

2018

Engaging Your Board of Supervisors on the California Values Act

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Introduction

As Californians, we know immigrants are a vital and inseparable part of our state and our local 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. When local police and sheriffs act as deportation agents, that further undermines that trust and confidence in law enforcement. For this reason, it is imperative that we work to disentangle local law enforcement from Immigration and Customs Enforcement and other federal agents in the deportation business. Fortunately, we have the California Values Act (SB 54) which helps limit this entanglement.

This toolkit provides you with information to build support for the California Values Act in your county. Furthermore, it outlines steps you can take with your Board of Supervisors to fight anti-SB 54 measures, add pressure against the sheriff or police chief to comply with the Values Act, or influence them enough to stop working with ICE altogether.

In this toolkit we will refer to a more extensive law enforcement-focused toolkit created by Immigrant Legal Resource Center (ILRC), which is accessible at <http://bit.ly/SB54SheriffToolkit>.

About the California Values Act

The California Values Act, also known as "SB 54", went into effect in January 2018. This new law protects the safety and well-being of all Californians, specifically immigrant communities, by ensuring that police, schools, health facilities, and courts remain accessible to Californians from all walks of life. Further, the Values Act functions to limit the entanglement of local law enforcement's limited resources from federal immigration enforcement.

The Values Act makes clear that this law is the policy floor and not the ceiling. The gold standard is total disentanglement with ICE. We encourage advocates to keep long-term goals in mind during meetings and to push for the strongest policy possible. The Values Act has two major provisions:

1. Prohibits local law enforcement agencies (including school police departments) from using their resources for immigration enforcement purposes.
2. Creates safe spaces by limiting assistance with immigration enforcement in several public agencies, including schools and healthcare facilities.



Terminology

Terminology is very important! While the Values Act can be technical at times, it is important that advocates equip themselves with knowledge in using the proper terminology when discussing policies. Here are some terms and agencies often referred to in these policies and throughout this toolkit.

287(g): A section of the Immigration and Nationality Act that allows the U.S. Department of Homeland Security to enter into agreements with state and local law enforcement agencies to allow them to enforce federal immigration law, either in jails through jail enforcement agreements or in the course of their regular work through task force agreements. Since the passage of the Values Act, this program is prohibited throughout all of California.

Department of Homeland Security (DHS): DHS is a cabinet department of the U.S. federal government with responsibilities in public security. Its stated missions involve anti-terrorism, border security, immigration and customs, cyber security, and disaster prevention and management. It was created in response to the September 11 attacks, and is the youngest U.S. cabinet department. Most importantly, the Immigration and Customs Enforcement (ICE) works under the DHS.

Immigration and Customs Enforcement (ICE): is an agency within DHS and is responsible for enforcing the immigration laws of the US through departure and removal operations. ICE agents are typically the ones who conduct raids and home visits in our communities. They are also responsible for managing non-citizens in ICE custody and providing them with access to legal resources and advocacy groups.

Homeland Security Investigations (HSI): is an investigative branch within DHS and under ICE. It investigates issues deemed a threat to national security including those relating to human rights violations, human smuggling, human trafficking, drug trafficking, arms trafficking, document-benefit fraud, the manufacturing and sale of counterfeit immigration and identity documents, transnational gangs, computer crimes, and more.

Customs and Border Protection (CBP) aka Border Patrol: is the largest federal law enforcement agency of DHS with Border Patrol as its mobile enforcement arm dressed in green. It is charged with regulating and facilitating international trade, collecting import duties, and enforcing U.S. regulations, including trade, customs, and immigration. They are most often found near the U.S.-Mexico border.



Noncitizens: An umbrella term for anyone who is not a U.S. citizen including lawful permanent residents (LPR), asylees, immigrant youth with DACA, and individuals who are undocumented.



Law Enforcement Agency (LEAs): We often use as shorthand to refer to both the sheriff's department and local police departments.

Sheriff's Department: the biggest distinction between the sheriff's department and police department is the assigned territory that they patrol. Typically, in California, the sheriffs are the policing agency that cover an entire county. Similarly, they are often the agency in charge of running the local county jails.

Police Department: these local policing agencies are often in charge of a much smaller municipality to patrol, often restricted to the boundaries of specific cities. In California, many police departments do not have custody accommodations and thus booking often happens at county jails.

County Jails: This refers to the facility used to detain individuals for low-level offenses or for those awaiting trial. In California, the county sheriff's departments oversee and manage these facilities.

State Prisons: This refers to the facilities used to detain individuals for more serious offenses or those with state prison sentences. In California, the Board of State and Community Corrections (BSCC) oversees and manages these facilities.

Sanctuary: The term "sanctuary," as used in the context of sanctuary cities or states, does not mean that a city or institution will conceal or shelter undocumented immigrants from detection. Rather, sanctuary policies might, among other things, commit a city to serving all individuals without regard to immigration status, protect the privacy of community members by keeping their immigration status confidential, or direct law enforcement officers not to investigate, arrest or hold people solely on the basis of immigration status.

Detainer Requests (or Holds): A detainer or "ICE hold" refers to a request on behalf of federal immigration authorities asking local law enforcement (that's sheriffs and local police) to hold an individual past their release date for up to 48 hours for deportation purposes. ICE sometimes uses the form I-247D for these requests, but not always. Cal. Gov't Code § 7283(b).

Notification Request: A notification request is a request on behalf of federal immigration authorities asking local law enforcement (that's sheriffs or local police) to provide them with a "heads up" on the release date of people flagged by immigration authorities so that they can arrest and detain people upon release from county custody. Cal. Gov't Code § 7283(f). Note: Law enforcement sometimes refers to this as a detainer as well because ICE sometimes also uses form I-247N.

