



# Training Bulletin

SANTA BARBARA POLICE DEPARTMENT



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VOL. 2017, NO. 14

November 28, 2017

## Senate Bill 54

On October 5, 2017, Governor Jerry Brown signed into law Senate Bill (SB) 54, which, among other things, and subject to exceptions, prohibits state and local law enforcement agencies from using money or personnel for specified immigration enforcement purposes. The bill makes amendments to the Trust Act and enacts the California Values Act. The legislation is effective **January 1, 2018**.

**Amendments to Trust Act:** SB 54 amends the Trust Act in several ways, including:

(A) Removing express authorization to honor an immigration detainer under specified circumstances and instead providing that a law enforcement official shall have the discretion to cooperate with immigration authorities *only if* doing so would not violate any federal, state or local law, or local policy, and where permitted by the California Values Act.

(B) Providing that a local agency may respond to a request for notification or transfer an inmate if the person has been convicted of a Trust Act crime, which includes a serious or violent felony, a felony punishable by imprisonment in state prison, a misdemeanor as part of a “wobbler” within the past five years, or a felony for one of the numerous offenses outlined in Government Code section 7282.5(a)(3) within the last 15 years.

(C) Providing that no cooperation with immigration authorities shall occur for individuals arrested, detained, or convicted of misdemeanors that were previously felonies or wobblers prior to the passage of Proposition 47.

(D) Allowing local law enforcement officials to respond to a request for notification from immigration authorities if an individual has been arrested for a serious or violent felony or a felony punishable by imprisonment in state prison if the individual is taken before a magistrate and the magistrate makes a finding of probable cause pursuant to California Penal Code section 872.

**Enactment of California Values Act:** In enacting the California Values Act (the “Act”), the Legislature now prohibits California law enforcement agencies from:

- (1) Using agency or department money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including:
  - (a) inquiring into an individual’s immigration status;
  - (b) detaining an individual on the basis of a hold request;
  - (c) providing information regarding a person’s release date or responding to requests for notification by providing release dates or other information, unless such information is available to the public or is in response to a notification request from immigration authorities in accordance with Section 7282.5;
  - (d) providing personal information about an individual, including but not limited to the individual’s home address or work address, unless that information is available to the public;
  - (e) making or intentionally participating in arrests based on civil immigration warrants;
  - (f) assisting immigration authorities in the activities described in 8 U.S.C. §1357(a)(3); and
  - (g) performing the functions of an immigration officer.
- (2) Placing peace officers under the supervision of federal agencies, or employing peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement.
- (3) Using immigration authorities as interpreters for law enforcement matters relating to individuals in custody.
- (4) Transferring an individual to immigration authorities unless authorized by judicial warrant, a judicial probable cause determination, or in accordance with Section 7282.5.
- (5) Providing office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.
- (6) Contracting with the federal government for use of California law enforcement facilities to house individuals as federal detainees, except pursuant to Chapter 17.8.

The Act further clarifies that, provided that doing so does not violate any local law or policy of the jurisdiction or law enforcement agency, law enforcement agencies are **not** prohibited from:

- (1) Investigating, enforcing, detaining, or arresting an individual who unlawfully enters or attempts to reenter the United States following removal based upon conviction of a federal aggravated felony, provided that such entry or attempted reentry is detected during unrelated law enforcement activity.
- (2) Responding to a request for information about a specific individual’s criminal history where otherwise permitted by law.

- (3) Conducting enforcement or investigative duties in connection with a joint law enforcement task force, provided that certain conditions are met.
- (4) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa.
- (5) Giving immigration authorities access to interview an individual in custody. Such access must comply with the requirements of the TRUTH Act.

The Act sets forth reporting requirements for law enforcement agencies that elect to participate in a joint law enforcement task force, and additional reporting requirements for the Attorney General beginning March 1, 2019.

Finally, SB 54 repeals Health and Safety Code section 11369, which requires arresting agencies to notify immigration authorities when a person is arrested for specified drug offenses and there is a reason to believe that such person may not be a United States citizen.

### **HOW THIS AFFECTS OUR AGENCY:**

SB 54, which goes into effect January 1, 2018, limits the ways in which law enforcement can communicate and cooperate with federal immigration enforcement. The legislation prohibits law enforcement agencies from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for specified immigration enforcement purposes, and further prohibits certain conduct and activities by law enforcement agencies relating to immigration enforcement. It is important to be conversant with the nuances of the bill in future interactions with immigration enforcement officials. We encourage you to consult with your legal advisor with any specific questions you may have concerning the effects of SB 54 on your departmental operations.