



# CITY OF LONG BEACH

# R-22

OFFICE OF THE CITY MANAGER

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6711 FAX (562) 570-7650

March 13, 2018

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive and file a report on the Long Beach Values Act; and,

Adopt a resolution entitled the "Long Beach Values Act of 2018" regarding procedures for the requesting, collecting, maintaining, and disclosing of sensitive information and the enforcement of federal immigration law. (Citywide)

## DISCUSSION

At its September 19, 2017 meeting, the City Council directed the City Manager, through the Office of Equity, to partner with local immigrant rights organizations, the Sanctuary Long Beach Coalition (Coalition), Centro CHA, California State University, Long Beach (CSULB), Long Beach City College, and the Long Beach Unified School District to develop a local policy that expands on immigrant protections in California Senate Bill 54, also known as the California Values Act (CVA). Policy considerations to be included were as follows:

- Protecting and advocating for local Deferred Action for Childhood Arrivals (DACA) and Development, Relief, and Education for Alien Minors (DREAMer) students;
- Preventing future deportations of Long Beach residents;
- Examining partnerships with Los Angeles County for a local legal defense fund;
- Protecting the confidentiality of local immigrant residents and their information, and ensuring no City resources are used to create registries based on religious affiliation, immigration status or any other protected class such as gender, sexual orientation, race, etc.; and
- Affirming an aggressive approach to advocating at the federal and state level for pro-immigrant policies.

## **Policy Development**

Staff began the policy development process with a comprehensive stakeholder analysis and engagement of an interdepartmental team, including the Office of Equity, Police Department, City Attorney, and Office of Government Affairs.

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This initial step provided the foundation on which to effectively assess relevant issues; identify a method for facilitating community and organizational engagement and consensus during the policy development process; and, ultimately, to develop a local policy consistent with City Council direction. Community engagement was identified as the immediate priority after the stakeholder analysis, and the City team initiated a series of listening sessions with key community stakeholders, beginning with the Coalition. The initial session with the Coalition was held on September 29, 2017, and provided an opportunity for staff to get acquainted with Coalition members, listen to their concerns, and establish a basis for working together. In a follow-up session held on October 16, 2017, Coalition members discussed their specific policy recommendations with City staff from the City Manager's Office, Office of Equity, Police Department and City Attorney's Office. Listening sessions were also held with Centro CHA on October 16, 2017, CSULB Police on November 2, 2017, and the CSULB Dream Center on November 7, 2017.

Based on City Council direction and input from the listening sessions, staff identified three core policy considerations for further analysis and development: (1) a local policy that protects sensitive information and limits the use of City resources for assisting with enforcement of federal immigration law; (2) enhancing access to legal representation for Long Beach residents facing deportation; and, (3) federal and state legislative advocacy. The following is a summary of actions staff conducted to address these policy considerations:

- Analyzed related policies from 28 California cities;
- Conducted a comparative analysis of the California Values Act, Coalition policy recommendations and the current policies and practices of the Police Department concerning the handling of sensitive information and assisting with enforcement of federal immigration law;
- Created a draft local policy that contains provisions for protecting sensitive information and limiting the use of City resources for assisting with enforcement of federal immigration law, and seeks to ensure compliance with 8 U.S.C. § 1373 and the City's eligibility for federal grant funding;
- Met with the State and Federal Legislative Committees on November 21, 2017, to review recommendations for the City's 2018 State and Federal Legislative agendas, concerning due process protections and deferred action from deportation for immigrant-residents of Long Beach; and
- Conducted an analysis of the Los Angeles Justice Fund (LAJF) and similar initiatives within the region, state, and nation offering legal representation and/or family support services to immigrants facing deportation via contracts with nonprofit legal and/or community service providers; and outlined options and cost assumptions for enhancing access to legal representation for undocumented, immigrant-residents of Long Beach, beyond what is offered by the Los Angeles Justice Fund.

