



NORA VARGAS
CHAIRWOMAN
SUPERVISOR, FIRST DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS
AGENDA ITEM

DATE: December 10, 2024

29

TO: Board of Supervisors

SUBJECT

ADOPTING A BOARD POLICY ON IMMIGRATION ENFORCEMENT TO ENHANCE COMMUNITY SAFETY (DISTRICTS: ALL)

OVERVIEW

Immigrant communities form an integral part of our County's social fabric. When federal immigration authorities, including the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), and U.S. Border Patrol, coerces local law enforcement to carry out deportations, family members are separated and community trust in law enforcement and local government is destroyed. Witnesses and victims who are undocumented or who have loved ones who are undocumented are afraid to come to the County for help, which includes calling local law enforcement. This puts the public safety of all San Diegans at risk.

In 2013, Governor Jerry Brown signed California Assembly Bill 4 (AB 4) [(Ammiano), Chapter 570], the TRUST Act, which protected community members from being detained by local law enforcement under immigration holds requested by ICE. Prior to the TRUST Act, ICE requested local jails hold community members until they could be picked up for deportation. From tamale vendors to domestic violence survivors transferred to ICE for deportation, the holds caused significant suffering and further weakened community-police relations as ICE sought to have local police officers and sheriff's deputies help it carry out mass deportation. After TRUST went into effect, a federal court found all immigration holds unconstitutional, but ICE continued to circumvent the protections of TRUST by requesting local law enforcement notify them of personal information, such as release time and location.

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The Transparent Review of Unjust Transfers and Holds (TRUTH) Act of 2016, California Assembly Bill 2792 (AB 2792) [(Bonta), Chapter 768], built upon the TRUST Act by requiring a transparent process when local law enforcement provides ICE access to individuals. This includes notifying detained individuals when ICE is requesting an interview and allowing them to choose whether or not to take the interview, keeping record of the requests, and holding a public forum annually to inform the public and allow them to provide feedback on how the department is engaging with federal immigration agencies.

In October 2017, Governor Jerry Brown signed California Senate Bill 54 (SB 54) [(De León), Chapter 495], the California Values Act, into law. The landmark legislation demonstrated the State of California's commitment to making certain that all Californians, including immigrants, feel safe by assuring Californians that state and local resources would not be used to deport them, their families and other members of the community. The California Values Act (SB 54) achieves this by limiting how local and state law enforcement can collaborate with federal immigration agencies, including prohibiting notifying ICE of release dates and transferring individuals to ICE in most circumstances.

Consistent with State law (Government Code 7282.5), the San Diego County Sheriff's Office Detention Services Bureau has a Policy (Q.4 adopted on April 27, 2022) on Verification of Legal Status and Conformance to Immigration Laws. This policy lays out the notification process which ensures that absent a federal warrant, no release will be delayed.

While the California Values Act significantly expanded protection from deportation to California residents, it fell short of protecting all residents because it allowed agencies to still notify ICE of release dates and transfers individuals to ICE without a warrant in some circumstances. This loophole has allowed the transfer of some individuals to ICE and notifications to ICE of release dates, leading to the deportation of our community members and the separation of families in our region. Eight other California Counties have recognized this as a problem and have already taken action to stop ICE transfers and notifications in their regions.

For example, Santa Clara County adopted a Board policy in 2019 that limits the cooperation of County officials and employees with ICE. The proposed Board Policy (L-2) recommended today is similar to that adopted by the Board of Supervisors of Santa Clara County.

San Diego County has a vested interest in maintaining public safety and effective law enforcement while also managing its resources efficiently. By avoiding active cooperation with ICE, including through specific notification to ICE of the release dates of immigrants, the County avoids treating a group of individuals differently solely on the basis of their immigration status. The County likewise avoids providing unequal access to probation programs and re-entry services for certain

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ex-offenders based on their immigration status. Limiting cooperation focuses our local County resources on local matters, as immigration enforcement is a federal responsibility.

Today's actions will adopt a resolution and Board Policy L-2 to affirm the County shall not provide assistance or cooperation to ICE in its civil immigration enforcement efforts, including by giving ICE agents access to individuals or allowing them to use County facilities for investigative interviews or other purposes, expending County time or resources responding to ICE inquiries or communicating with ICE regarding individuals' incarceration status or release dates, or otherwise participating in any civil immigration enforcement activities. The proposed policy does not limit or prohibit giving assistance with the investigative activities of any local, state, or federal law enforcement agency relating to suspected violations of criminal laws.

**RECOMMENDATION(S)
CHAIRWOMAN NORA VARGAS**

1. Adopt a resolution titled: "RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ADDING BOARD POLICY L-2 COOPERATION WITH U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT"
2. Direct the Chief Administrative Officer to report back within 180 days on the data related to any transfers or notifications during the past year to federal immigration authorities and provide recommendations on how the Board Policy adopted above can be effectively administered.