Transfer Request: A transfer request is a request on behalf of federal immigration authorities asking local law enforcement to transfer custody of an individual who is being released from



custody into federal immigration custody in a “secure” manner behind jail doors. Cal. Gov’t Code § 7283(g).

Super Important! Notification and transfer requests from federal immigration authorities are merely requests – local law enforcement is not *mandated* to honor these requests, they only have the *discretion* to do so.¹

Apart from the California Values Act, California also has two very important laws with which advocates should become familiar.

Trust Act²: The first version went into effect January 1, 2014. The Trust Act sets a standard across the state to limit cruel and costly immigration “hold” requests in local jails. These holds are optional and often trap undocumented and immigrant people for extra time, at local expense, just because ICE thinks it can deport them. The Trust Act ensures that people with most low-level, non-violent offenses are not wastefully held for deportation purposes. At the same time, it allows holds for most felony convictions and for those accused of felonies under certain circumstances, along with a number of higher level misdemeanor (or “wobbler”) convictions within 5 years and for certain federal criminal convictions. The Values Act further improved the protections under the Trust Act.

TRUTH Act³: The TRUTH Act went into effect January 1, 2017. It functions to bring transparency to local jail entanglement with immigration enforcement in 3 ways:

1. ***Provides “Know Your Rights” to Every Individual:*** LEA’s are required, prior to an interview between ICE and an individual in custody, to provide a written consent form that would explain the purpose of the interview, that it is voluntary, and that the individual may decline the interview. The law requires the form to be translated in multiple languages.
2. ***Ensures Fair Notice to Every Individual:*** If a LEA provides ICE with notification of an individual’s release date and time, then they must also provide the same notification to the individual and their attorney or permitted designee.
3. **Mandates a Community Forum:** The Truth Act requires a local legislative body to hold a community forum annually if local law enforcement allows ICE access to any individual. Additionally, this bill ensures that records related to ICE access are subject to the public records act.

¹ Cal. Gov’t Code § 7282.5

² Cal. Gov’t Code § 7282.5

³ Cal. Gov’t Code § 7283.1



Tips on Framing the Issue

On this page you can find some helpful messaging when talking about this issue in a way that doesn't further criminalize immigrant communities. These talking points and messages were crafted and influenced by CA Immigrant Policy Center (CIPC) and others in the ICE Out of CA coalition.

When we hear about immigrants in the news we often hear people lumped into two different categories: there are the "good immigrants" who work hard, are top of their class in school, and/or are in the U.S. because of circumstances outside their control; and then we hear about the "bad immigrants" who are those with a criminal history or perhaps have been deported in the past. The truth is, all immigrants are a vital part of our communities and families. **All people** should be treated fairly no matter what they look like, what language they speak, or where they were born.

The "good immigrant, bad immigrant" narrative often ignores that our immigration (and criminal) system is infused with racism, enforcing unequal and punitive standards for immigrants of color. Today's attacks on immigrants are the result of an ongoing cycle of expulsion, exclusion, and criminalization of those deemed "unworthy" of belonging. To truly win on this issue, we must do crucial culture shifting work to change the way we think and talk about immigrants and, more specifically, about immigrants with a criminal history.

Currently, at least 65-75% of all deportations nationwide are the result of entanglement between state or local law enforcement agencies and ICE or CBP. Unfortunately, ICE is allowed to interview inmates for immigration purposes in jail and review inmate logs. This collaboration invokes widespread fear in immigrant communities. For these reasons, it is imperative that we restrict state and local resources for immigration enforcement purposes and recognize the devastating impact deportations have on a state with thousands of mixed-status families and a heavy immigrant workforce.

We all lose when we don't stand up for justice for **all** immigrants. That's why it is imperative that we stop perpetuating the good vs. bad immigrant narrative. Here are four reasons why we must fight for all immigrants including the "bad" ones:

1. Influence policy discussions that aim to carve out who is not worth fighting for
2. Take opportunity to respond from a visionary, empowered stance of what we DO want rather than a defensive, apologetic stance of what we DON'T want
3. Resist the erasure of biased policing & racial inequity faced by people of color & poor people
4. Acknowledge the reality of the ever-expanding definition of "criminal behavior"

Whenever taking action on this issue, whether it's having a conversation with a family member, Board of Supervisor, or a stranger, it is imperative that we are intentional with our language and not further criminalize/other our immigrant communities.



Get and Evaluate Your Local Policy

In order to evaluate whether your local law enforcement agency is complying with SB 54, you must first obtain a copy of the policy. Below we outline the steps you should take in monitoring LEA compliance with SB 54.

Step 1: Connect with your local/regional coalition. The main driver behind the Values Act is a statewide coalition called ICE Out of California. The coalition is comprised of local, regional, and state organizations dedicated to disentangling police and ICE and putting an end to mass deportations in California. If you're not sure who is working on these issues in your area, reach out to your ACLU affiliate who can connect you with partners or help you start a coalitional locally.

Step 2: Gather information on how agencies and institutions are already cooperating with ICE. Check the ICE out of CA website (iceoutofca.org) to see if the coalition has posted your jurisdiction's policy. You can also obtain your local law enforcement's policies by looking at their website or asking them for a copy.⁴ You can also talk to community organizations, attorneys (especially public defenders), or search the news to research local practices.

Step 3: Review and compare the policy to the Values Act requirements and make sure they are up to date, accurate, and in alignment with the law. You can reach out to your ACLU affiliate for guidance. There are specific criteria you should look for to evaluate the policy. Below is a checklist of some key provisions to look out for when evaluating your policy.

