

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Cooperation with U.S. Immigration and Customs Enforcement

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Purpose

To ensure that all County departments are consistent with and advance the intent of the California Values Act and the TRUTH Act to enhance community safety.

Background

San Diego County is home to persons of diverse racial, ethnic, and national backgrounds, including a large immigrant and refugee population. 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. Many immigrants have created deep ties in San Diego County, which they have cultivated for themselves, their families, and their communities.

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. 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.

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. 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. 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.

The California Values Act , recognizes 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)). The California Values Act acknowledges that “entangling state and local agencies with federal

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immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments” (GOV § 7284.2 (d)). The California Values Act states that law enforcement agencies shall not “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.

This Board Policy aims to align County policies and procedures with our values, ensuring that San Diego County remains a region where everyone can thrive, regardless of their origin. It applies to all County departments and offices, including Probation Department, District Attorney, and the Sheriff’s Office.

Policy

It is the policy of the Board of Supervisors of the County of San Diego that:

- (A) It is the policy of the County that departments may exercise discretion to facilitate the transfer of an adult inmate to the custody of federal immigration authorities, including but not limited to United States Immigration and Customs Enforcement (ICE) if a federal immigration agent presents a valid arrest warrant signed by a federal or state judicial officer, or other signed writ or order from a federal or state judicial officer authorizing ICE’s arrest of the inmate. An administrative warrant signed by an agent or official of ICE or of the Department of Homeland Security (such as a Form I-200) is not a judicial warrant and will not be honored.
- (B) Except as permitted by this Policy, County officials and employees shall not provide assistance or cooperation to federal immigration authorities, including but not limited to ICE, 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 (including but not limited to ICE) regarding individuals’ incarceration status or release dates, or otherwise participating in any civil immigration enforcement activities. This 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.
- (C) This Policy does not prohibit assistance or cooperation as required by federal law.

Sunset Date

This policy will be reviewed for continuance by 12-31-28.

Board Action

09-10-2024 (xx)