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Supervisors: Say No to Amendments to SF's "Due Process for All" Ordinance

SF Gray Panthers has long opposed Secure Communities (S-COMM), a federal program that has resulted in deportation of over 142,000 undocumented immigrants. Under S-COMM, fingerprints of ANYONE arrested by local police are sent to the immigration authority, ICE, which screens the fingerprints for undocumented immigrants and request local police to hold them for deportation, even if the charges for arrest are dropped or the person could have been bailed out or released on their own recognizance. Racial profiling and arrests on false pretext have soared under S-COMM, leading to a national outcry, as thousands of families have been broken up and children separated from their parents.

In response, States and Cities have passed laws directing their police and jail systems to ignore ICE requests that jailed undocumented immigrants be held without release options so they can be deported. San Francisco's proposed "Due Process for All" Ordinance, scheduled for a first Supervisor's Hearing on September 17, is such a law. The legislation prohibits law enforcement officials from detaining individuals solely in response to immigration detainer requests issued by immigration authorities under S-COMM. The Ordinance is needed: In 2012, 542 people were turned over to ICE on detainers in San Francisco.

However, Mayor Ed Lee, Supervisor Katy Tang, and Police Chief Greg Suhr are trying to introduce amendments weakening the "Due Process for All" ordinance by creating "carve-outs," exceptions to the prohibition, or allowing the Sheriff discretion to follow an ICE detainer request, in cases where undocumented immigrants are convicted and serve prison terms for serious or violent crimes. Gray Panthers of San Francisco is skeptical of this slippery slope, because S-COMM has always been promoted as targeting dangerous and violent immigrants, even though 60% of S-COMM deportees committed no violent or major crimes, and 29% committed no crime at all. Federal authorities have promised on several occasions to use prosecutorial discretion and only use S-COMM to deport violent and dangerous criminals, but this has not happened. But the real issue is bigger.

Those favoring amendments to the Due Process for All Ordinance argue that undocumented immigrants convicted of felonies or violent crimes should be detained for deportation following completion of their prison terms, or if they re-offend. We disagree: people, even violent offenders, should not be discriminated against because of their documentation status. Due Process for All means that citizens, documented and undocumented are all treated alike, regardless of how or whether they committed a crime. We need to focus on rehabilitation of violent offenders in prison, not their immigration status. If we are worried about undocumented violent offenders not being rehabilitated in prison, we should be more worried about release of the much larger number of citizen violent offenders.

The Amendments are unnecessary: The Ordinance explicitly says it does not apply to criminal offenses ("Unlawful" residence in the US is a civil, not criminal offense), and that "local law enforcement may continue to collaborate with federal authorities to protect public safety." (Read the law at <http://tinyurl.com/nlgea6u>)

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