

**County of Santa Clara**  
**Board of Supervisors**  
Supervisorial District Two  
Supervisor George Shirakawa



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BOS2-092810-1

DATE: September 28, 2010

TO: Board of Supervisors

FROM:

Handwritten signature of George Shirakawa, with the initials "AFS" written to the right.

George Shirakawa  
Supervisor, District 2

SUBJECT: Public Safety & Justice Committee - September 1, 2010

**RECOMMENDED ACTION**

Accept report from Public Safety and Justice Committee on meeting of September 1, 2010. (Shirakawa)

Possible actions:

- a. Accept Committee Agenda items 5 - 7, as Board information only.
- b. Approve the referral to the Office of Budget and Analysis to report back to the Committee on November 4, 2010 with the status of all funds within public safety and justice departments except the General Fund including, but not limited to, budgetary funds, non-budgetary funds, trust funds, and audit reserves.
- c. Approve the recommendation to direct the County Executive and County Counsel to notify U.S. Immigration and Customs Enforcement (ICE) and the California Department of Justice of the County's opposition to participating in Secure Communities.

**REASONS FOR RECOMMENDATION**

**Referral for Status Report on Non-General Fund Accounts**

On the consent calendar, the Committee forwarded a recommendation to direct OBA to report back to PSJC in

November with the status of all public safety departments non-General Fund related accounts. In preparation for the FY 2011 budget cycle, the Committee wishes to understand the universe of non-General Funds, their current status, and the possible usages for the future.

### **Secure Communities**

The Committee received a report back from County Counsel responding to Supervisor Shirakawa's referral on August 10, 2010 to the Board of Supervisors regarding the implementation of the U. S. Immigration and Customs Enforcement (ICE) program, Secure Communities, within the County jails. The report laid out the complexities of the situation and options to address them. The Committee forwarded County Counsel's first recommended action to oppose the County's participation in Secure Communities. The Committee requested that the Administration report back to PSJC in October with more information related to item b, ensuring that County funds are only used to comply with requests by ICE to the extent that they are subject to reimbursement or required by law.

In summary, on May 4, 2010, our County was "activated" in the Secure Communities program without local authority being granted. Participation in this program means that all fingerprints gathered at the time of booking which are electronically transmitted to the California Department of Justice then to the Federal Bureau of Investigation are now sent to the Department of Homeland Security (DHS) as well, to be matched against ICE's immigration status database. This practice of enforcing civil immigration law by utilizing County resources at the arrest stage is not aligned with our local policies.

The Board of Supervisors on June 22, 2010 unanimously passed a resolution restating its long-standing policy of not being involved with the enforcement of federal civil immigration law unless required by law.

On August 10, 2010, the Board of Supervisors directed County Counsel to contact the U.S. Department of Homeland Security, California Department of Justice and our congressional representatives, to clarify the County's obligation to participate in the Secure Communities program. At this time, no written response have been received by County Counsel. However, in a phone call to County Counsel, the California Department of Justice responded that the State will not impose an obligation on the County to participate, but that only DHS can activate or de-activate a jurisdiction. Additionally, although DHS has not responded to County Counsel, Secretary of Homeland Security Janet Napolitano recently wrote in a letter (see attached 'Responses to Lofgren's request') that local jurisdictions that do not want to participate in Secure Communities may formally notify ICE and the relevant state agency.

### **VMC Security Services - Information Only**

The Public Safety and Justice Committee forwarded a recommendation to the Board of Supervisors to approve the movement of operation authority of the Valley Medical Center Security to the Office of the Sheriff. The Committee supports the recommendation by Sheriff Smith to take over the security operations because it desires to have a highly professional law enforcement organization that is publicly accountable. The change in operational authority was identified in previous audits. The costs associated with the initial transfer will be revisited after the Sheriff's Office evaluates the operational needs. The Health and Hospital Committee will also be considering this item at its October meeting prior to full Board consideration.

## **ATTACHMENTS**

- PSJC September Agenda

- Item b - Referral
  
- Item c. S-Comm 1
  
- Item c. S-Comm 2
  
- Item c. S-Comm 3
  
- Item c - S-Comm 4
  
- Item c - Responses to Lofgren's request
  
- Supp. Info 1 - Revised Transmittal
  
- Supp. Info. - Correspondence from the US Immigration and Customs Enforcement regarding the Secure Communities Program