

California becomes 'sanctuary state' in rebuke of Trump immigration policy

latimes.com/politics/la-pol-ca-brown-california-sanctuary-state-bill-20171005-story.html

Politics

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Oct 05 2017 1 45 PM

Sacramento

Brown said Senate Bill 54 would allow law enforcement to continue targeting dangerous criminals (Oct 5 2017) (Sign up for our free video newsletter here <http://bit.ly/2n6VKPR>)

Under threat of possible retaliation by the Trump administration Gov. Jerry Brown signed landmark "sanctuary state" legislation Thursday, vastly limiting who state and local law enforcement agencies can hold, question and transfer at the request of federal immigration authorities.

Senate Bill 54, which takes effect in January, has been blasted as "unconscionable" by U.S. Atty. Gen. Jeff Sessions, becoming the focus of a national debate over how far states and cities can go to prevent their officers from enforcing federal immigration laws. Supporters have hailed it as part of a broader effort by majority Democrats in the California Legislature to shield more than 2.3 million immigrants living illegally in the state.

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Brown took the unusual step of writing a signing message in support of SB 54. He called the legislation a balanced measure that would allow police and sheriff's agencies to continue targeting dangerous criminals while protecting hardworking families without legal residency in the country.

"In enshrining these new protections, it is important to note what the bill does not do," Brown wrote. "This bill does not prevent or prohibit immigration and Customs Enforcement or the Department of Homeland Security from doing their own work in any way."

Legal experts have said federal officials may try to block the law in court to keep it from being implemented. Some doubt such challenges would be successful, pointing to the 10th Amendment and previous rulings in which courts have found the federal government can't compel local authorities to enforce federal laws.

On Thursday, Department of Justice spokesman Devin O'Malley declined to comment on the agency's next move. Asked whether the administration would attempt to block the state law, White House Press Secretary Sarah Huckabee Sanders said that federal officials "are spending every day we can trying to find the best way forward."

"The president will be laying out his responsible immigration plan over the next week," she said. "And we hope that California will push back on their governor's think-irresponsible decision moving forward."

Trump's immigration chief blasted the sanctuary state law Friday, saying it would keep federal officers from performing their jobs and result in more arrests.

In a statement, Thomas Homan, acting director of U.S. Immigration and Enforcement, said his agency "would have no choice but to conduct at-large arrests in local neighborhoods and at worksites."

Brown's decision comes as local and state governments are locked in legal battles with Sessions over his move to slash federal grant funding from "sanctuary jurisdictions," where city and county agencies are limited when working with federal immigration officials. A Chicago federal judge largely blocked Sessions' effort just hours before SB 54 cleared the Legislature on Sept. 16.

Other federal officials also have sounded off against SB 54, suggesting illegal immigration is tied to increases in violent crime.

Throughout his campaign and in his tenure as president, Trump has tried to make the same connection, showcasing the relatives of people killed by immigrants in the country illegally. One of his earliest executive orders put cities and counties on alert that they would lose federal funding if law enforcement did not cooperate with immigration agents.

The move has struck a bitter chord in California, home to at least 35 cities that have embraced the "sanctuary" label, and where Brown and Democratic lawmakers have passed legislation to extend financial aid, healthcare and driver's licenses to thousands of immigrants here illegally. Other bills signed by Brown on Thursday would prevent some cities and counties from adding beds to immigrant detention centers and would extend protections for immigrant workers and tenants.

In some places, the "sanctuary city" name is largely a symbolic message of political support for immigrants without legal residency. But other cities, most notably San Francisco and most recently Los Angeles, have cut ties with federal immigration officials and sought to build up social services for families, including city-funded legal aid.

The bill's author, Senate President Pro Tem Kevin de León (D Los Angeles), has countered that the state law is defensible in court and will send a strong message against new federal policies that he argues have pushed some families further into the shadows. Research has shown sanctuary cities have lower crime rates and that immigrants generally commit fewer crimes than U.S. citizens.

De León joined Assemblyman Miguel Santiago (D Los Angeles) and immigrant rights advocates at a news conference in Los Angeles on Thursday, saying the new law would put a kink in Trump's "perverse and inhumane deportation machine."

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"California is building a wall of justice against President Trump's xenophobic, racist and ignorant immigration policies," he said to chants of "Sí se pudo" or "Yes, we could" from the crowd.



Assembly Speaker Anthony Rendon (D Paramount) center and Democratic lawmakers discuss proposed measures to protect immigrants during a December 2016 news conference in Sacramento (Rich Pedroncelli / Associated Press)

The final language of the new law was the result of months of tough negotiations between Brown De León and law enforcement officials. It was the centerpiece of this year's legislative proposals in Sacramento that sought to challenge Trump's stance on illegal immigration and provide protections for families amid his threats of mass deportations.

The new law will largely prohibit state and local law enforcement agencies from using either personnel or funds to hold, question or share information about people with federal immigration agents unless those individuals have been convicted of one or more offenses from a list of 800 crimes outlined in a 2013 state law.

Federal immigration authorities will still be able to work with state corrections officials — a key concession Brown had demanded — and will be able to enter county jails to question immigrants. But the state attorney general's office will be required to publish guidelines and training recommendations to limit immigration agents' access to personal information. And all law enforcement agencies will have to produce annual reports on their participation in task forces that involve federal agencies, as well as on the people they transfer to immigration authorities.

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The new law doesn't specify what happens if local law enforcement agencies don't comply with the new rules. But the attorney general has broad authority under the state Constitution to prosecute police and sheriff's agencies that don't comply.

In a statement released Thursday, Becerra applauded the enactment of the SB 54, saying he stood "ready to fully defend the law."

For many officers across the state, the expanded restrictions won't change much. Some police and sheriff's agencies already have developed similar boundaries against working with immigration agents, either through their own policies or under local "sanctuary city" rules.

For other officers, though, the legislation would set new guidelines and has long divided police chiefs and sheriffs. The California Police Chiefs Assn. moved its official position from opposed to neutral after final changes to the bill last month, but the California Sheriffs Assn. remained opposed.

Romulo Aveca-Gonzalez thanks Brown for signing the bill. He says, "I am now going to school, go to work, go to school, go to work, go to school, go to work." pew.com/v4g5YwG1h

Chris Ma-Duc (@cma_duc) [October 5, 2017](#)

Los Angeles Police Chief Charlie Beck supported the bill, joining others who said entangling police and federal immigration forces can have a negative effect on public safety, because crime victims and witnesses without legal status may refuse to come forward to authorities out of fear of deportation. L.A. County Sheriff Jim McDonnell was a vocal opponent. Even so, he said the final version of the bill, though not perfect, "reflects much of what the LASD implemented years ago and the work is well underway."

immigrant rights advocates said its passage would help keep thousands of families together. Angela Chan, policy director at the Advancing Justice Asian Law Caucus, said it will "improve protections for immigrants in most counties in California."

"This victory is the result of community organizing and directly impacted immigrants sharing their stories about being turned over to ICE at the hands of local law enforcement," she said. "And we look forward to working to pass stronger protections for immigrants throughout California in the years to come."

Times staff writers Christine Mai Duc and Noah Bierman contributed to this report.

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UPDATES:

Oct. 6, 1:45 p.m.: This article was updated with comments from Trump's top immigration chief.

1:40 p.m.: This article was updated with additional comments from federal officials and details from a news conference held by Senate leader Kevin de León.

This story was originally published at 11 a.m. Oct. 5.



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