Step 4: Advocate for change. If your sheriff's policy allowed ICE access to even just 1 individual in their custody the previous year, the next step you can take is to ask the Board of Supervisors to hold a community forum and allow community input. You can find a step-by-step guide on how to organize a community forum on the ICE Out of CA webpage here: <http://bit.ly/CATRUTHcommunityforum>. If your sheriff's policy does **not** comply with the Values Act and efforts to meet with the sheriff to address these issues have been unsuccessful, you should reach out to the Board of Supervisors and request that they take meaningful action to ensure the sheriff follows the law.

⁴ You can submit a Public Records Act Request, but note that this takes more time. To learn more about California's Public Records Act and how to file a request, visit: <http://bit.ly/2lVywuu>



CHECKLIST

Below is a list of items to keep in mind as you monitor your local law enforcement's policy. We have included a short summary of the law, things to look out for in your review, and where you can find that section of the law in the footnotes. [Use this template \(also listed under Appendix F\) to create a comparison chart](#) while you're going through this checklist.

No asking about immigration status

The law⁵: No law enforcement officer can ask about a person's immigration status nor can they have a third party like someone's employer, landlord, or family member to ask that for them.

No interpretation by immigration agents

The law⁶: Local law enforcement cannot call on ICE, CBP, or any federal immigration agency to interpret for them at any time.

Things to look out for: Sometimes these policies are oral agreements that aren't written down. Make sure that the department recognizes they must have written protocols banning this collaboration.

No participation in joint task forces for immigration enforcement purposes

The law⁷: Local law enforcement cannot participate in a "joint task force" with a federal law enforcement agency (ICE, HSI, FBI, etc.) if the *main* purpose of the task force is immigration enforcement. If the agency chooses to participate in any joint task force, it must report it to the Attorney General's office which will issue a report annually after March 1, 2019 with the data.

Things to look out for: If your LEA is part of a joint task force with ICE or HSI, investigate the purpose of that joint task force.⁸

No participating in criminal immigration arrests (with a limited exception)

The law⁹: Local law enforcement cannot arrest, detain or investigate someone for a violation of *criminal* immigration law. Under federal law there are certain circumstances in which people can be charged for a federal crime, like re-entering after they have been deported. The Values Act says that even these circumstances are not enough for local law enforcement to participate unless they detect that the person re-entered the country after being deported for an *aggravated felony* **and** that this was detected during an unrelated law enforcement activity.

⁵ Cal. Gov't Code § 7284.6(a)(1)(A)

⁶ Cal. Gov't Code § 7284.6(a)(3)

⁷ Cal. Gov't Code §§ 7284.6(b)(3), (c)

⁸ See this LA Times Story about the City of San Gabriel and their efforts to rescind a joint task force agreement that could have violated the Values Act: <http://www.latimes.com/local/lanow/la-me-san-gabriel-ice-20180205-htmlstory.html>

⁹ Cal. Gov't Code § 7284.6(b)(1)



Things to look out for: The interpretation of this section can cause confusion with many local law enforcement. Reach out to a lawyer through the ICE out of CA coalition to help with this analysis because it is very technical!

No arrests based on civil immigration warrants

The law¹⁰: Local law enforcement cannot arrest, detain or investigate someone for a violation of *civil* immigration law (no exceptions!). The Values Act reinforces that a civil warrant is not enough for local law enforcement to arrest or detain people.

Things to look out for: Often federal immigration agents use forms that say “warrants for deportation.” These are not legally sound warrants and cannot be used as a reason for why local law enforcement detains, arrests or questions any individual in California.

No honoring of immigration holds

The law¹¹: Detaining a person past their release date on an immigration hold is prohibited, no exceptions and regardless of the offense.

Things to look out for: Law enforcement is prohibited from honoring civil immigration holds under any circumstances. Local policies may still have the old language from the Trust Act but that is incorrect and must be updated.

No 287(g) agreements

The law¹²: No local law enforcement shall have a 287(g) agreement nor should their officers be supervised by federal immigration agents for purposes of immigration enforcement.

No exclusively dedicated space for immigration agents at the jail

The law¹³: Local law enforcement cannot provide space exclusively to immigration agents within a local facility.

Things to look out for: If you see that immigration agents have a space that they only use or are allowed to use in a jail, which includes dedicated workspace, this is a clear violation of SB 54.

No sharing of personal information with immigration agents

The law¹⁴: Personal information is very broadly defined under California law to include work and home addresses, even phone numbers! Unless the information is publicly available that information cannot not be released to immigration agents.

¹⁰ Cal. Gov’t Code § 7284.6(a)(1)(E)

¹¹ Cal. Gov’t Code § 7284.6(a)(1)(B)

¹² Cal. Gov’t Code §§ 7284.6(a)(1)(G), (a)(2)

¹³ Cal. Gov’t Code § 7284.6(a)(5)

¹⁴ Cal. Gov’t Code § 7284.6(a)(1)(C)



Things to look out for: If your local law enforcement has a databases to which they give immigration agents access, make sure that non-public personal information is excluded from those agents' access.

No response to notification requests (some exceptions)

The law¹⁵: Local law enforcement are prohibited from responding to an immigration agent's notification request to provide an individual's *non-public* release date unless limited exceptions are met. Certain convictions or charges do allow LEAs to share this information.¹⁶ LEAs must provide the individual with a copy of the immigration agent's request and, if they respond to the immigration agent's notification request, they must promptly give the same notification *in writing* to the individual and their lawyer, or the individual's designee.

