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## IMPACT OF SB 54 ON IE

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Sanctuary cities are municipalities where law enforcement officials are not allowed to inquire about the immigration status of a criminal suspect and can only notify federal immigration officers of a suspect's release from jail under specific circumstances. One of the defining features of a sanctuary city is that local law enforcement is prohibited from sharing information about the immigration status of undocumented immigrants in custody with federal authorities. The primary objective of sanctuary policies is to limit collaboration between local and federal government, but sanctuary policy does not provide immunity for undocumented immigrants, hence not entirely protecting them from being subject to federal immigration law.

The sanctuary movement began in the 1980s as a religiously- and politically-motivated activism

campaign to protect Central Americans escaping persecution by giving them formal refugee status. Berkeley, California was the first city in the nation to pass a sanctuary resolution, and while Los Angeles did not pass an official sanctuary policy, it was renowned for providing a safe sense of community for its growing Latino population, becoming its own version of a sanctuary city. In addition to Berkeley and Los Angeles, Oakland, San Francisco, Santa Ana, and Watsonville are the most notable sanctuary cities in California. Fourteen counties in California, including Riverside and San Bernardino, have adopted sanctuary policies.

Since 1996, as a result of Congress's failure to reform immigration policy, there has been an increase in cooperation between federal government officials and state and local governments to enforce immigration

law. Following the September 11, 2001 terrorist attacks, state and local law enforcement were further tasked with immigration responsibilities. However, this specific response gave rise to accusations of racial profiling and unfair ethnic discrimination. Though sanctuary policies were initially implemented in the 1980s to protect Central American refugees, they have now extended to focus on limiting collaboration between local law enforcement agencies and federal immigration officers who seek to enforce immigration laws.

There are two main arguments in favor of sanctuary cities. The first is that the protection offered to undocumented immigrants encourages positive relationships between the immigrant community and local law enforcement officials. Quoted in a *U.S. News* article, U.S. Representative (D-CA) Zoe Lofgren says, “When people are afraid the police might ask about immigration status, they are less likely to report crimes and cooperate with investigations. As a result, criminals thrive, and the general public suffers.” One of California’s most prominent and oldest sanctuary cities, San Francisco, which implemented its “City of Refuge” ordinance in 1989, has a very low number of murders, 46 in 2018. FBI Uniform Crime Statistics show that despite the low number of murders, the murder rate per 100,000 residents in San Francisco, 5.2, is higher than the rate for California (4.4) and for the United States (5.0). Moreover, the rate per 100,000 residents of violent crime in San Francisco (690.9) is much higher than the rate for California (447.4) and for the United States (380.6).

Another pro-sanctuary policy argument is that state and local sanctuary laws protect undocumented immigrants from unjust federal immigration policies. The argument is backed by the claim that federal immigration policies are created to focus on deporting the undocumented immigrant population, including those residing in the U.S. since childhood, referred to as “Dreamers.” Supporters of sanctuary policy believe that state protection provides safe haven for undocumented immigrants.

Opponents argue that sanctuary policies prevent police officers from doing their job to keep the

community safe. Scholars like Heather MacDonald argue that many gang members living in Los Angeles entered the United States illegally and due to the protection of sanctuary policies, police officers are not permitted to arrest undocumented immigrants for illegal entry and have to wait for them to commit another crime to arrest them. Thus arguing that future violent crimes could be prevented if law enforcement officials were allowed to arrest undocumented immigrants on the sole basis of violating immigration law by entering the United States illegally. One of the primary arguments against sanctuary cities is that they release criminals back into the community, endangering the safety of the other residents. For example, San Francisco has released undocumented immigrants with felony convictions and multiple deportations back into their community.

The assertion that sanctuary policies are correlated to increased crime surfaced during President Trump’s campaign, when he repeated that sanctuary policies “breed crime.” In early 2017, President Trump signed an Executive Order to withhold federal grant funding from local governments that are sanctuary jurisdictions (Executive Order 13768, 2017). The City and County of San Francisco and the County of Santa Clarita challenged the order. They prevailed at trial, where the judge issued a nationwide, permanent injunction against enforcement of the order. The Ninth Circuit upheld that decision.

