



California POLICE CHIEFS Association Inc.

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Honorable Kevin de León
California State Senate
California State Capitol
Sacramento, CA 95814

Senate Bill 54 (Oppose)

Dear Senator de León:

The California Police Chiefs Association regrets to inform you of its continued opposition to Senate Bill 54, which would limit California law enforcement from using agency or department moneys, facilities, property, equipment, or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes. Despite our conversations, we have not yet been able to address remaining concerns.

Currently, local law enforcement agencies have the discretion to partner with U.S. Immigration and Customs Enforcement (ICE) or Homeland Security Investigations (HSI), and do so through targeted operations to apprehend identified criminals. For example, ICE may request tactical support from a local police department during an operation to arrest members of a gang or drug cartel for civil or criminal immigration violations.

Additionally, local law enforcement also engages in federal joint task forces with various federal law enforcement agencies, including ICE and HSI. These task forces all focus on crime and national security; however, immigration enforcement often plays a role in carrying out those missions. For instance, if during a joint investigation into a drug trafficking operation, HSI or ICE identifies one of the suspects as an individual with an immigration violation, the task force may use that violation to apprehend that suspect.

Concerns relating to ICE not having access to jails:

Under SB 54, ICE will have limited access to our jails for immigration enforcement purposes. As amended on March 29th, ICE would be required to obtain a judicial warrant (not an easy or quick task to complete) simply in order to interview an individual being held in custody by a local or state agency. Additionally, the recent amendments prohibit local law enforcement from transferring an individual in custody *unless* authorized by a judicial warrant, *or* if an individual is subject to removal for an aggravated felony *AND* that individual has a prior conviction for a violent felony. As concerning, SB 54 would also prevent local agencies from responding to a notification request from federal immigration authorities unless the individual in custody has a prior violent or serious felony – this would not include, for example, individuals convicted for a first count of misdemeanor spousal abuse or child neglect. Because of these changes, ICE will be forced to carry out more field operations in our communities, and there will be an increase in collateral arrests (where undocumented individuals at the scene of an arrest are detained by ICE). This leads to more dangerous situations (pursuits, resistance, etc.), and will only create additional mistrust in law enforcement and problems in our communities. These unintended consequences should be extremely concerning for all Californians.

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Concerns relating to task force:

The recent amendments to SB 54 provide that local and state agencies can participate in joint task forces so long as the ***PRIMARY*** purpose of the partnership is not immigration enforcement. However, when you have two agencies partnering (federal and state) and the federal's primary purpose in the operation is immigration enforcement, and the latter's primary purpose is related to a criminal investigation, which purpose would be considered the primary purpose of the task force? This needs to be clarified to avoid a local agency being held liable for a federal agency's directive.

Concerns relating to new reporting requirements:

As written, SB 54 requires each agency that participates in a joint law enforcement task force to report every 6 months to DOJ regarding *"each task force operation, the purpose of the task force, the federal, state, and local law enforcement agencies involved, the number of California law enforcement agency personnel involved, a description of arrests made for any federal and state crimes, and a description of the number of people arrested for immigration enforcement purposes."* SB 54 also defines a *"joint law enforcement task force"* as any time a local agency collaborates, engages, or partners with a federal law enforcement agency in *"investigating, interrogating, detaining, detecting, or arresting persons for violations of federal or state crimes."* Under this definition and reporting requirement, even something as simple as a DUI stop by a Border Patrol Agent, in which the California Highway Patrol assists in a supportive role (a frequent occurrence), would have to be reported as a joint law enforcement task force operation. This broad mandate will create countless new reportable incidents that will not necessarily add any valuable insight.

In summary, SB 54 will make it more difficult to work with our federal law enforcement partners in apprehending dangerous criminals, and threatens to create more fear in our communities by forcing federal immigration operations out of our jails and into our communities. We appreciate your willingness to discuss these matters, and listen to our concerns. However, as currently written, we must oppose SB 54. If you have any questions regarding our position, or for any clarification, please contact Jonathan Feldman at jfeldman@californiapolicechiefs.org.

Thank you,



Edward Medrano
President



Jonathan Feldman
Legislative Advocate

Cc: Assembly Committee on Public Safety