



Request for Canal Alliance Policy Position

State the issue: Immigration and Customs Enforcement (ICE) cooperation with Marin County Jail.

Canal Alliance action being requested: Leading the coalition to advocate for limiting the level of cooperation between the County Sheriff and ICE.

Requested by: Director of Immigration Legal Services

Date: June 2, 2018

Issue Analysis	
<p>Issue summary: Background information on the issue.</p>	<p>Background – National Context:</p> <p>a) For the past several years, federal immigration enforcement policies and practices have increasingly relied on state and local enforcement agencies to help locate, detain, and deport non-US citizens. This well-oiled deportation machine has thus become deeply entangled with our justice system, creating a process that ignores the concepts of due process, racial profiling, and fair representation. The results are harsh immigration consequences for coming into contact with local law enforcement agencies, sometimes even without criminal convictions of any sort.</p> <p>b) President Obama focused on apprehending criminals, recent border crossers, and anyone with a recent removal order, which targeted 10 percent or so of all unauthorized immigrants currently residing in the United States. President Trump, on the other hand, has vastly expanded the scope of immigration enforcement to such a degree that virtually anyone who is in the country and undocumented is now a priority for detention and deportation. He has, in effect, abandoned the concept of enforcement priorities entirely by rendering every potential deportee a priority¹. Because of this, states like California decided to fight back with legislation such as SB-54 and AB-450, aiming to curtail the state and local law enforcement agencies’ cooperation with ICE. While these laws lay the groundwork for important protective measures however, it provides for individual counties to adopt even stricter policies to separate local law enforcement from ICE.</p> <p>c) There is therefore much that can be done at a local level to throw a wrench in the deportation machine, by dissuading our local law enforcement agencies from simply not proactively cooperating with ICE.</p>

¹ <http://immigrationimpact.com/2018/05/14/local-limits-immigration-enforcement-successfully-slow-deportation-machine/>



Request for Canal Alliance Policy Position

	<p>d) ICE arrested 110,568 people during Trump’s first eight months in office; as opposed to more than 300,000 per year in Fiscal Year (FY) 2010 and 2011. The single greatest reason for this disparity, according to the Migration Policy Institute, is that large numbers of state and local jurisdictions are not cooperating with Immigration and Customs Enforcement (ICE) to identify and detain immigrants who do not have serious (if any) criminal records.</p> <p>Local Action:</p> <p>a) SB-54, “The California Values Act”, attempts to prohibit local law enforcement agencies from using their own resources for immigration enforcement, while also curtailing the kind of cooperation between these agencies and the federal immigration officials currently taking place in Marin.</p> <p>b) SB-54 prohibits several tactics employed by ICE in cooperation with local law enforcement agencies, including immigration holds, sharing personal information of detained persons with ICE, ICE notifications, ICE transfers, and arrests based solely on civil immigration warrants. It also allows local law enforcement agencies to adopt even stronger restrictions on cooperating with ICE.</p> <p>c) However, several of these prohibitions have exceptions regarding criminal charges and publicly available information, many of which local jails and Sheriff’s offices are taking advantage of to continue cooperating with ICE.</p> <p>d) In the Summer of 2017, Canal Alliance sent a Public Records Act Request to the Marin County Sheriff’s Office to determine exactly how the Sheriff’s Office was working with ICE, and how they were planning on implementing the new policies proscribed by SB-54. The response to this request confirmed that the Sheriff’s office actively cooperates with ICE to the degree permitted by law, which means much of this cooperation is voluntary. They were also planning on continuing this cooperation within the context of SB-54’s new prohibitions, altering their policies to conform with the new law.</p> <p>e) Of the aforementioned exceptions to the prohibitions laid down by SB-54, the most commonly used exception that the Marin County Sheriff utilizes is that of making information such as release dates of detained persons publicly available. Once this information is publicly available, SB-54 permits the Sheriff to notify ICE of release dates of individuals that ICE wants to detain for immigration violations. In doing so, they</p>
--	--