On February 13, 2018, staff held a follow-up meeting with the Coalition to obtain input on the draft local policy and options for a local legal defense fund. In response to additional input from the Coalition, staff made some adjustments to draft policy and options for a legal defense fund. Staff further notified all the City's employee associations on February 27, 2018 of the draft policy. The various employee associations have an opportunity to respond by March 13, 2018, with any issues

and/or a request to meet and confer on the draft policy. Therefore, the proposed policy that may be adopted is subject to change pending completion of the meet and confer process.

### **Local Policy on Immigrant Protections**

The California Values Act places limitations on state and local law enforcement agencies with respect to communications and coordination with federal immigration authorities including, but not limited to, prohibiting state and local law enforcement from inquiring into an individual's immigration status, entering into agreements authorized by federal law to delegate immigration powers to local agencies, designating local law enforcement officers as immigration officers, and arresting or participating in arrests based on civil immigration warrants. However, the California Values Act does authorize a state or local law enforcement agency, in its discretion, to exercise exceptions to the general prohibition against using agency funds or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, provided such exceptions do not violate any local law or policy applicable to that agency. A significant exception provided for in the California Values Act, for certain specified actions by law enforcement, is found in Section 7282.5 (a)-(b) of the Government Code relating to persons with criminal histories involving serious and violent crimes.

The proposed Resolution entitled the "Long Beach Values Act of 2018," including the attached Administrative Regulation (AR), would establish a local policy with procedures specifying limits for requesting, collecting, maintaining, and disclosing sensitive information, and assisting with enforcement of federal immigration law. The policy provides protections for sensitive information beyond citizenship and immigration status, by also including one's:

- Status as a victim of domestic abuse or sexual assault
- Status as a victim or witness to a crime generally
- Status as a recipient of public assistance
- Religious affiliation
- Sexual orientation
- Biological sex or gender identity
- Place of birth
- Race
- Ethnicity
- Disability

As an AR, this policy would apply to all City departments and offices directly responsible to the City Manager including, but not limited to, Police, Fire, Development Services, and Health and Human Services. It is also requested in the AR, as well as outlined in the Resolution, that elective offices and other independent offices and departments of the City comply with the procedures of this policy, or similar procedures, in the interest of administrative uniformity. The policy maintains the California Values Act exceptions, in furtherance of the public health, safety, and welfare. Above all, the policy seeks to ensure compliance with local, state, and federal laws and regulations to, among other things, maintain eligibility for federal grant funding programs.

## **Enhancing Access to Legal Representation**

The Los Angeles Justice Fund is a partnership between Los Angeles County, the City of Los Angeles, the Weingart Foundation, and the California Community Foundation that strives to promote due process by expanding access to legal services for immigrants of Los Angeles County. Although the Los Angeles Justice Fund would provide services to Long Beach residents, it focuses on representing individuals detained at the Adelanto Detention Center. Individuals detained by Immigration and Customs Enforcement (ICE) from Long Beach could also be held at other regional facilities, including the Theo Lacy and Musick ICE detention centers in Orange County. The Legal Aid Foundation of Los Angeles is the only Los Angeles Justice Fund grantee with a satellite office in Long Beach, and its services primarily focus on providing U and T Visas to victims of crime or domestic violence. Additionally, the Los Angeles Justice Fund does not provide local services for unaccompanied minors, asylum seekers, DACA recipients, Temporary Status (TPS) recipients, individuals who may have expired documentation status, and individuals who may be released from ICE custody on bond that did not receive legal representation during their detention. Additionally, if Long Beach were to consider partnering directly with the Los Angeles Justice Fund, its contribution would be available countywide, providing no guarantee of access by Long Beach residents.

