoena on the spot.
- If at any time you are unclear about appropriate procedures, have questions, or need advice on handling a specific situation, **contact the Office of the Director of Health at 415-554-2600.**

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The main points of the policy continued:

- Unless ICE has a judicial warrant, city employees are not required to cooperate with ICE agents.
  - The issuer would be "District Court Judge", "Magistrate Judge", "U.S. District Court"
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- If at any time you are unclear about appropriate procedures, have questions, or need advice on handling a specific situation, **contact the Office of the Director of Health at 415-554-2600.**

## What you can do

- Continue to support your patients, your clients, and your colleagues.
- Use only SFDPH-approved communication materials (available on the [Post-Election website](#))
  - You're Safe Here! Flyer
  - Message from Barbara Garcia postcard
  - PowerPoint presentations for staff
- Email questions or topics you would like covered in future updates to [post-election@sfdph.org](mailto:post-election@sfdph.org)



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So what can you do?

### **SUPPORT EACH OTHER**

- Continue to support your patients, your clients, and your colleagues
- Understand that they can represent a variety of different views and perspectives, which may or may not be the same as yours.

### **USE ONLY SFDPH APPROVED MATERIALS**

- Use SFDPH-approved communication materials to make sure that we are communicating accurate and consistent messages across the department.
- Post the You're Safe Here flyer, pictured on this slide, in patient/client areas.
- This flyer communicates five key messages:
  - you're safe here
  - your health coverage has not changed
  - you can continue to receive your care here
  - San Francisco is and always will be a sanctuary city
  - we are here for you
- The three statement message from Barbara is available on postcards.
- These postcards can be meant to communicate assurance and support and can be provided to patients and clients.

- The postcards and the flyer are available in English, Spanish, Chinese, Tagalog, and Arabic.
- Materials will be updated regularly.

**SEEK ANY SUPPORT YOU MAY NEED**

- For yourselves and your staff, remember that Employee Assistance Program (EAP) resources are available for anyone that would like to talk individually to a counselor.
- [Add info re debrief counselor, if available at this meeting]

**LET US KNOW IF YOU HAVE QUESTIONS**

- If you have any questions or topics you would like to see covered in future updates, please email us at [post-election@sfdph.org](mailto:post-election@sfdph.org).
- We will also compile frequently asked questions and make that information available as well.

## Director Garcia's message to patients & clients

- At the Health Department, our mission has not changed. We are dedicated to serving all those in need of care, without regard to immigration or insurance status.
- The Mayor has pledged that San Francisco always will be a sanctuary city.
- We are working with community organizations, the Mayor's office and other city agencies to ensure that all San Franciscans, including immigrants, continue to access services in their communities.

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