Request for Canal Alliance Policy Position

	continue voluntarily functioning as an essential part of the deportation machine.
What problem does this policy seek to address?	The Sheriff's willingness to continuing cooperating in these ways with ICE means that the jail to deportation pipeline is the primary means of detention by immigration officials in Marin County, and causes grave immigration consequences as a result of any sort of contact with local law enforcement officers. On average, 130 people are being picked up by ICE at the Marin jail every year. Canal Alliance has worked with many impacted families who face incredible challenges when a family member faces deportation.
Strategy: At what level of government is advocacy needed (Local, State, Federal)?	Local – each county's jail has their own practices. Some counties in California have adopted much stronger 'sanctuary' policies, while others are trying even harder to cooperate with ICE.
Who are the targets? What partners are needed?	<p>Targets:</p> <ul style="list-style-type: none"> • Marin County Sheriff's Office • Various Marin County Police Departments <p>Being arrested and then brought to the jail is the first step in the pipeline.</p> <p>Partners:</p> <ul style="list-style-type: none"> • Immigrant Legal Resource Center (ILRC) • California Immigration Policy Center (CIPC) • Asian Advancing Justice - Asian Law Caucus • Impacted communities • Other community service providers who work with the impact communities • Local community leaders • Local elected officials • Local chapter of ACLU
Fit: <i>How is the issue aligned with Canal Alliance's mission, vision, values and theory of change?</i> <i>Canal Alliance values: Champion Immigrants,</i>	a) There is a growing body of research showing how deportation, detention and incarceration have a psychological impact on people, especially children, adding more barriers to poverty alleviation. Even



Request for Canal Alliance Policy Position

<p><i>Strive for Justice, Empower Through Education, Set High Expectations and Respect Everyone</i></p>	<p>the local schools have reported high levels of anxiety within the student body and the parents due to fear of deportation²</p> <p>b) The trauma caused by detention and family separation can feed the cycle of poverty by breaking families apart and oftentimes removing the primary income from a household.</p> <p>c) Helping and working with motivated immigrants facing an unfamiliar environment and lack of resources: helping to navigate that environment that might be inherently biased against them.</p> <p>d) Strive for justice: universal representation and due process</p> <p>e) Champion immigrants: these policies only affect immigrants in Marin county, even those who may have legal status.</p>
<p>Impact: Canal Alliance’s goal is to break the cycle of poverty. How will this policy help Canal Alliance achieve its goals? Policies will be ranked by high, moderate, or low impact. High impact means it moves the most number of people out of poverty and/or results in systems change.</p>	<p>Prevent the kind of consequences that can derail someone entirely from their pathway out of poverty. We care about keeping our communities intact and keeping families together. Deportation tears families apart, causing irreparable harm including to the children left behind.</p> <p>Oftentimes the immigrant detained is the bread winner and main provider for the family, and with them unable to do so, while also having to worry about potential legal fees, circumstances can become extremely difficult.</p> <p>This policy can also aim to instill more trust in both our service and our target population in institutions such as the police the courts, and the District Attorney’s office so that they can be empowered to report crimes, be witnesses, come forward as victims.</p> <p>This policy has a moderate impact in system change. The correlation between local poverty alleviation and the change in policy is hard to predict on a broad level. It does have a high impact on individual families.</p>
<p>Supporters: Who are key supporters or are likely to be? What are the</p>	<p>Supporters:</p> <ul style="list-style-type: none"> • Immigrant Legal Resource Center (ILRC): already partnered with us for the Public Records Act) request and Know Your Rights trainings. • California Immigrant Policy Center + Asian Americans Advancing Justice (Asian Law Caucus): leaders of the ICE out of CA movement

² <http://cmsny.org/publications/mass-deportations-impoverish-us-families-create-immense-costs/>
<https://www.theatlantic.com/family/archive/2017/03/deportation-stress/520008/>
<http://immigrationimpact.com/2018/03/14/immigration-enforcement-hurts-schools/>



