

California Values Act

IN BRIEF

The California Values Act will protect the safety and well-being of all Californians by ensuring that state and local resources are not used to fuel mass deportations, separate families, or divide Californians on the basis of race, gender, sexual orientation, religion, immigration status, or national or ethnic origins. The bill will provide essential safeguards to ensure that police, schools, hospitals and courts remain accessible to Californians from all walks of life and that California's limited resources are directed to matters of greatest concern to state and local governments.

THE ISSUE

Immigrants are an Essential Part of California: More than one in four Californians are immigrants and half of the children in California have one immigrant parent. Immigrants have deep roots in our neighborhoods and communities. A relationship of trust between California's immigrant residents and our state and local agencies, including police, schools, and hospitals, is essential to carrying out basic state and local functions. Any efforts to carry out mass deportations of California residents would be devastating to our state, and would inflict a terrible cost on our families and our communities.

The Creation of a National Registry Based on Religion or Other Protected Characteristics Would Be Antithetical to California's Values: California has long valued religious freedom, diversity, and tolerance. Muslim Americans and members of other religious minorities are valued and respected members of our community. Any attempt to single out California residents according to religion or other protected characteristics, including through the creation of a national registry, would be contrary to California's interests and antithetical to our values.

Entangling Local Law Enforcement Agencies with Immigration Enforcement is Harmful

California is already familiar with the harmful effects of entangling local law enforcement agencies with immigration enforcement. Prior to its termination, the discredited "Secure Communities" program (S-Comm) operated in California as an indiscriminate mass deportation program at great cost to California both financially and otherwise. According to a report prepared by Justice Strategies in 2012, when the Secure Communities program was still active, California taxpayers spent an estimated \$65 million annually to detain people for ICE.¹

The entanglement of local law enforcement agencies and immigration enforcement also has a tremendous cost to public safety. According to the President's Taskforce on 21st Century Policing, "Immigrants often fear approaching police officers when they are victims of and witnesses to crimes and when local police are entangled with federal immigration enforcement. At all levels of government, it is important that laws, policies, and practices not hinder the ability of local law enforcement to build the strong relationships necessary to public safety and community well-being. It is the view of this task force that whenever possible, state and local law enforcement should not be involved in immigration enforcement."² A study conducted by the University of Illinois similarly found that 44 percent of Latinos are less likely to contact police officers if they have been the victim of a crime because they fear that police officers will use this interaction as an opportunity to inquire about their immigration status or that of people they know.³

California's Resources Cannot be Commandeered to Carry Out Deportations: California cannot be compelled to use state and local resources to detain and deport its immigrant residents or to assist in the creation of a national registry based on religion or other protected characteristics.⁴ In fact, federal law explicitly prohibits such "commandeering" of state and local resources to implement federal programs.⁵ This is particularly true where implementation would interfere with the State's ability to protect the safety and wellbeing of our residents.

THE SOLUTION

The California Values Act will ensure that state and local resources are not used to fuel mass deportations, separate families, or divide Californians on the basis of race, gender, sexual orientation, religion, immigration status, or national or ethnic origins.

Under the California Values Act:

1. State and local law enforcement agencies and school police and security departments will not engage in immigration enforcement. No state or local resources will be used to investigate, detain, detect, report, or arrest

¹ See Judith Greene, "The Cost of Responding to Immigration Detainers in California," Justice Strategies Report, August 22, 2012.

² Final Report of the President's Taskforce on 21st Century Policing (May 2016).

³ Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement, Nik Theodore, Dep't of Urban Planning and Policy, University of Illinois at Chicago (May 2013)

⁴ See, e.g., *Galarza v. Szalczyk*, 745 F.3d 634, 644 (3d Cir. 2014) ("[i]mmigration officials may not compel state and local agencies to expend funds and resources to effectuate a federal regulatory scheme."); see also Attorney General Kamala Harris, "Responsibilities of Local Law Enforcement Agencies Under Secure Communities," Information Bulletin, Dec. 4, 2012 ("[I]mmigration detainers are not compulsory. Instead, they are merely requests enforceable at the discretion of the agency holding the individual arrestee.")

⁵ See, e.g., *Printz v. United States*, 521 U.S. 898 (1997)

persons for immigration enforcement purposes. And regardless of whether state or local resources are implicated, no state or local law enforcement agency will detain or transfer any person for deportation without a judicial warrant.

2. State and local resources will not be used to facilitate the creation of a national registry based on religion or other protected characteristics.

3. State agencies will review their confidentiality policies in order to ensure that eligible individuals are not deterred from seeking services or engaging with state agencies. State agencies shall not collect or share information from individuals unless necessary to perform agency duties.

4. California schools, hospitals, and courthouses will remain safe and accessible to all California residents, regardless of immigration status. Each shall establish and make public policies that limit immigration enforcement on their premises to the fullest extent possible consistent with federal and state law.

FOR MORE INFORMATION

Alexandra Salgado, Office of Sen. President Pro Tempore
Kevin de León

Alexandra.Salgado@sen.ca.gov

Andrew T. Medina, California Policy Manager
Asian Americans Advancing Justice – California
T: (916) 448-6700 / C: (916) 538-2770

Amedina@advancingjustice-ca.org

Chris Newman, Legal Director
National Day Laborer Organizing Network
T: (323) 717-5310

newman@ndlon.org