



**Councilmember David Alvarez
City of San Diego
Eighth District**

MEMORANDUM

DATE: February 1, 2017

TO: Mayor Kevin Faulconer

FROM: Councilmember David Alvarez

SUBJECT: Call to Stop President's Executive Order on Border Security and Immigration Enforcement Improvements

President Trump recently signed an Executive Order on Border Security and Immigration Enforcement Improvements. Section 10 of this Order specifies that: "It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law".

Hundreds of jurisdictions across the country have policies limiting local law enforcement activity in implementing federal immigration policy. Many San Diegans are uncertain and uneasy about local law enforcement's role in enforcing this misguided policy. **Clarity is needed to provide assurances to San Diegans that our local law enforcement will not engage in activities solely based on a person's immigration status and are not going to work in conjunction with Homeland Security on deportation efforts, as has been the case for many years.**

Our cities and counties should not, and have absolutely no legal obligation to be involved in, federal immigration enforcement, and are completely within their rights to refuse to do so. Immigration and Customs Enforcement simply cannot violate the Fourth Amendment of the US Constitution by encouraging local police to imprison immigrants without a warrant. Moreover, forcing cities to spend local resources enforcing an unfunded federal policy agenda also violates the Tenth Amendment, which prevents the federal government from coercing state and local governments to abide by their policies.

Enforcing federal immigration policy is the sole responsibility of the federal government. The Department of Homeland Security, not local governments, bears the responsibility for enforcing federal immigration policies. It receives billions in funding annually to carry out this obligation.

This policy essentially holds localities hostage to an ineffective, illegal ideological agenda that deputizes local officers to enforce federal immigration law, pulling them away from critical activities such as neighborhood patrols, responding to emergency calls and keeping our neighborhoods safe.

It is of the utmost importance that you clearly communicate to the public what role you expect our local law enforcement officers have in response to this Executive Order. Per Section 57 of the San Diego City Charter, you can provide approval for the Chief of Police to “appoint, direct and supervise the personnel, subject to Civil Service regulation, have charge of the property and equipment of the department and exercise all powers and duties provided by general laws or by ordinance of the Council. The Chief of Police shall have all power and authority necessary for the operation and control of the Police Department.”

If you believe that the City Council must act as a matter of public policy, please work with the Council President and the City Attorney to draft the appropriate language to provide clear direction that the San Diego Police Department will not carry out the duties of this Executive Order.