Things to look out for:

- There's over 900 offenses that fall under the exceptions for notifications. LEAs must make a quick screening assessment for these exceptions; a false assessment could put at risk of liability. For this reason, we recommend that they limit the number of offenses that are exceptions.
- This can become very technical, but always remember to check whether Prop 47 is mentioned in the policy.¹⁷
- Make sure that LEAs are actually providing written notice to both the individual *and* their attorney if they are indeed providing immigration with notification. Connect with public defenders in your area to see if this is happening!

No response to transfer requests (some exceptions)

The law¹⁸: Local law enforcement are prohibited from assisting in the transfer of an individual from local law enforcement custody to federal immigration custody except in limited situations described by law, which include certain criminal convictions and charges¹⁹ or if there is a judicial warrant. Here a judicial warrant requires a *federal* judge to have made a judicial probable cause determination for the violation of a criminal immigration law. Local law enforcement must provide the individual with a copy of federal immigration authority's request.

¹⁵ Cal Gov't Code §§ 7284.6(a)(1)(C), 7282.5(a)-(b) [the exceptions], 7283.1(b) [the notice to individuals/attorney requirement]

¹⁶ For a summary of the exceptions, turn to Appendix B, which lists the types of charges and convictions that fall under this exception.

¹⁷ Under the Values Act, if someone has been convicted of a misdemeanor that was previously categorized as a felony (or if they were convicted of a wobbler offense) as described in Prop 47, then this alone cannot result in notification (or transfer)!

¹⁸ Cal Gov't Code §§ 7284.6(a)(4), 7282.5(a)-(b) [the exceptions]. 7283.1(b) [the notice to individual requirement]

¹⁹ For a summary of the exceptions, turn to Appendix B, which lists the types of charges and convictions that fall under this exception.



How to Engage with your Board of Supervisors on the Values Act

Below we go over the who, what, when, and hows to relating to your Board of Supervisors. We provide both general information as well as information as it relates to the Values Act.

Who are they?

The Board of Supervisors is responsible for establishing policy to guide the administrative functions of county departments. California law requires each county to have a Board of Supervisors consisting of five members, unless the county's charter provides otherwise (e.g., San Francisco County has eleven members and one mayor).

What do they do?

Unlike the separation of powers that characterizes the federal and state governments, the Board of Supervisors is both the legislative and the executive authority of the county. It also has quasi-judicial authorities. Board policies are established either by ordinance in the county code or as a result of an order of the Board.

As the legislative body of the county, the Board of Supervisors may act by:

- **Resolution:** a resolution of a Board is ordinarily not equivalent to an ordinance; it is usually a **symbolic declaration** about future purposes or proceedings of the Board or a policy statement by the Board. Resolutions are often used when specific findings are made by the Board of Supervisors.
- **Board Order:** a board order is usually a directive from the Board of Supervisors to its subordinate county officers.
- **Ordinance:** an ordinance is a **local law** adopted with all the legal formality of a statute. The California Constitution allows a county (or city) to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations that do not conflict with the state's own general laws. Most legislative acts, including using the police power, are adopted by ordinance.

How do they act?

An official act of the Board of Supervisors can only be performed in a regularly or specially convened meeting. The individual members have no power to act for the county merely because they are members of the Board of Supervisors. Rather, a majority of the members of the Board (a quorum) is required for conducting business and the quorum must concur on any act of the Board. Some extraordinary actions, like passing emergency ordinances, require four votes.



Although the Board of Supervisors does not have the authority to direct or control the day-to-day operations of the Sheriff, they may supervise the sheriff and investigate their performance of county duties.

Furthermore, sheriffs or county law enforcement often report to county-level government, such as a county executive, or a county commission or board of supervisors. Power over the sheriff's budget can be an important avenue for establishing new rules about working with ICE.

When do they act?

Board of Supervisor meetings are held regularly, generally on Tuesdays (check your Board of Supervisors website for all scheduled meetings), with the Agenda for the meeting approved the Friday before.

Meetings of the Board of Supervisors are subject to the restrictions of the Ralph M. Brown Act²⁰. With limited exceptions, the Brown Act requires that all Board of Supervisors meetings be open and public. It is usually the county clerk who is tasked to record all proceedings of the Board of Supervisors. The Board must keep a record of the proceedings of all regular, and special meetings, and of its decisions.

How does this relate to the Values Act?

Passing a resolution or ordinance in support of the Values Act can send a strong message to LEAs that disentanglement is a reflection of community values. It is also a good opportunity to educate the public on why LEA and immigration enforcement entanglement is harmful and what the sheriff's currently policy is.

If the Board of Supervisors is trying to pass a resolution or ordinance opposing the Values Act then this is a good opportunity to mobilize the community to show strong opposition to the measure. By turning out a large group of residents and speaking out against an anti-SB 54 policy, you may be able to defeat it and, again, show that disentanglement is a reflection of community values that the community wants.

²⁰ Cal. Gov't Code § 54950 et. seq.



Addressing the Board of Supervisors: Public Comment and Individual Meetings

Public participation is essential for local government to work effectively! You can engage all of the Board of Supervisors during public comment at a Board meeting or individually outside of supervisor meetings.

Context: The Board of Supervisors is the governing body of a county and relies on the community to guide their decision making to reflect the cultural and ethnic diversity of its people. Participating during Board of Supervisor meetings is incredibly important and can have a significant impact on policy issues pertaining to immigration enforcement, surveillance, the environment, anti-discrimination policies, and more.

What is “public comment”?