Based on this analysis of the Los Angeles Justice Fund, as well as similar initiatives within the region, state and nation, and input from local stakeholders, staff has identified a recommended program model for the creation of a local legal defense fund, via a public-private partnership, to provide legal representation services for immigrant-residents facing deportation. The program would require a one-time investment of City funding that would be used as a catalyst to secure matching funds from philanthropic and individual sources. Staff estimates that an initial City investment of \$100,000 would be sufficient to incentivize additional community investment. Services would be provided by a non-profit legal services provider identified through a Request for Proposals (RFP) process. Staff envisions the following eligibility criteria for the fund that would address service gaps identified in the analysis of the Los Angeles Justice Fund and exclusively target local needs:

- Residency: people who live or work in Long Beach;
- Income: individuals with a household income below 200 percent of the federal poverty level;
- Case type: individuals in detention, facing deportation, or in danger of losing immigration status;
- Universal representation that serves immigrants (meeting income and residency requirements) facing deportation;
- Family custody support for adult parents of any minor who fears potential deportation;
- Asylee and Deferred Action for Childhood Arrivals (DACA) legal support; and,
- Other related deportation defense support.

To leverage City funding with philanthropic and private contributions, staff recommends establishing a legal defense fund with a fiscal intermediary, such as a local foundation. The foundation would manage the fund and contract with a qualified, non-profit legal services provider as a grantee of the fund. Staff believes from its research that there would be interested fiscal agents with the capacity to host this fund. The Office of Equity could lead a process to finalize a selection upon receiving

authorization to create the fund. Additionally, the Office of Equity would explore potential fund-match opportunities with supportive philanthropic partners, including the California Community Foundation and the Vera Institute of Justice. After finalizing the necessary partnership agreements to establish the fund, the Office of Equity would engage community partners in the development of the RFP process and assist with the selection of a legal services provider. Currently, there is no funding budgeted for this activity.

However, to support this program, the City Council could consider appropriating funding during the FY 19 Budget process. Taking this approach would delay initiation of the local fund until early winter of 2019, following adoption of the budget. Alternately, the City Council could consider reallocating departmental savings identified in the FY 18 budget. In this scenario, the fund could be initiated by early Fall 2018, although it would not be certain that funds would be available until the fiscal year-end close.

### **Federal and State Legislative Advocacy**

On January 23, 2018, the City Council adopted the Federal and State Legislative Agendas, including its official position on issues related to immigration, citizenship and the DACA Program and affirming the City's commitment to advocating at the federal and state level for pro-immigrant policies. Below is a summary of the City's related legislative position statements for 2018.

#### 2018 Federal Legislative Agenda

- Support comprehensive immigration reform that will provide a dignified path to United States citizenship to strengthen the nation's workforce and the economy.
- Support policies and legislation to continue funding the EB-5 Immigrant Investor Program to stimulate the U.S. Economy.
- Support federal legislation that maintains existing allowances for undocumented immigrants who qualified for the DACA Program to remain in the United States and local resources are not used to support deportations, collect information about an individual's religious beliefs or affiliations, and ultimately hurt California's economy.
- Support policies and legislation that enable immigrants who arrived in the United States as children and who meet certain criteria to apply for work permits, as well as deferred action from deportation.
- Support policies and legislation that provide qualifying undocumented youth with a conditional path to citizenship requiring completion of a college degree or military service.

#### 2018 State Legislative Agenda

- Support legislation and pursue pilot programs that expand workforce opportunities for immigrant communities that may utilize recent State measures related to undocumented youth and other measures that have sought to remove barriers toward self-sufficiency.
- Support policies, legislation and grants that provide immigrant populations with due process protections, including legal representation for individuals facing deportation proceedings.

- Seek opportunities to pilot innovative programs that expand employment for workers who are not part of the traditional taxable economy by developing skillsets in alignment with emerging industry sectors, enabling work experience while achieving citizenship, solidifying entrepreneurial pursuits to gain self-sufficiency, and/or addressing underlying barriers to consistent employment.

This matter was reviewed by Deputy City Attorney Monica J. Kilaita on March 5, 2018 and by Director of Financial Management John Gross on March 2, 2018.

