



March 27, 2017

Mayor Jim Clarke
Vice Mayor Jeffrey Cooper
Council Member Goran Eriksson
Council Member Meghan Sahli-Wells
Council Member Thomas Small
City of Culver City – City Hall
9770 Culver Blvd.
Culver City, CA 90232

Dear City of Culver City Council Members:

We commend this Council’s consideration of adoption of a resolution declaring the City of Culver City to be a sanctuary city for all its residents, regardless of immigration status. We write to endorse the Culver City Action Network’s sanctuary city policy proposals, and to dispel any confusion created by the American Civil Liberties Union (“ACLU”) 9 “*Model*” *State and Local Law Enforcement Policies and Rules* document (“nine-point plan”).

The present times pose serious threats to our civil liberties and to our values as Americans. President Trump’s immigration policies threaten the basic fabric of our communities, as immigrant residents fear engaging with public institutions and in various areas of public life for fear they could be identified for deportation.

The President’s immigration enforcement plans for mass deportations hinge in large part on conscripting local law enforcement agencies’ cooperation in deportation efforts, for instance by returning to the failed 287(g) and Secure Communities programs and attempting to coerce local law enforcement to investigate, arrest, and transfer custody of immigrants to Immigration and Customs Enforcement (“ICE”). The President’s recent executive order on immigration enforcement eviscerated enforcement priorities that existed under President Obama. Now, anyone can be targeted for immigration enforcement. Further, prior policy restricting ICE agents from immigration enforcement activities at “sensitive locations,” including schools, hospitals, and religious institutions, appears to have been rescinded by the President’s executive order.

Thus, now more than ever, it is imperative that state and local communities ensure that our public institutions are not complicit in deportation efforts. Indeed, California has been a national leader at the forefront of the struggle for immigrants’ rights, having already enacted a series of protections for immigrants. In passing the TRUST Act in 2014 and the TRUTH Act last year, California created protections for people who come into contact with immigration authorities through local law enforcement. At present, the legislature is considering SB 54 (California Values Act), which this Council endorsed in February 2017 and which would ensure

Executive Director Hector O. Villagra

Chair Shari Leinwand **Vice Chair** Susan Adelman **Vice Chair** Sherry Frumkin

Chairs Emeriti Danny Goldberg Allan K. Jonas* Burt Lancaster* Irving Lichtenstein, MD* Jarl Mohn Laurie Ostrow* Stanley K. Sheinbaum* Stephen Rohde

*deceased

that vital California public services—mainly police, hospitals, schools and courthouses—are not used to further deportation efforts.

Moreover, cities across California—including Santa Ana, San Francisco, and Los Angeles—have established similar local policies to ensure that city resources are not used for deportation purposes. These policies are important as both symbolic gestures and as protective measures. It is important that immigrant and Muslim community members be reassured that their local governments stand by them and will ensure that their city plays no part in federal actions that undermine their safety and freedoms as members of our community.¹ The Mayor of Los Angeles, for example, signed on March 21, 2017 an exemplary executive directive that proclaims that the City of Los Angeles will not take part in the deportation of its residents, ensuring that city residents can access vital city services without fear.² Ultimately, sanctuary laws and policies can reaffirm our rights as Californians to be free from unlawful discrimination and surveillance, and uphold the human dignity inherent in each and every one of us.

The Constitution is on our side: the President cannot force state and local government agencies to enforce his deportation plans.³ Additionally, this is a matter of ensuring that local resources are used for local government, not for federal deportation. And, as a new study shows, crime is lower and the economy is stronger in sanctuary jurisdictions.⁴

¹ Many immigrant families are living in abject fear. *See, e.g.,* Vivian Yee, *Immigrants Hide, Fearing Capture on 'Any Corner'*, NEW YORK TIMES (Feb. 22, 2017), available at https://www.nytimes.com/2017/02/22/us/immigrants-deportation-fears.html?_r=0.

² Mayor of Los Angeles Eric Garcetti, Executive Directive No. 20 (Mar. 21, 2017), available at <https://www.lamayor.org/sites/g/files/wph446/f/page/file/Exec.%20Dir.%20No.%2020--Standing%20with%20Immigrants.pdf>.

³ *See Memorandum to Tom Cochran, The U.S. Conference of Mayors, and Darrell W. Stephens, Major Cities Chiefs Association, re Legal Issues Regarding Local Policies Limiting Local Enforcement of Immigration Laws and Potential Federal Responses* (Jan. 13, 2017), available at https://www.aclusocal.org/sites/default/files/hsprd_memo_on_local_enforcement_of_immigration_laws_and_federal_responses.pdf; Erwin Chemerinsky et al., *Trump can't force 'sanctuary cities' to enforce his deportation plans*, WASHINGTON POST (Dec. 22, 2016), available at https://www.washingtonpost.com/opinions/trump-cant-force-sanctuary-cities-to-enforce-his-deportation-plans/2016/12/22/421174d4-c7a4-11e6-85b5-76616a33048d_story.html?utm_term=.225487a7562c; New York State Attorney General Eric T. Schneiderman, *Guidance Concerning Local Authority Participation In Immigration Enforcement And Model Sanctuary Provisions* (Jan. 2017), available at https://ag.ny.gov/sites/default/files/guidance.concerning.local_.authority.participation.in_.immigration.enforcement.1.19.17.pdf.