When the full Board considers legislation, which has not been considered by a committee, public testimony on those items occurs during the public comment portion of the Board meeting. Each regular, special and off-site meeting of the Board shall provide an opportunity at the appropriate place on the agenda for public comment.

The agenda for each meeting contains a brief general description of each item to be considered. The number of the item being heard is indicated on the Clerk’s desk. This process can vary depending on the procedures of your county.

How do I give public comment for items already on the agenda?

If you wish to address the Board on any agenda item then you must:

Step 1: Research! Look up when the Board will be discussing your issue. You can find that by going to your County’s Board of Supervisors website and finding a section entitled “Meeting Information” or “Agendas and Minutes.” You should also be able to search the webpage if you can’t find it.

Step 2: Prepare what you want to say (*see sample talking points for public comment in the appendix below*). A written statement is best for detailed or complicated information.

Step 3: Submit a "**Request to Speak**" form to the Clerk of the Board.

You should submit this at least 5 minutes prior to the scheduled commencement of the meeting to pull the item for discussion, or in the case of a time certain item, at least 5 minutes prior to the set time; or in the case of a matter pulled for discussion, prior to that item being called by the Clerk. Remember that "Request to Speak" forms will not be accepted once the item is called.



Step 4: Speak! Once your agenda item is called, step up to the podium, state your name for the record, and give your comment. If you put down your name to speak, then you must be the person to do so, you cannot hand it over to someone else.

How do I give public comment on something that is not on the agenda?

You are allowed to speak about an item that is not on the agenda that falls under the Board's jurisdiction.

Step 1: Arrive to the meeting early!

Step 2: Submit a "Public Communications Request to Speak" form to the Clerk of the Board prior to the commencement of the meeting.

Step 3: Speak! At the beginning of the meeting, there are usually 10 minutes total allocated to allow for people to raise comments. Each speaker is limited to 2 minutes. If more than five individuals request to address the Board, the first five will be heard at the beginning of the meeting. The remaining speakers will be heard at the end of the meeting and granted 2 minutes each.

Step 4: Note that all matters spoken to, and written materials presented, will be automatically referred to the Chief Administrative Officer.

Things to Remember

- If you're giving a public comment, remember to address the question before the Board or committee.
- If you have documents for the Board please bring ten copies and hand them to the Clerk of the Board's when you approach the podium. Time allotted to each speaker is determined by the Chair, and in general is limited to 3 minutes.

Can I speak with the Board of Supervisors outside of meetings?

Yes! You can request to have a meeting with a supervisor, individually outside of supervisor meetings. This can be very helpful and allow you to have a conversation with the supervisor to hear and address any concerns they may have before a vote. You can contact any Board of Supervisor by finding their contact information on your County's official webpage. Some sites require you to fill out a pre-made form while others will provide you with contact information where you can reach out to your supervisor directly.



Appendix/Additional Resources

Appendix A: Know Your Rights Under the Values Act ("Secure Locations")

This guide will help you understand the Values Act as it pertains to immigration enforcement actions in different spaces like courthouses and schools. By understanding what the law requires and what your rights under in each space, you can better [defend your rights](#).

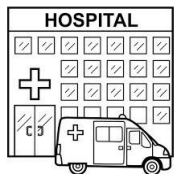
The California Attorney General's Model Policies for Secure Locations

As part of the Values Act, by October 1st 2018, the AG must create model policies limiting ICE entanglement in locations often frequented by our immigrant community.²¹ Some of these locations must implement the AG's model policy (or something similar to it) while others are encouraged to adopt the policies.

What places MUST implement policies that limit ICE collaboration?

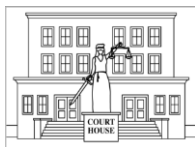


Public schools (k-12, CSUs and California Community Colleges)



Health facilities that are operated by the state or county. Including but not limited to:

- Hospitals
- Community clinics
- Treatment centers



Courthouses

²¹ This is not to be confused with a federal memorandum that states that ICE & CBP must get approval before pursuing enforcement actions at locations that are "secure" which includes health facilities, schools, and places of worship

What places are ENCOURAGED to adopt policies to limit ICE entanglement?

The Agricultural Labor Relations Board
The Division of Workers' Compensation
The Division of Labor Standards Enforcement
Universities of California (UCs)
Libraries and Shelters
Locations that provide services related to:

- Physical or mental health,
- Education
- Access to justice



As you review the policies local spaces near you adopt, ask yourself:

- Do they have areas that are deemed public space/open to the public/private spaces?
- Do they have policies regarding law enforcement activity on site?
- Do they have a designated persons authorized to accept warrants and/or subpoenas?
- Do they have a policy regarding what to do if someone creates a hostile and/or intimidating environment for immigrants?
- Do they offer training for staff on what to do if ICE/CBP shows up at the door?
- Do they offer training for community members on what to do if ICE/CBP shows up at the door? If so, what are they?
- Do they visibly support immigrant, refugee, and/or AMEMSA communities? (e.g.. Public statement, post signs in multiple languages, have trained interpreters, etc...)



What are my rights in public schools (K-12, Community Colleges, CSUs)?

Under the Values Act, school police, just like any law enforcement agency, cannot entangle their resources with ICE and cannot:

- Function as an ICE agent;
- Ask about an individual's immigration status;
- Provide any non-public personal information (e.g. home address, work address) to ICE;
- Make or participate in arrests based on civil immigration warrants.

You should also remember that ICE is limited from entering school grounds without first obtaining a warrant. Another law, [which went into effect this year \(AB 699\) further protects K-12 immigrant students' information from being shared with ICE](#). Under this law, schools must adopt policies around considers ICE access to school grounds by July 1, 2018.