Research about the correlation between sanctuary policies and crime rates is inconclusive. One hypothesis that argues for a positive correlation between sanctuary policies and increased crime is that undocumented immigrants already residing in localities with “limited cooperation policies” may undergo behavioral changes. This argument states that when undocumented immigrants perceive a reduced risk of deportation in a town where local law enforcement does not cooperate with federal immigration officers, they may become emboldened to commit crimes. Sanctuary policies may attract more undocumented immigrants inclined to committing crimes because of this same perception of reduced threat of deportation. Sanctuary supporters respond that the undocumented immigrants residing



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in these areas are most likely very well informed of the extent of the “sanctuary” the policies provide to them. Sanctuary policies do make exceptions for violent and serious felonies.

Instead, research shows that there has been an increase in the number of crimes reported in cities in California with sanctuary policies. This most likely occurs since undocumented immigrants feel safer communicating with law enforcement when there is no longer a concern of a police officer requesting legal status information. A *Washington Post* survey of 594 respondents from the large undocumented Mexican population of about 73,000 in San Diego County supports this theory. The results showed that when told that local law enforcement officials were not working in collaboration with U.S. Immigration and Customs Enforcement (ICE) officials, undocumented immigrants are more likely to report witnessing a crime and being the victim of a crime. Additionally, 70% of undocumented immigrants and 44% of Latinos surveyed are less likely to report if they were the victim of crime in fear of law enforcement inquiring about their immigration status. Consequently, this

increased level of trust between noncitizens and local law enforcement could reduce crime rates and even deter potential criminals. This research suggests that sanctuary policies may cause a reduction in crime over time as a result of increased reports of crimes from undocumented immigrants to police officers and a higher number of arrests.

The California legislature recently passed a sanctuary state law in opposition to federal government policy. Governor Jerry Brown signed the California Values Act, Senate Bill 54, otherwise known as California’s “Sanctuary State Law”, into law in October 2017. In his bill signing message, Governor Brown emphasized the cooperation between local, state, and federal officials that will continue. “[T]he bill does not prohibit sheriffs from granting immigration authorities access to California jails to conduct routine interviews, nor does it prevent cooperation in deportation proceedings for anyone in state prison or for those in local jails for any of the hundreds of serious offenses listed in the TRUST Act.” His message reiterates SB 54 supporters’ argument that the law will not allow violent criminals to remain in

the community and facilitates cooperation with ICE when dealing with “serious” and “violent” crimes. SB 54, in response to the Trump administration’s push to increase deportations, limits state and local law enforcement’s interactions with the federal government when identifying undocumented immigrants. It also specifically bans local police officers from collaborating with immigration officers to arrest undocumented immigrants for non-violent crimes. Local law enforcement can respond to requests depending on the seriousness of the crime, allow ICE officers to interview detainees based on certain requirements, and participate in a joint task force only if the purpose of the task force is not enforcing immigration laws.

California has the largest undocumented immigrant population in the United States and has vowed to protect all residents, regardless of status, through SB 54. However, the law has pushback from federal authorities. U.S. Attorney General Jeff Sessions filed federal litigation against SB 54, while accusing California state officials of using “every power the legislature has to undermine the duly established

immigration laws of America.” The state of California prevailed at trial in 2018 and the Ninth Circuit upheld that decision in 2019. The Department of Justice was not, however, the only entity to challenge SB 54. The *Mercury News* reports that at least fourteen cities and two counties have passed ordinances against California’s sanctuary laws.

It is also not clear how strongly the public supports sanctuary policies. According to an Institute of Governmental Studies survey conducted in 2016, about 73% of respondents oppose sanctuary policies, and opposition was strong in older age groups and in ethnic groups other than Latino. However, this survey was only conducted in English and was only provided to registered voters in California, so non-citizen residents and residents unable to speak English were not included in the surveyed pool; thus the numbers may underestimate support to sanctuary cities.

