

Will East Bay jail give ICE space under ‘sanctuary state’ bill?

By [Kimberly Veklerov](#)

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Photo: Liz Hafalia, The Chronicle

A view of the outside of the West County Detention Jail Facility in Richmond Sept. 3, 2015.

Long-standing lucrative jail contracts between California sheriff's departments and federal agencies could unravel if state legislators pass a bill barring local law enforcement from cooperating with immigration authorities, critics of the legislation said Tuesday.

Counties entering into such deals can earn millions a year housing potential deportees, but the contracts have drawn controversy. Opponents want them torn up, arguing that the revenue they generate isn't worth damage to trust in immigrant communities who may view local agencies as an arm of immigration.

In the Bay Area, the divided leaders of Contra Costa County are closely monitoring the California Values Act, better known as the sanctuary state bill, which passed Monday in the state Senate.

The county receives around \$6 million annually by allowing federal agents to house inmates in its West County Detention Facility, and officials there are unsure whether the agreement could remain in place if Gov. Jerry Brown signs SB54. Net revenue from the contract after expenses is roughly \$3 million in a department with a \$227 million budget.

“I’m concerned when the state starts to dictate to counties how to run their operations,” said Contra Costa County Supervisor Candace Andersen. “This is a county decision and should remain a county operation. ... A loss of \$3 million is significant. You’ve got to fill that gap somewhere.”



Photo: Liz Hafalia, The Chronicle

One of the cells at the West County Detention Jail Facility that houses medium-security inmates who are potential deportees.

But some of Anderson’s colleagues on the board, including Supervisor John Gioia, say the financial gains the county has reaped from its contract are outweighed by the social costs to those in immigrant communities.

“We’re the only Bay Area county with such a contract,” Gioia said. “It’s visible. It’s helped erode the immigrant community’s trust in local law enforcement.”

Although Gioia has long been in favor of terminating the contract, he and Andersen said the decision rests with David Livingston as the elected sheriff.

The proposed law would, among other things, prohibit California law enforcement agencies from using resources to “investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes.”

The law does not make clear how contracts between California jails and U.S. Immigration and Customs Enforcement, known as ICE, would be impacted. The latest Senate floor analysis said the law would create an “unknown fiscal risk to the state, to the extent that the prohibitions in the bill interfere with existing contracts between local law enforcement agencies and federal immigration authorities.”

ICE has contracts with nine public and private California jails in eight counties. Sacramento, Contra Costa and Yuba counties each have a facility, and Orange County has two. Private jails in San Bernardino, San Diego, Imperial and Kern counties also have contracts.

Supporters of the bill say a broad sanctuary law would encourage immigrants who are in the country without proper documentation to report crimes, seek health care and send their children to school. But opponents say the law goes needlessly far in shielding potential criminals.

And some warn that counties may not only lose money from federal jail contracts, but that Attorney General Jeff Sessions could follow through on his threat to cut off Department of Justice grants to places with sanctuary policies.

“Our county is heavily dependent on federal funding to protect the poor and the needy,” Anderson said. “If this grand political statement from the Legislature puts that at risk, no one is a winner.”

Kern County Sheriff Donny Youngblood, whose county receives \$4 million a year for housing federal inmates, said that even if the contracts survive the proposed law, the federal government may decide it doesn’t want to use California jails anymore because of the state’s lack of cooperation.

“They’re going to have to house them somewhere. Now they’re going to be shipped farther away from home to a totally different state,” said Youngblood, the president of the California State Sheriffs’ Association.

He also opposes the legislation because it would limit local law enforcement’s ability to hand over people who are in county custody to immigration agents. In recent days, federal immigration officials have warned that if they can’t pick up suspects from local jails, they are forced to find them on the streets.

“Sheriffs don’t want to be in the immigration business,” Youngblood said. “We don’t want to do sweeps and raids. That’s why we allow ICE in to do their jobs.”

Supporters of Contra Costa County’s contract — which gives federal agents roughly 200 beds at the West County Detention Facility in Richmond at \$82 a person per day — say its existence does not change the fact that county deputies do not conduct immigration sweeps or investigations. The agreement has been in place since 1992.

“We have similar provisions as you would find in a sanctuary county,” Andersen said. “The only criminals we’re turning over to (immigration) are those who’ve committed very serious felonies.”

Advocates for immigrant families say recent debate over Contra Costa County's policies, along with President Trump's tough rhetoric on border security, have changed the atmosphere in some East Bay circles.

Tiffany Straus, executive director of the Early Childhood Mental Health Program in Richmond, said she's in favor of both SB54 and ending the county's contract with ICE, given the impact of immigration enforcement on her clients.

In the week following Trump's inauguration, she said, her center saw double and triple the number of no-shows. Therapists who later made house calls learned that clients, many of whom are unauthorized immigrants, were fearful of being deported if they went in for counseling, she said.

"We need as many sanctuaries as we can," Straus said. "We need to protect our families."

Kimberly Veklerov is a San Francisco Chronicle staff writer.

Email: kveklerov@sfchronicle.com Twitter: [@kveklerov](https://twitter.com/kveklerov)