Unfortunately, ICE and CBP can still patrol the public areas outside of your school zone. But remember, you always have the right to remain silent.

Note: Your K-12 school cannot ask you if you are a citizen or require you to show proof of citizenship. You can visit www.myschoolmyrights.com to learn more about your rights at school.

What are my rights in health facilities (community clinics, hospitals)?

As discussed above, ICE considers health facilities “sensitive locations” and have stated that enforcement actions will generally not occur in these spaces unless:

1. Exigent circumstances exist;
2. Other law enforcement actions have led officers there; or
3. They have received prior approval from a supervisor;

Generally, ICE is not allowed to enter private non-public areas without a warrant signed by a judge. However, they can engage in immigration enforcement in public areas although it may require a supervisor's approval and must be done in a matter that would not create attention.

It is important to remember that health facilities should not share your personal information with ICE nor should they ask you about your citizenship status as a requirement to obtain access to services.



What are my rights in libraries & shelters?

Although libraries and shelters are also considered “sensitive locations”, enforcement is allowed in certain public areas within those spaces, such as lobbies, so long as it is done in a matter that would not create a disturbance to the public and needs approval from a supervisor. ICE is **not allowed** to enter private, non-public areas without first having a warrant signed by a judge. And shelters are **not allowed** to proactively share an individual’s personal information with ICE.

Lastly, an employee of a library or shelter cannot ask you if you are a citizen or require you to show proof of citizenship in order to give you access to services.

Appendix B: Know Your Rights Values Act (Jails)

FAQ: SB 54

HOW THE CALIFORNIA VALUES ACT APPLIES IN JAILS

What is the California Values Act?

On January 1, 2018, the California Values Act, also known as SB 54, went into effect, limiting the cooperation between local law enforcement and Immigration and Customs Enforcement (ICE) and providing noncitizens with protections when it comes to immigration enforcement.

Local law enforcement, like the police or sheriff, **CANNOT:**



- Ask about your immigration status
- Share your personal information, like your home or work address, with ICE unless that information is already available to the public
- Provide office space only for ICE's use in their facility
- Use immigration officers as interpreters for them during their own investigation



Can the Sheriff's Department hold me in jail extra time for the purpose of having ICE pick me up?

No.

Can an ICE agent interview me in jail?



- Yes, but **only if they have received your written consent**. A jail official must first give you a consent form to read and sign before making you available for questioning by ICE. This form must be available in a number of languages.* ICE conducts these interviews to collect information that may be used against you in your deportation case. **You have the right to decline these interviews.**

*Including Spanish, Chinese, Tagalog, Vietnamese, and Korean.

What are my options if an ICE agent wants to interview me?

You can indicate one of the following on the consent form:

- "No, I do not want to be interviewed"
- "Yes, I will do the interview with my attorney present"
- "Yes, I will do the interview alone"

If you were interviewed by an ICE agent:

- Without ever getting a consent form
- After indicating "No" to an interview on the consent form
- After saying you wanted your lawyer present but your lawyer was not called
- After having received a consent form in English when your preferred language is another language, or
- After being pressured or threatened by local law enforcement to agree to the interview.

Please write us at the address below describing exactly what happened.

Can the Sheriff's Department tell ICE when I will be released from jail?

No, the Sheriff's Department cannot give ICE your release date **unless**:

- Your release date is already publicly available
- You are a current registrant on the California Sex and Arson Registry
- You were convicted of a felony that is considered serious or violent under state law
- You were convicted of most any felony in the last 15 years that is not serious or violent
- You were convicted of a felony that is punishable by imprisonment in state prison
- You were convicted within the past 5 years of a misdemeanor for a crime that is punishable as either a misdemeanor or felony
- You were convicted of a federal crime that meets the definition of an aggravated felony, or
- The charge you are currently facing is for a crime that is considered a serious or violent felony or is punishable by a term in state prison and where a judge has made a probable cause finding.

Can the Sheriff's Department transfer me to an ICE detention center?

No, the Sheriff's Department cannot transfer you into immigration custody **unless**:

- You are a current registrant on the California Sex and Arson Registry
- You were convicted of a felony that is considered serious or violent under state law
- You were convicted of a felony that is punishable by imprisonment in state prison
- You were convicted of most any felony in the last 15 years that is not serious or violent
- You were convicted within the past 5 years of a misdemeanor for a crime that is punishable as either a misdemeanor or felony
- You were convicted of a federal crime that meets the definition of an aggravated felony; or
- A warrant or probable cause determination from a judge finding you violated federal criminal immigration law.

If the Sheriff's Department receives a request from ICE

- to hold you beyond your release date,
- to have them notify ICE of your release date,
- or to have them transfer you to immigration custody,

they must give you and your attorney or a person you trust ("designee") a copy of that request and tell you whether they will comply with that request or not. If they do not give you a copy, make sure to ask the jail staff for a copy of these documents.

If you believe that your rights were violated under SB 54, please write to:

**Jails Project
ACLU SoCal
Attn: SB54
1313 W 8th Street
Los Angeles, CA 90017**



Appendix C: Know Your Rights Values Act (Prisons)

FAQ: SB 54

HOW THE CALIFORNIA VALUES ACT APPLIES IN PRISONS

What is the California Values Act?

On January 1, 2018, the California Values Act, also known as SB 54, went into effect, limiting the cooperation between local law enforcement and Immigration and Customs Enforcement (ICE) and providing noncitizens with protections when it comes to immigration enforcement.

State prison officials **CANNOT:**

- Restrict your access to educational or rehabilitative programming or a credit-earning opportunity simply due to your immigration status
- Take into account your immigration status when determining your custodial classification level.