An example of a state that enforced anti-immigration legislation which was perceived as worsening public safety rather than improving it is Texas. In early 2017, the Texas legislature passed Senate Bill 4, an “anti-

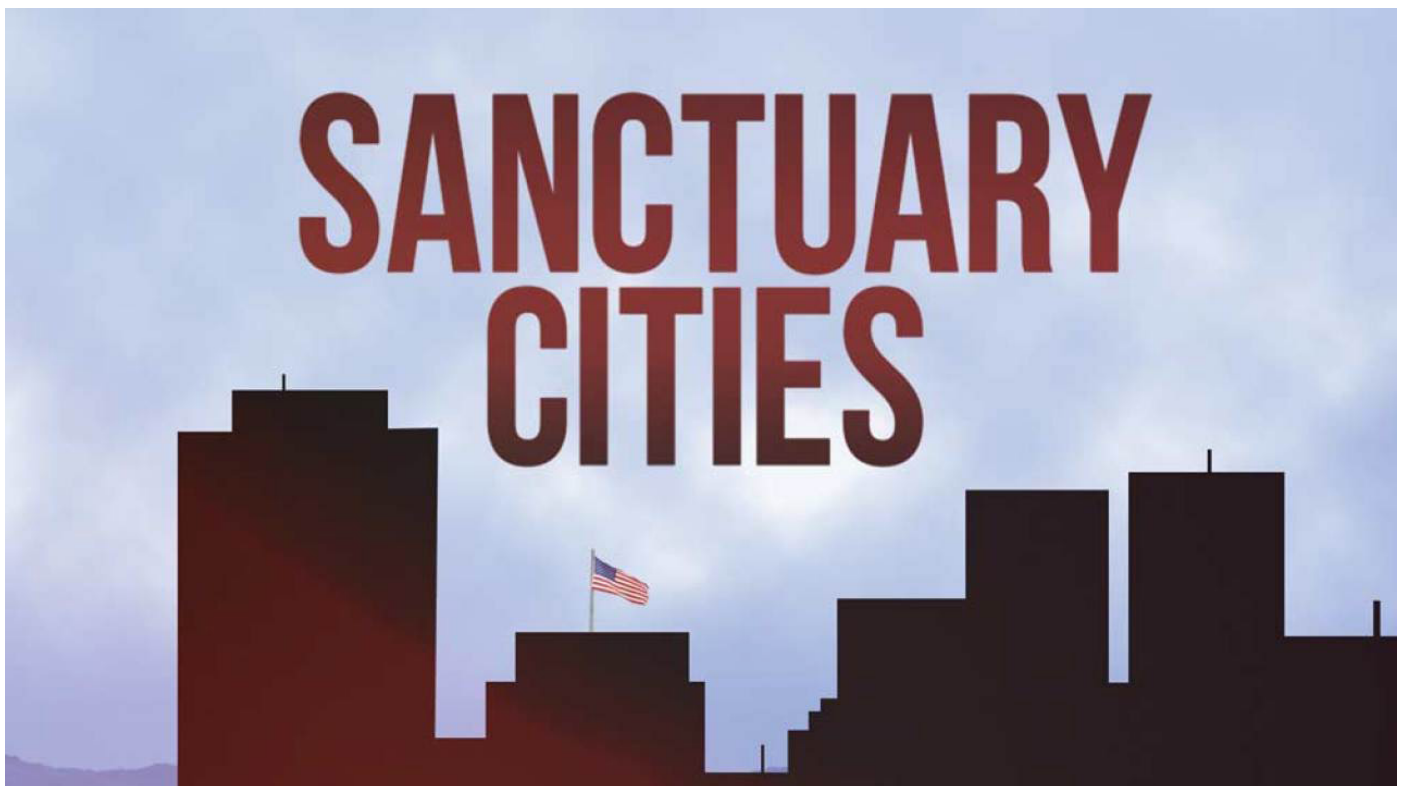


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sanctuary city” bill, almost exactly the opposite of SB 54. SB 4 criminalized local police officers who did not cooperate with federal immigration authorities regarding undocumented immigrants’ status and allowed local law enforcement to be prosecuted if they did not agree to temporarily house undocumented immigrants detained by federal immigration authorities. Though in one sense this bill entirely contradicts SB 54, SB 4 is even more controversial because it deputizes local law enforcement to bear the additional responsibility of enforcing federal laws, hence “distracting” them from their primary responsibility to the local and state government. Additionally, SB 4 further reinstates the state-specific focus on deporting undocumented immigrants who are not posing any threat to the larger community, such as “cooks and nannies, not hardened criminals,” said Houston police chief Art Acevedo. This bill exemplifies supporters of SB 54’s concern that the immigrant community will become more fearful of and reduce voluntary cooperation with local law enforcement. Such examples of anti-immigration legislation show that these could worsen public safety, as opposed to sanctuary policies that could improve

public safety with a safer space for immigrants to speak up to local law enforcement.

Since the Inland Empire encompasses a broad range of political views, many cities within Inland Empire are split over sanctuary policy. Cities in Riverside County are especially divided over sanctuary laws. The city of Corona joined the list of California cities against SB 54, while Palm Springs is supporting California in the lawsuit against Attorney General Sessions and Coachella passed a resolution becoming a sanctuary city. Vice Mayor Eugene Montanez of Corona, California stated in an interview that the passage of SB 54 has caused local law enforcement to bear more responsibility with managing the county jail as a result of realignment. Montanez commented that SB 54 has not really affected the city of Corona as there is not much interaction with Homeland Security or with ICE. Corona’s city-specific policy is to collaborate with any and all federal agencies as requested.