TIMING CONSIDERATIONS

Timely adoption of the proposed Resolution will ensure responsiveness to the community needs identified by the Council direction given on September 19, 2017 and to community members who have dedicated considerable time providing input on the development of the policy. However, the policy attached to the Resolution is subject to change pending completion of the meet and confer process.

FISCAL IMPACT

There is no foreseeable fiscal impact relating to implementation of the local policy as currently crafted. The local policy includes protective language relating to federal laws and regulations, and the City's obligations related to such laws and regulations, in an effort to maintain eligibility for federal grant funding, among other considerations. There could be an eventual fiscal impact of \$100,000 should the City Council authorize funding for the establishment of a legal defense fund as described herein. Staff time is not expected to be substantial, but there would be an initial impact to establish the fund.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



KEVIN J. JACKSON  
DEPUTY CITY MANAGER

APPROVED:



PATRICK H. WEST  
CITY MANAGER

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ENTITLED THE "LONG BEACH VALUES ACT OF 2018" REGARDING PROCEDURES FOR THE REQUESTING, COLLECTING, MAINTAINING, AND DISCLOSING OF SENSITIVE INFORMATION AND THE ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

WHEREAS, the City of Long Beach has long embraced its visitors and residents made up of diverse backgrounds, and welcomes, honors, and respects all members of the community regardless of religion, ancestry, ethnicity, nationality, disability, sex, gender identity, or sexual orientation; and

WHEREAS, both immigrant and American-born individuals and their families contribute greatly to the economic and social fabric of the City of Long Beach; and

WHEREAS, the City seeks to continue to foster trust between City officials and residents and visitors to protect residents and visitors and to encourage cooperation between them and City officials, including law enforcement personnel, in furtherance of the public safety and due process for all; and

WHEREAS, in accordance with such values, on September 19, 2017, the City Council directed the City Manager, through the Office of Equity, to partner with local immigrant rights organizations, the Long Beach Sanctuary Coalition, Centro Cha, California State University Long Beach, Long Beach City College, and Long Beach Unified School District to write and present a local policy that expands on Senate Bill 54 (De León), also known as the California Values Act; and

WHEREAS, in recognition of the City's continued commitment to the equal,

1 respectful, and dignified treatment of all people, on October 3, 2017, the City Council  
2 adopted Resolution No. 17-0110, entitled the “Long Beach Values Act of 2017,” to  
3 support the California Values Act, which was approved by the Governor days later on  
4 October 5, 2017, and to affirm commitment to the California TRUST Act; and

5 WHEREAS, the California Values Act places limitations on state and local  
6 law enforcement agencies’ communications and coordination with federal immigration  
7 authorities, providing an expansive protection to the state’s undocumented population;  
8 and further prohibits such law enforcement agencies from inquiring into an individual’s  
9 immigration status, entering into agreements authorized by federal law to delegate  
10 immigration powers to local agencies, and designating local law enforcement officers as  
11 immigration officers pursuant to federal law, among other prohibitions; and

12 WHEREAS, the California Values Act also provides discretionary  
13 exceptions for local law enforcement agencies to coordinate or communicate with federal  
14 immigration authorities under limited, specified circumstances, provided that such  
15 agencies are not in violation of applicable local laws or policies; and

16 WHEREAS, the City of Long Beach wishes to maintain California Values  
17 Act exceptions in the furtherance and interest of the public health, safety, and welfare;  
18 and

19 WHEREAS, the City of Long Beach further seeks to direct the City Manager  
20 to adopt and implement reasonable rules and regulations related to the requesting,  
21 collecting, maintaining, and disclosing of sensitive information, including but not limited to  
22 one’s status as a victim of domestic abuse or sexual assault, status as a victim or witness  
23 to a crime generally, citizenship or immigration status, status as a recipient of public  
24 assistance, religion, sexual orientation, biological sex or gender identity, place of birth,  
25 race, ethnicity, or disability, as well as to implement rules and regulations prohibiting  
26 assistance with federal immigration enforcement, absent express exceptions; and

27 WHEREAS, such rules and regulations shall be applicable to all City  
28 Manager departments, and it is recommended that all independent departments or



1 offices adopt these or similar procedures, thereby seeking to create a community free  
2 from fear in which individuals are assured that they can access the full range of City  
3 services, not only those of law enforcement;

4 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
5 follows:

6 Section 1. The City of Long Beach is committed to continue fostering  
7 trust between City officials and residents and visitors to protect local resources,  
8 encourage cooperation between the public and City officials, including but not limited to  
9 law enforcement officers and employees, and ensure public safety for all.