If the prison receives a request from ICE

- to hold you beyond your release date,
- to have the prison notify ICE of your release date,
- or to have the prison transfer you to immigration custody,

they must give you and your attorney or a person you trust ("designee") a copy of that request and tell you whether they will comply with that request or not. If they do not give you a copy, make sure to ask the prison staff for a copy of these documents.

Can an ICE agent interview me while I'm in state prison?



- Yes, but **only if the prison has received your written consent.** The prison must first give you a consent form to read and sign indicating whether you decline or consent to the interview before making you available for questioning by ICE. This form must be available in a number of languages.* ICE conducts these interviews to collect information that may be used against you in your deportation case. **You have the right to decline these interviews.**

*Including Spanish, Chinese, Tagalog, Vietnamese, and Korean.

What are my options if an ICE agent wants to interview me?

You can indicate one of the following on the consent form:

- "No, I do not want to be interviewed"
- "Yes, I will do the interview with my attorney present"
- "Yes, I will do the interview alone"

If you were interviewed by an ICE agent:

- Without ever getting a consent form
- After indicating "No" to an interview on the consent form
- After saying you wanted your lawyer present but your lawyer was not called
- After having received a consent form in English when your preferred language is another language, or
- After being pressured or threatened by local law enforcement to agree to the interview

Please write us at the address below describing exactly what happened.

If you believe that your rights were violated under SB 54, please write to:



Jails Project / ACLU SoCal
Attn: SB54
1313 W 8th Street
Los Angeles, CA 90017



Appendix C: County Powers

The California Constitution authorizes a county (charter and non-charter) to make and enforce local ordinances that do not conflict with general laws. A county also has the power to sue and be sued, purchase and hold land, manage or dispose of its properties, and levy and collect taxes authorized by law.

The county government serves the entire county in these ways:

- (1) through ***elected officials***, it administers and enforces state laws, collects taxes, assesses property, records public documents, conducts elections, issues licenses;
- (2) through ***appointed boards and officials***, it provides parks, libraries, sewers, emergency management, public assistance, and hospitals.

As required by state law, county government also serves unincorporated areas by providing such purely local government facilities and services as highways, police protection, building inspection, planning and zoning. Elected county officials oversee most of these services. A city or village may contract with the county to receive a service. One of these elected bodies of the county government includes the Board of Supervisors.

For more information about County Powers and the Board of Supervisors please visit:
<http://www.counties.org/general-information/county-structure-0>



Appendix D: Sample Public Comment on Law Enforcement Compliance with SB 54: Supportive Measure

Below we have included some talking points to use for a measure in support of the Values Act either vowing to comply with the law or go beyond it. The Values Act is a floor, not a ceiling, which is why we encourage localities to go beyond what is asked.

Introduction

My name is [name] and I am here to provide public comment on behalf of [your organization] and as a resident of [your county].

Talking Points

1. We would like to thank the Board for bringing the issue of jail policies to the public and allowing us to provide public comment.
2. First, let me just say that unless and until our country adopts immigration reform that allows millions of hardworking members of our communities to come out of the shadows, counties should not engage in the business of immigration enforcement.
3. As we've seen in the past, entangling local agencies with the deportation machine has led to widespread civil rights violations and deeply damaged community trust in law enforcement. We do not want that for [County Name] and its residents.
4. As supporters of the Values Act, we encourage the Board to ensure that, at minimum, the jail and other county law enforcement agencies fully and faithfully comply with the requirements under the Values Act.
5. ICE already has the tools it needs to do its job without relying on the limited and already strained local resources and local law enforcement agencies to take action.
6. Law enforcement leaders and police chiefs throughout the country have recognized that community trust is key to community policing. But people are less likely to report crime when victims and witnesses fear they may be deported when they encounter local law enforcement. Assuring the public that the County's law enforcement departments will comply with the Values Act will make it more likely for victims and witnesses to report crimes and make our communities safer.
7. We call on [County Name] county to not only comply with the Values Act but to build on the foundation set by this law and make sure we don't use any local resources to help deport our neighbors, including the most stigmatized and marginalized members of our communities. We also call on the [County Name] County Sheriff to be transparent to this Board and the greater [County Name] community as to exactly how they plan to comply with the Values



Act. The public should have an opportunity to review the complete policy and not just a summary of the changes.

8. We look forward to the Board taking a closer look into the requirements under the Values Act and taking meaningful action during its next meeting to make sure that all its law enforcement agencies, not just the jail, are complying with the law.
9. Thank you



Appendix E: Sample Public Comment on Law Enforcement Compliance with the Values Act: Opposing Measure

We have seen an alarming trend since the passing of the Values Act where a few counties and cities have passed symbolic resolutions in opposition to the law. Below is information you can use to present before a vote. Feel free to use these talking points either during public comment or during a private meeting with individual supervisors.

Introduction

My name is [name] and I am here to provide public comment on behalf of [your organization] and as a resident of [your county].