In contrast to Corona’s policies, Palm Springs has an entirely different stance on sanctuary policy.

Recognized in 2018 as the nation's first entirely LGBT council, composed of three gay men, one transgender woman, and one bisexual woman, Palm Springs has made history. In an interview, Council Member Lisa Middleton said, "The city of Palm Springs is extremely committed to diversity and inclusion of everyone. We have a broken federal immigration system going back well over 20 years, and because the federal government has failed in enforcing a responsible compromise to immigration policy, states and localities are forced to respond to these problems." Palm Springs has many residents who have worked and raised children in the city for most of their lives, but the parents of these children do not have permanent legal status and are living in fear of being torn apart. Council Member Middleton

commented on this, "Our community is trying to assure those residents that they don't have anything to fear from local officials. I am very proud of our police department, headed by a Latino man, and I am absolutely confident that if the chief of police was concerned by the danger of any situation, he would report it to us." Regarding the correlation of sanctuary policy to reporting of crimes, city council members have noticed a decrease in crime reports in local communities where no reassuring action has been taken by local law enforcement. Council Member Middleton noted that former Los Angeles Police Chief Charlie Beck reported a drop in reporting of crimes occurring within immigrant and Latinx communities following the 2016 U.S. Presidential election. ♦

## BIBLIOGRAPHY

Acevedo, Carli. "Shouse Law Group." *California Criminal Defense Lawyers*, [www.shouselaw.com/realignment.html#1](http://www.shouselaw.com/realignment.html#1).

Barkas, Sherry. "Trump Vowed to Tighten Funding for Jurisdictions with Sanctuary Status. Here's Why Coachella Isn't Concerned." *Desert Sun*. Accessed October 27, 2018. <https://www.desertsun.com/story/news/local/coachella/2017/08/23/coachella-becomes-valleys-second-sanctuary-city/595599001/>.