10 Section 2. The City Council of the City of Long Beach hereby supports  
11 the now codified California Values Act, signed by the Governor on October 5, 2017.

12 Section 3. The City Council of the City of Long Beach seeks to prohibit  
13 the requesting, collecting, maintaining, or disclosing of "sensitive information," including  
14 but not limited to one's citizen or immigration status, absent certain circumstances, and  
15 apply this prohibition, and the State-mandated prohibitions related to enforcement of  
16 federal immigration law, to all City Manager departments, including but not limited to  
17 Police, Fire, Financial Management, Development Services, and Health & Human  
18 Services. As such, and in recognition of the City's continued commitment to the  
19 respectful treatment of all people, the City Manager, or his or her designee, is hereby  
20 directed to adopt and implement Administrative Regulations, attached hereto as Exhibit  
21 "A" and incorporated herein by this reference. The exclusive remedy for violation of the  
22 City Manager's Administrative Regulations as specified in Exhibit "A" shall be through the  
23 City's disciplinary procedures for employees under applicable City regulations and  
24 policies, including but not limited to the City Charter and Civil Service Rules and  
25 Regulations. No violation will exist if the agency, department, officer, employee, or agent  
26 of the City is discharging his or her duties as set forth therein. Given that the City has not  
27 completed the meet and confer process with the various employee labor unions, this  
28 Administrative Regulation is subject to change.

1           Section 4.    Nothing in this Resolution, or in any exhibit attached hereto,  
2 shall be construed or implemented to conflict with any prohibition, duty or obligation  
3 imposed by court order; City of Long Beach policies, laws, or regulations; state law,  
4 including but not limited to the California Public Records Act; or federal law. This  
5 Resolution does not prohibit or restrict any City employee from sending to, or receiving  
6 from, federal immigration authorities information regarding citizenship or lawful or  
7 unlawful immigration status of any individual, or from requesting from federal immigration  
8 authorities immigration status information (lawful or unlawful) of any individual, or  
9 maintaining or exchanging such information with any other federal entity, pursuant to  
10 Sections 1373 and 1644 of Title 8 of the United States Code.

11           Section 5.    This Resolution is hereby declared the “Long Beach Values  
12 Act of 2018.”

13           Section 6.    This Resolution shall take effect immediately upon its  
14 adoption by the City Council, and the City Clerk shall certify the vote adopting this  
15 Resolution.

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1 I hereby certify that the foregoing Resolution was adopted by the City Council of  
2 the City of Long Beach at its meeting of \_\_\_\_\_, 2018, by the following vote:

3  
4 Ayes: Councilmembers: \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_

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8 Noes: Councilmembers: \_\_\_\_\_  
9 \_\_\_\_\_

10 Absent: Councilmembers: \_\_\_\_\_  
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14 \_\_\_\_\_  
15 City Clerk

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17 OFFICE OF THE CITY ATTORNEY  
18 CHARLES PARKIN, City Attorney  
19 333 West Ocean Boulevard, 11th Floor  
20 Long Beach, CA 90802-4664

# EXHIBIT “A”

# Administrative Regulations

Number  
Issue 1

**Subject: Procedures Regarding the Requesting, Collecting, and Maintaining of Sensitive Information and the Enforcement of Federal Immigration Law**

## **I. PURPOSE AND INTENT.**

The City of Long Beach's identity is linked to its residents made up of diverse racial, ethnic, religious, and national backgrounds. Both immigrant and American-born individuals and their families contribute greatly to the economic and social fabric of Long Beach. The City seeks to continue to foster trust between City officials and residents to protect residents and encourage cooperation between them and City officials, including law enforcement personnel, in furtherance of the public safety and due process for all.