1. The [County Name] County Supervisors recently proposed a resolution in opposition to the California Values Act or SB 54. I have several facts to present regarding this:
2. This resolution misleads people about their rights under SB54 that I believe comes from the misunderstanding of the word “sanctuary.” The phrase originated with people who took refuge or sanctuary in churches. However, just being in California does not mean blanket protection from federal authorities. There is no such thing as an invisible, protective barrier, where if you get behind it you're “safe”. That doesn't exist.
3. The Values Act prohibits state and local law enforcement agencies from using our officers, jails, or local public safety funds and resources to help enforce federal immigration laws. **State** and **local** tax money should be used to enforce **state** and **local** laws. It **shouldn't** be spent to help the feds enforce theirs. It is troubling our Board of Supervisors would like to pass a resolution that will further mislead our immigrant community about their rights in [County Name] County.
4. The Values Act upholds California’s core values of equal treatment, community, family unity, and common humanity by ensuring that California’s police departments, schools, hospitals, and courts remain accessible to Californians from all walks of life. Furthermore, all people regardless of race, religion, sexual orientation, or immigration status have certain basic rights afforded to them by the U.S. Constitution.
5. It is disheartening to see [County Name] County moving in a direction that is anti-immigrant, while so many other jurisdictions/counties, in contrast, have decided to go beyond what the Values Act mandates.
6. Our county should play no part in the administration’s xenophobic deportation machine. The Values Act sets a floor, not a ceiling. What this law really does is protects the safety and well-being of all Californians by:



- a. Ensuring that state and local resources are not used to fuel mass deportations, separate families, and ultimately hurt California's economy. Included in the Values Act's key provisions are prohibitions on officers making arrests for most immigration violations and officers acting as immigration agents through the 287(g) program.
 - b. Requiring the Attorney General to publish model policies to limit entanglement with federal immigration enforcement in spaces like courts, schools, libraries and hospitals to the fullest extent possible consistent with federal and state law.
7. [County Name]'s anti-immigrant action is a resolution and it is important to highlight that the Values Act is what governs. Local agencies that do not follow the new law run the risk of expensive litigation and potential action from the state attorney general.
8. I call on [County Name] County to stand with immigrant communities and to vote against this resolution. I also call on the [County Name] County Sheriff to be transparent to the Board and the greater [County Name] community as to exactly how they plan to comply with SB54. The community will be watching.



Appendix F: CA Values Act Policy Comparison Template*

Police-ICE Tactic	Under State Law	Under Sheriff's Policy	Compliant? Y/N
Immigration holds	Prohibited under SB 54.		
Making arrests on civil immigration warrants	Prohibited under SB 54.		
287(g)	Prohibited under SB 54.		
Asking about immigration status or using immigration agents as interpreters	Prohibited under SB 54.		
Sharing personal info with ICE (e.g. work, home addresses)	Prohibited under SB 54 <u>unless</u> publicly available.		
Transfers to ICE	Prohibited under SB 54 <u>unless</u> : <ul style="list-style-type: none"> • Revised TRUST Act exceptions apply • Warrant or probable cause determination from a judge that someone has violated federal criminal immigration law 		

ACLU

California

<p>Notifying ICE of release dates</p>	<p>Prohibited under SB 54 <u>unless</u>:</p> <ul style="list-style-type: none"> • Revised TRUST Act exceptions apply, including: <ul style="list-style-type: none"> ○ Conviction for a serious or violent felony ○ Conviction for a felony punishable by imprisonment in state prison at any time ○ Conviction within past 15 yrs for any other specified felony ○ Conviction within past 5 yrs of a misdemeanor for a specified wobbler offense ○ Charges for a crime that is serious, violent, or punishable by a term in state prison if finding of probable cause has been made by a magistrate pursuant to PC 872 ○ If release dates/times are publicly available, can be shared 		
<p>Local arrests for “criminal” violations of immigration law</p>	<p>Prohibited under SB 54 <u>except</u> local law enforcement may arrest someone for unlawful reentry following deportation <u>if</u>:</p> <ul style="list-style-type: none"> • The reentry is detected during an unrelated law enforcement activity, <u>and</u> • The person has a prior “aggravated felony” conviction <p>Any person arrested for unlawful reentry may be transferred to ICE only if a revised TRUST exception applies.</p>		



ICE interviews in jail	Permitted under the TRUTH Act <u>if</u> the person provides written consent to be interviewed after being informed of the purpose of the interview, that it is voluntary, and that the individual may decline the interview.		
Joint Taskforces	<p>Some limitations and reporting requirements imposed.</p> <ul style="list-style-type: none"> • Primary purpose of the taskforce must be unrelated to immigration enforcement, and • Participation does not violate any local law or policy • Local law enforcement required to report information about joint taskforce operations to CA AG and information is available as public record 		
Informing individual of ICE request	The TRUTH Act requires that if ICE sends a request for hold, notification, or transfer, the law enforcement agency must give the person a copy of the request and inform the person whether the agency intends to comply. If the agency complies, it must inform the person and his/her attorney/designee with the same information it provides ICE.		

* This table was created with the help of Asian Law Caucus: Asian Americans Advancing Justice

Appendix G: Map of Counties in California





Appendix H: Emergency Contact Info

If you or a loved one have been the victim of an ICE raid, have been directly transferred from jail to immigration detention, or are the victim of a [SB54 violation](#), call toll-free: 1-844-TRUST-01 (1.844.878.7801)

Or contact your local rapid response network. The following are hotline numbers for local rapid response networks. These numbers are meant for EMERGENCIES ONLY to report ICE activity and enforcement actions.

Northern California & Central Valley:

Alameda County (510) 241-4011
Central Valley (559) 206-0151
Contra Costa (925) 900-5151
Humboldt County (707) 282-5226
Marin County (415) 991-4545
Monterey County (831) 643-5225
North Bay: Sonoma & Napa Counties (707) 800-4544
Sacramento & Yolo Counties (916) 245-6773
San Francisco City (415) 200-1548
Santa Clara County (408) 290-1144
Santa Cruz County (831) 239-4289
San Mateo County (203) 666-4472

San Diego County: (619)-536-0823

Los Angeles County: 1-888-624-4752

Inland Empire: (909)-361-4588