Bernhard, R., Citrin, J., Lenz, G., & Rarick, E. (2016). "The IGS survey: California politics and policy IGS poll finds support for extending taxes on wealthy, legalizing marijuana, and toughening gun control." *California Journal of Politics and Policy*, 8(4), 0\_1,1-26. doi: <http://dx.doi.org.ccl.idm.oclc.org/10.5070/P2cjpp8432679>

"California Proposition 47, Reduced Penalties for Some Crimes Initiative (2014)." *Ballotpedia*, [ballotpedia.org/California\\_Proposition\\_47\\_Reduced\\_Penalties\\_for\\_Some\\_Crimes\\_Initiative\\_\(2014\)](http://ballotpedia.org/California_Proposition_47_Reduced_Penalties_for_Some_Crimes_Initiative_(2014)).

Casellas, Jason P., & Wallace, Sophia Jordán. "Sanctuary Cities: Public Attitudes Toward Enforcement Collaboration Between Local Police and Federal Immigration Authorities." *Urban Affairs Review*, May 30, 2018, 1078087418776115. <https://doi.org/10.1177/1078087418776115>.

Chinchilla, N. S., Hamilton, N., & Loucky, J. (2009). "The sanctuary movement and central american activism in Los Angeles." *Latin American Perspectives*, 36(6), 101-126. doi: <http://dx.doi.org.ccl.idm.oclc.org/10.1177/0094582X09350766>

DiSarro, B., & Hussey, W. (2017). "California: Taxing times in the sanctuary state." *California Journal of Politics and Policy*, 9(4), 1-26. Retrieved from <http://ccl.idm.oclc.org/login?url=https://search-proquest-com.ccl.idm.oclc.org/docview/1989191539?accountid=10141>  
Federal Bureau of Investigation.

Fuller, Thomas. "Judge Rules for California Over Trump in Sanctuary Law Case." *The New York Times*, July 6, 2018, sec. U.S. <https://www.nytimes.com/2018/07/05/us/california-sanctuary-law-ruling.html>.

Harkinson, Josh. "Actually, Sanctuary Cities Are Safer," *Mother Jones*, July 10, 2015.

Horseman, Jeff. "Will Riverside and San Bernardino Counties Join the Federal Lawsuit against the Sanctuary State Law?" *Daily Bulletin* (blog), April 5, 2018. <https://www.dailybulletin.com/2018/04/05/will-riverside-and-san-bernardino-counties-join-the-federal-lawsuit-against-the-sanctuary-state-law/>.

Jayaram, Nandini, and Eugene Montanez. "Sanctuary Policy in Corona." Interview 19 Nov. 2018.

Jayaram, Nandini, and Lisa Middleton. "Sanctuary Policy in Palm Springs." Interview 4 Dec. 2018.

Kennedy, Corinne S, and Samuel Metz. "California's Fight against Trump on Immigration Is Far from over. These Cities Are a Perfect Example." *Desert Sun*. Accessed October 27, 2018. <https://www.desertsun.com/story/news/politics/2018/05/18/tds-palm-springs-sanctuary-state-corona-trump/621400002/>.

Kopetman, Roxana. "California's Sanctuary Law, SB54: Here's What It Is — and Isn't." *Orange County Register* (blog), May 4, 2018. <http://www.ocregister.com/californias-sanctuary-law-sb-54-heres-what-it-is-and-isnt>.

"LexisNexis® State Capital - Document." Accessed October 27, 2018. [http://web.lexisnexis.com.ccl.idm.oclc.org/stcapuniv/document?\\_m=eac738aff694bc567795224e7c0c14e1&\\_docnum=1&wchp=dGLbVzB-zSkVS&\\_md5=0ab0b0d5259a95dfb395ea892a1be609](http://web.lexisnexis.com.ccl.idm.oclc.org/stcapuniv/document?_m=eac738aff694bc567795224e7c0c14e1&_docnum=1&wchp=dGLbVzB-zSkVS&_md5=0ab0b0d5259a95dfb395ea892a1be609).

Lofgren, Zoe. "Sanctuary Cities Keep Communities Safe," *U.S. News*, July 28, 2015.

MacDonald, Heather. "The Illegal-Alien Crime Wave," *City Journal Magazine*, Winter 2004.