⁴ *See* Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, CENTER FOR AMERICAN PROGRESS & NATIONAL IMMIGRATION LAW CENTER (Jan. 26, 2017), available at <https://www.nilc.org/wp-content/uploads/2017/02/Effects-Sanctuary-Policies-Crime-and-Economy-2017-01-26.pdf>.



STAND FOR JUSTICE

We applaud this Council for considering a resolution declaring the City of Culver City to be a sanctuary city for all its residents, regardless of immigration status. And we commend this Council's 2016 Legislative and Policy Platform stating that the City of Culver City "commits to pursuing a policy agenda that affirms civil and human rights, and ensures that those targeted on the basis of race, religion, sexual orientation, or immigration status can turn to government without fear of recrimination."⁵

We are concerned, however, that this Council's proposed resolution for its March 27, 2017 meeting—*A Resolution of the City Council of the City of Culver City, California, Declaring Culver City to Be a Sanctuary City for All its Residents Regardless of Immigration Status*⁶ is based on the ACLU nine-point plan, and it does not sufficiently consider the policy proposals put forth by the Culver City Action Network. The nine point plan that the ACLU's national office put out is meant to serve only as a "floor" for advocacy across the country (including in very conservative parts of the country), but not a "ceiling." It is not tailored to cities with a strong record of, and deep commitment to, civil and human rights—cities like the City of Culver City. We apologize for any confusion this might have caused.

Since the November elections, we have been working closely with UCLA Law Professor Noah Zatz and the Culver City Action Network, supporting the development of their detailed sanctuary city policy proposals for the City of Culver City. We fully endorse these proposals. In particular, we respectfully request you consider the following amendments to your proposed resolution.

Recommendation #1

Modify Resolution Section 2(3) to read: "Defined Access. Unless pursuant to a court order or a legitimate law enforcement purpose unrelated to civil immigration law, City officials will not permit federal immigration authorities *access to City facilities or to any person in City custody*."

In addition, include a provision modeled on the Santa Ana sanctuary city ordinance section 6(b):⁷ "Use of City Resources Prohibited. No City agency, department, officer, employee, or agent shall use City funds, resources, facilities, property, equipment, or personnel to assist in the enforcement of federal immigration law, unless such assistance is required by any valid and enforceable federal or state law or is contractually obligated. This prohibition shall include but not be limited to assisting with or participating in any immigration enforcement

⁵ *A Resolution of the City Council of the City of Culver City, California, Declaring Culver City to Be a Sanctuary City for All its Residents Regardless of Immigration Status* (Mar. 2017), available at <https://culver-city.legistar.com/View.ashx?M=F&ID=5028333&GUID=1C962C25-DAFA-47A8-A315-8F5C8E462DB5>.

⁶ *Id.*

⁷ City of Santa Ana, Ordinance No. NS-2908 (Jan. 17, 2017), available at https://www.aclusocal.org/sites/default/files/sanctuary_policy_santa_ana.pdf.



STAND FOR JUSTICE

operation or joint operation or patrol that involves, in whole or in part, the enforcement of federal immigration law.”

Recommendation #2

Include a provision providing: “Access to Counsel. The City of Culver City shall allocate \$20,000 to the L.A. Justice Fund to provide legal representation to immigrants facing potential deportation and unable to afford an attorney to defend them.”

Recommendation #3

Include a provision modeled on the Santa Ana sanctuary city ordinance section 6(f): “Registry. No City agency, department, officer, employee, or agent shall use City funds, resources, facilities, property, equipment, or personnel to assist any federal program requiring the registration of individuals on the basis of race, religion, ethnicity, or national origin.”

Recommendation #4

Include a provision modeled on the Seattle sanctuary city resolution section 1(I):⁸ “The City of Culver City rejects any effort to criminalize or attack the Black Lives Matter social justice movement or any other social justice movement that seeks to address inequalities, inequities, and disparities present in Culver City, Los Angeles County, California, or the United States.”

Recommendation #5

Include a provision modeled on the Santa Ana sanctuary city ordinance section 7: “Implementation of Policies. Within a reasonable time following adoption of this resolution, the City shall implement policies to prevent bias-based policing and directing its law enforcement personnel to exercise discretion to favor citing and releasing individuals in lieu of arrest or continued detention, where consistent with protecting public safety. This shall include adopting the City of Los Angeles’s policy with respect to accepting foreign consular identification as valid identification, or reporting to the City Council in writing why such a policy is inappropriate for the City of Culver City.”

⁸ City of Seattle, Resolution 31730 (Jan. 30, 2017), *available at* http://murray.seattle.gov/wp-content/uploads/2017/01/2017_013017_reso_welcoming_city.pdf.



Sincerely,



Jennie Pasquarella
Director of Immigrants' Rights & Senior Staff Attorney
ACLU of Southern California



Andrés Dae Keun Kwon
Equal Justice Works Emerson Fellow & Staff Attorney
ACLU of Southern California



STAND FOR JUSTICE