EQUITY IMPACT STATEMENT

The proposed action aims to promote fairness and equal treatment in the justice system by preventing discriminatory practices that disproportionately impact immigrant communities. By refusing to honor federal immigration transfer and notification requests, the policy mitigates the risk of a two-tiered justice system where immigrants face harsher treatment and denial of constitutional protections. This approach supports the County's commitment to social justice and inclusion, fostering trust and cooperation between immigrant communities and local law enforcement, which is essential for effective community policing and public safety.

SUSTAINABILITY IMPACT STATEMENT

Refusing to comply with federal immigration notification and transfer requests helps ensure the sustainable allocation of local resources by prioritizing their use for community needs rather than federal immigration enforcement. This policy promotes long-term community cohesion and trust, which are vital for a stable and safe environment. By focusing on rehabilitative programs and the equitable treatment of all residents, the policy supports the social sustainability of the community, fostering an inclusive environment where all individuals can contribute to and benefit from the County's resources and services.

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FISCAL IMPACT

There is no fiscal impact associated with today’s recommended actions to adopt the proposed Board Policy restricting use of County resources for federal immigration purposes. Staff will return to the Board to identify funding source(s) and seek approval for any future financial impacts related to the Chief Administrative Officer’s report back and recommendations on how to effectively administer the Policy.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Immigrant communities form an integral part of our County’s social fabric. When federal immigration authorities, including the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), and U.S. Border Patrol, coerces local law enforcement to carry out deportations, family members are separated and community trust in law enforcement and local government is destroyed. Witnesses and victims who are undocumented or who have loved ones who are undocumented are afraid to come to the County for help, which includes calling local law enforcement. This puts the public safety of all San Diegans at risk.

In 2013, Governor Jerry Brown signed AB 4 [(Ammiano), Chapter 570], the TRUST Act, which protected community members from being detained by local law enforcement under immigration holds requested by ICE. Prior to the TRUST Act, ICE requested local jails hold community members until they could be picked up for deportation. From tamale vendors to domestic violence survivors transferred to ICE for deportation, the holds caused significant suffering and further weakened community-police relations as ICE sought to have local police officers and sheriff’s deputies help it carry out mass deportation. After TRUST went into effect, a federal court found all immigration holds unconstitutional, but ICE continued to circumvent the protections of TRUST by requesting local law enforcement notify them of personal information, such as release time and location.

The Transparent Review of Unjust Transfers and Holds (TRUTH) Act of 2016 built upon the TRUST Act by requiring a transparent process when local law enforcement provides ICE access to individuals. This includes notifying detained individuals when ICE is requesting an interview and allowing them to choose whether or not to take the interview, keeping record of the requests, and holding a public forum annually to inform the public and allow them to provide feedback on how the department is engaging with federal immigration agencies.

In October 2017, Governor Jerry Brown signed Senate Bill 54, the California Values Act, into law. The landmark legislation demonstrated the State of California’s commitment to making certain that all Californians, including immigrants, feel safe by assuring Californians that state and local resources would not be used to deport them, their families and other members of the community.

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For example, Santa Clara County, adopted a Board policy in 2019 that limits the cooperation of County officials and employees with ICE. The proposed policy is similar to that adopted by the Board of Supervisors of Santa Clara County.

Proposed Policy

The proposed resolution and Board Policy specifies that the County shall not provide assistance or cooperation to federal immigration authorities in its civil immigration enforcement efforts, including by giving federal immigration agents access to individuals or allowing them to use County facilities for investigative interviews or other purposes, expending County time or resources responding to federal immigration inquiries or communicating with federal immigration authorities regarding individuals' incarceration status or release dates, or otherwise participating in any civil immigration enforcement activities.

The policy to prohibit the use of County resources for the purpose of federal immigration enforcement eliminates the financial burden on local law enforcement and County departments. This approach frees up local resources for other critical needs, reducing the administrative and operational costs tied to federal immigration enforcement. Furthermore, the policy may increase community trust to ensure that immigrant communities feel safe and supported, which is essential for maintaining public safety and cooperation with local law enforcement.

San Diego County has a vested interest in maintaining public safety and effective law enforcement while also managing its resources efficiently. By avoiding active cooperation with ICE, including through specific notification to ICE of the release dates of immigrants, the County avoids treating a group of individuals differently solely on the basis of their immigration status. The County likewise avoids providing unequal access to probation programs and re-entry services for certain ex-offenders based on their immigration status. Limiting cooperation focuses our local County resources on local matters, as immigration enforcement is a federal responsibility.

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LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support Justice and Equity initiatives in the County's 2024-29 Strategic Plan by ensuring a fair and equitable justice system through reduction in procedural biases that disproportionately impact immigrants.

Respectfully submitted,



NORA VARGAS
Supervisor, First District

ATTACHMENT(S)

Attachment A - RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO ADDING BOARD POLICY L-2 "RESTRICTING USE OF COUNTY RESOURCES FOR FEDERAL IMMIGRATION PURPOSES"

Attachment B – BOARD POLICY L-2 "Restricting Use of County Resources for Federal Immigration Purposes"

Attachment C – San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures, Policy Q.4 "Verification of Legal Status and Conformance to Immigration Laws"