

Resolution No.:

Meeting Date:

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

WHEREAS, San Diego County is home to persons of diverse racial, ethnic, and national backgrounds, including a large immigrant and refugee population; and

WHEREAS, all San Diego County residents, whether they are U.S. citizens, lawful permanent residents, undocumented residents, refugees, asylum seekers, or residents with any other immigration status, are valued and integral members of our social, cultural, and economic fabric; and

WHEREAS, many immigrants have created deep ties in San Diego County, which they have cultivated for themselves, their families, and their communities; and

WHEREAS, the County seeks to protect public health and safety, which is founded on trust and cooperation of and between community residents and local law enforcement, and the County has enacted numerous laws and policies to strengthen communities and to build and bolster trust between communities and local law enforcement; and

WHEREAS, the Board has approved funding to support a welcoming infrastructure, the San Diego County Office of Immigrant and Refugee Affairs, and the San Diego County Immigrant Rights Legal Defense Program to represent individuals within San Diego County in removal defense; and

WHEREAS, the United States federal immigration authorities, including but not limited to the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), and United States Border Patrol, often seek to enlist local law enforcement's voluntary cooperation and assistance in enforcing immigration laws, which may include, for instance, continuing to detain persons based on nonmandatory civil immigration detainers or cooperating and assisting with requests to notify ICE that/when a person will be released from local custody, and such actions often shift the financial burden of civil immigration enforcement onto local agencies; and

WHEREAS, unlike judicial warrants, which must be supported by probable cause and issued by a neutral judicial officer, civil immigration detainers are issued by immigration officers without judicial oversight; and

WHEREAS, when local law enforcement agencies voluntarily assist ICE and other federal immigration authorities, such assistance can contribute to the separation of families, community distrust of local government, fear of accessing necessary government services by immigrant communities, and reluctance to share vital information and cooperate with local authorities; and

WHEREAS, a significant number of detained immigrants are working people and the primary breadwinners of their families, and many immigrants have lost employment and the ability to provide for their families while detained or deported; and

WHEREAS, the California State Legislature passed the California Values Act in 2017, recognizing that “trust between California’s immigrant community and state and local agencies is central to the public safety of the people of California” (GOV § 7284.2 (b)) and that “this trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians” (GOV § 7284.2 (c)); and

WHEREAS, the California State Legislature also acknowledged in the California Values Act that “entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments” (GOV § 7284.2 (d)); and

WHEREAS, the California Values Act prohibits the “use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes” (GOV § 7284.6 (a)) in most circumstances; and

WHEREAS, eight other California counties – Alameda, Contra Costa, Humboldt, Los Angeles, Santa Clara, San Francisco, San Joaquin, and San Mateo have extended the protections in the California Values Act to all of their residents by stopping all ICE transfers and notifications without judicial warrants;

WHEREAS, the San Diego County Probation Department, which runs the juvenile detention facilities, has already stopped providing federal immigration authorities access to individuals in their custody, including ending the harmful practice of ICE transfers and notifications; and

WHEREAS, the County of San Diego supported Assembly Bill 937 (VISION Act) in 2021 and 2022, which sought to protect refugee and immigrant community members who have been already deemed eligible for release from being transferred to Immigration and Customs Enforcement (ICE) and funneled into immigration detention; and

WHEREAS, the Board wishes to ensure all County departments are consistent with and advance the intent of the California Values Act and the TRUTH Act into County policies and procedures; and

WHEREAS, the Board aims to align County policies with our values, ensuring that San Diego County remains a region where everyone can thrive, regardless of their origin;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Supervisors adopts

Board Policy L-2 subject "Cooperation with U.S. Immigration and Customs Enforcement" to be effective immediately.

APPROVED AS TO FORM AND LEGALITY

Claudia G. Silva, County Counsel

BY: Mark Day, Senior Deputy County Counsel