COUNCIL AGENDA
NO. 16
AUGUST 8, 2017

CITY OF NEWPORT BEACH
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August 9, 2017

The Honorable Kevin de León
President pro Tempore of the California State Senate
California State Capitol
Sacramento, California 95814

RE: SB 54 (Opposition)

Dear Senator de León:

The City of Newport Beach respectfully states its opposition to your Senate Bill (SB) 54, which (among other things) would limit California law enforcement from using agency or department moneys, facilities, property, equipment, or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes.

We agree that public safety is the primary concern of local law enforcement, not immigration. Legally, California's law enforcement agencies lack the authority and jurisdiction to enforce federal immigration law. However, there are instances when providing public safety entails partnering with federal law enforcement agencies, including those who primarily do immigration enforcement.

We strongly believe that undocumented immigrants who commit violent and serious offenses should be subject to the immigration laws of this country. By doing so, we prevent dangerous individuals from creating more victims. As such, our police department may engage with federal law enforcement agencies – including Immigration and Customs Enforcement (ICE) and Homeland Security Investigations (HSI) – for the purpose of eliminating drugs, violence, and crime from our streets.

We worry that SB 54 may create roadblocks and ambiguity when it comes to our participation in certain crime suppression activities that may include US ICE. An equal, if not greater concern, is the unintended consequence SB 54 will have by preventing ICE from conducting immigration enforcement operations in our jail or the Orange County Jail. Currently, jails in California may allow ICE access to specified inmates, but the state agency overseeing the jail must provide those inmates with a notification of their rights. Under SB 54, ICE will no longer be allowed access to our jail for immigration enforcement purposes. As a result, ICE may be forced to carry out more field operations in the community. Even during targeted immigration operations, this may result in more collateral detentions – where undocumented individuals at the scene of an arrest and were not the initial targets are detained by ICE.

We have no intention, or desire, to become the primary enforcers of federal immigration law. Even under ongoing federal changes, we will do our best to keep doing what we do best – partnering with Newport Beach businesses, community members and visitors to ensure everyone is protected from crime.

SB 54 may make it more difficult to work with our federal law enforcement partners in apprehending criminals. For this reason, our City respectfully opposes SB 54. Thank you for your consideration of our viewpoint.

Sincerely,

DAVE KIFF
City Manager
City of Newport Beach

cc: Members of the Newport Beach City Council
California State Senator John MW Moorlach
California State Assembly Member Matthew Harper