

## **Resolution on Santa Clara County Detainer Policy**

WHEREAS, on October 18, 2011, Santa Clara County instituted a policy not to submit to any detainer requests from the Immigration and Customs Enforcement (ICE), effectively separating local law enforcement from federal immigration enforcement. This policy promotes equal treatment of everyone in the justice system and prevents a two-tiered system where criminal cases involving immigrants are treated more harshly and denied constitutional protections, giving rise to the notion that immigrants are inherently more dangerous than U.S. citizens;

and WHEREAS, detaining individuals and subjecting them to ICE detention in denial of their constitutional rights and access to rehabilitative programs will not further promote public safety as safeguards already exist in our criminal justice system. The district attorney and judge have ample opportunities to protect public safety by considering charges to be made, bail decisions and sentencing in each case;

and WHEREAS, the Trust Act which is the current state legislation on the issue is only a baseline for policies that could be enacted in other jurisdictions in the state. Santa Clara County already has a more progressive policy that is better tailored to its heavily immigrant population and is in keeping with the county's previous actions to affirm the separation of county resources from the enforcement of federal civil immigration law;

THEREFORE BE IT RESOLVED that the Santa Clara County Democratic Party supports retaining the current Santa Clara County Detainer Policy that promotes public safety, preserves county resources, and protects the constitutional rights of everyone living in the County of Santa Clara.