Request for Canal Alliance Policy Position

<p>main arguments for support?</p>	<ul style="list-style-type: none"> • Public Defenders Office • Affected Immigrants & Immigrant Based Groups: Canal Welcome Center, Marin Rapid Response Network... • Legal Aid of Marin • ACLU of Northern California • Indivisible, United Marin Rising, MVCAN • Faith Groups: Marin Interfaith Council, Marin Organizing Committee <p>Support Arguments:</p> <ol style="list-style-type: none"> 1. ICE is not held to the same standards as other law enforcement agencies; there is far less accountability and transparency, and we do not have the same constitutional protection in the immigration system as in the criminal justice context. 2. Allowing them to work closely with local police therefore puts the entire community at risk because the impacted community members will conflate the peace keeping activities of local police with immigration enforcement by ICE. They stop reporting crimes, coming forward as witnesses, and in general trusting the police. This leads to the entire community being at more risk AND affects the work and efforts of the local law enforcement department themselves. 3. Allowing ICE inside the jail does NOT keep them out of the community, it simply expands their means of detention. 4. Deportation is never the answer to public safety, even if what are considered to be dangerous criminals are involved. 5. Sharing information about individuals with ICE when that information is publicly available should only apply to information that was ALREADY publicly available when SB-54 went into effect. Law enforcement agencies that have since then started sharing release dates on websites are taking advantage of this aspect of SB-54.
<p>Opponents/Challengers: Who is on the other side of the issue or is likely to be, or could present a challenge? What are the key challenges? What are the key opposing arguments?</p>	<p>Opponents/Challengers:</p> <ul style="list-style-type: none"> • Law enforcement officers and their advocates • Local Republican Party <p>Opposition Arguments:</p> <ol style="list-style-type: none"> 1. Their main arguments tend to be that they have to comply with these laws because it is a federal law and a federal enforcement agency executing them. They may also argue that they are simply giving the same courtesy to ICE as a law enforcement agency that they would to any other such agency. 2. "By allowing ICE to come into the jails, we are actually helping keep ICE off the streets and out of the community."



Request for Canal Alliance Policy Position

	<p>3. “We only cooperate with ICE on immigration enforcement when it comes to dangerous criminals”: Those who believe in the criminalization of immigrants, and in a strict criminal justice system will also agree.</p> <p>4. “The only information that ICE has access to is the information that is publicly available and therefore allowed by SB-54 to be shared”</p>
<p>Winnability: What is the likelihood of success? What are the key challenges?</p>	<p>Key challenges are explaining the implicit bias and severity of the immigration consequences that far outweigh the criminal consequences for charges and misdemeanors or criminal charges, as well as demonstrating how even minimal cooperation with ICE puts not only the immigrant community but the entire community at more risk.</p>
<p>Benefits vs. Costs (Financial, Political, Reputation or Misalignment with Stakeholder Values): What are the opportunities/benefits vs. risks/costs (Financial, Political, Reputation and Misalignment with Stakeholder Values) for Canal Alliance? Do the benefits outweigh the costs?</p>	<p>Opportunities/Benefits:</p> <ul style="list-style-type: none"> • Safer Marin County: both immigrant and non-immigrant community members should be able to trust their police and sheriff to keep the peace, not work as immigration officials • Trust and cooperation between local agencies • Striving for more political unity throughout the county by uniting both sides of the debate • Not using county resources for immigration enforcement. <p>Risks/Costs (Financial, Political, Reputation and Misalignment with Stakeholder Values):</p> <ul style="list-style-type: none"> • Alienating the Sheriff’s Office and potentially some police departments which would impede our own ability to assist detained immigrants. • Alienating political allies who may decide to throw their support behind local law enforcement instead of the immigrant rights advocate groups

Requestors: leave the following section blank for Canal Alliance Staff Analysis and Recommendation



Request for Canal Alliance Policy Position

Canal Alliance Executive Team Analysis and Recommendations	
Prepared by:	
Should Canal Alliance approve this request? Why or why not?	
Is this a new issue for Canal Alliance or are the high risks involved	
Other options for action besides what is requested?	
What “tier” priority for Canal Alliance (1,2, or 3) is recommended? Why?	
Executive Team (ED, CFO & Directors) Approve or deny request? Is more information needed?	

Tiers: Setting Canal Alliance Policy Priorities

The tier assignments do not indicate that one issue is more or less important than another, they merely clarify where Canal Alliance and the public policy staff will focus their efforts based on available capacity and resources.

Tier 1: Public Policy Leadership

Canal Alliance will assume a leadership role in advocacy and devote resources to proactively advocate on the issue, and engage our stakeholders – board members, volunteers, partners, and other supporters – to advocate for the issue.

Tier 2: Public Policy Advocacy

Canal Alliance will develop a position, advocate and generate grassroots support on an as-needed basis.

Tier 3: Public Policy Support

Canal Alliance will monitor and respond to requests for support through such vehicles as “sign-on letters” and support the work of partners who are the thought leaders on Tier 3 issues.