Martínez, Daniel E., Ricardo D. Martínez-Schuldt, and Guillermo Cantor. "Providing Sanctuary or Fostering Crime? A Review of the Research on 'Sanctuary Cities' and Crime." *Sociology Compass* 12, no. 1 (January 1, 2018): e12547. <https://doi.org/10.1111/soc4.12547>.

Napolitano, Andrew. "Sanctuary Cities and the Rule of Law." *Tenth Amendment Center*, Aug 10, 2017. <https://tenthamendmentcenter.com/2017/08/10/sanctuary-cities-and-the-rule-of-law/>

Nichols, Chris. "Separating Fact from Fiction on CA's Sanctuary State Law." *PolitiFact California*. Accessed October 27, 2018. <https://www.politifact.com/california/article/2018/aug/01/separating-fact-fiction-californias-sanctuary-stat/>.

O'Donnell, Amanda. "Houston Police Chief Art Acevedo: 'Sanctuary Cities' Bill Targets 'Cooks & Nannies,' Not Criminals." *Statesman*, American-Statesman Staff, 22 Sept. 2018, [www.statesman.com/news/20170427/houston-police-chief-art-acevedo-sanctuary-cities-bill-targets-cooks--nannies-not-criminals](http://www.statesman.com/news/20170427/houston-police-chief-art-acevedo-sanctuary-cities-bill-targets-cooks--nannies-not-criminals).

Plevin, Rebecca. "With New Law, Sheriffs Will No Longer Notify Immigration Authorities When Some Undocumented Immigrants Are Released from Jail." *Desert Sun*. Accessed October 27, 2018. <https://www.desertsun.com/story/news/2017/12/28/inland-empire-sheriffs-follow-california-sanctuary-law/977549001/>.

Sanchez, Tatiana. "California Cities are Rebelling Against Sanctuary Law, But How Far Can They Go?" *The Mercury News*. April 24, 2018. Accessed October 21, 2019. <https://www.mercurynews.com/2018/04/23/california-cities-are-rebelling-against-state-sanctuary-law-but-how-far-can-they-go/>

"Sanctuary Cities and the Criminal Justice System." *Criminal Justice Degree Hub*, [www.criminaljusticedegreehub.com/sanctuary-cities/](http://www.criminaljusticedegreehub.com/sanctuary-cities/).

Shane, Daniel. "A Revoblution: The Inland Empire's New Political Geography." *Inland Empire Outlook*, Rose Institute of State and Local Government, April 11, 2013.

Somin, Ilya. "Fight over sanctuary cities is also a fight over federalism." *The Hill*, April 7, 2018. <https://thehill.com/opinion/immigration/381998-fight-over-sanctuary-cities-is-also-a-fight-over-federalism>

Spakovsky, Hans A. von. "Sanctuary Cities? That's a Constitutional 'Hell No.'" *The Heritage Foundation*, April



18, 2017. <https://www.heritage.org/node/203992/print-display>

United States, Congress, Cong. House. 115AD. 115th Congress, 2nd session, document 49.  
<https://www.gpo.gov/fdsys/pkg/CREC-2018-03-21/pdf/CREC-2018-03-21-pt1-PgH1731-4.pdf>

“White Privilege.” *Wikipedia*, Wikimedia Foundation, 1 Dec. 2018, [en.wikipedia.org/wiki/White\\_privilege](https://en.wikipedia.org/wiki/White_privilege).

Wong, Tom K. “Sanctuary Cities Don't 'Breed Crime.' They Encourage People to Report Crime.” *The Washington Post*, WP Company, 24 Apr. 2018, [www.washingtonpost.com/news/monkey-cage/wp/2018/04/24/sanctuary-cities-dont-breed-crime-they-encourage-people-to-report-crime/?noredirect=on&utm\\_term=.737a168661c3](https://www.washingtonpost.com/news/monkey-cage/wp/2018/04/24/sanctuary-cities-dont-breed-crime-they-encourage-people-to-report-crime/?noredirect=on&utm_term=.737a168661c3)