In recognition of the City's continued commitment to the equal, respectful, and dignified treatment of all people, the City Council, on October 3, 2017, adopted Resolution No. 17-0110 entitled the "Long Beach Values Act of 2017" to support Senate Bill 54 (De Leon) and affirm commitment to the California TRUST Act. On \_\_\_\_\_, 2018, the City Council additionally adopted Resolution No. 18-\_\_\_\_\_, the "Long Beach Values Act of 2018," which, among other things, directed the City Manager to implement this Regulation. Accordingly, the City Manager now wishes to mandate the following procedures to ensure commitment to the inclusion of all people, regardless of their immigration status.

## **II. DEFINITIONS.**

A. "Sensitive information" shall include a person's status as a victim of domestic abuse or sexual assault, status as a victim or witness to a crime generally, citizenship or immigration status, status as a recipient of public assistance, religion, sexual orientation, biological sex or gender identity, place of birth, race, ethnicity, or disability.

B. "Assist in the enforcement of federal immigration law" shall mean the use of City funds, resources, facilities, property, equipment, or personnel to assist in certain activities, except where expressly permitted herein, including but not limited to:

1. Identifying, investigating, arresting, detaining, or continuing to detain a person solely on the belief that the person is not present legally in the United States or that the person has committed a violation of federal immigration law.

2. Participating in any joint law enforcement task force with any federal agency enforcing immigration law.

3. Arresting, detaining, or continuing to detain a person based on any immigration detainer or federal administrative warrant when such immigration detainer or administrative warrant is based solely on a violation of federal immigration law, or otherwise honoring any such detainer, warrant, or request to detain, interview or transfer.

4. Notifying federal authorities about the release or pending release of any person for immigration purposes.

5. Enforcing any federal program requiring the registration of individuals on the basis of religion, race, ethnicity, nationality, national origin, disability, sex, gender identity, or sexual orientation.

### **III. COLLECTING, MAINTAINING, AND DISCLOSING SENSITIVE INFORMATION.**

A City of Long Beach agency, department, officer, employee, or agent shall not request, maintain, or disclose sensitive information, except where:

A. The information is directly related to a City service or function, including but not limited to prosecutorial duties, law enforcement purposes, and employment purposes unrelated to immigration enforcement.

B. Responding to a request for notification by providing information that is available to the public, or is in response to a notification request from immigration authorities pertaining to individuals meeting one or more of the criminal background conditions specified under Government Code Section 7282.5(a)-(b), in compliance with Government Code Section 7284.6(a)(1)(C).

C. The individual, or his or her legal guardian, to whom such information pertains provides his or her informed and voluntary consent.

D. Required by state or federal law, or by a valid judicial warrant or subpoena.

E. Making inquiries into information that is required to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.

### **IV. ASSISTANCE WITH ENFORCEMENT OF FEDERAL IMMIGRATION LAW.**

A City of Long Beach agency, department, officer, employee, or agent shall not assist in the enforcement of federal immigration law except if:

- A. Required by state or federal law, or by a valid judicial warrant or subpoena.
- B. Required under a contract, memorandum of understanding (“MOU”), or other agreement entered into before the effective date of this Regulation, except where otherwise prohibited by law. Existing agreements include, but are not necessarily limited to, the following subject matters: drug enforcement, violent crime, terrorism, joint investigations with the U.S. Secret Service and the U.S. Postal Service, and the like.
- C. Conducting enforcement or investigative duties associated with a joint law enforcement task force, including sharing confidential information with other law enforcement agencies for task force investigative purposes, provided that such participation is in compliance with state law and:
  - 1. The primary purpose of the joint task force is to enforce non-immigration-related criminal violations and the Long Beach Police Department’s (LBPD) duties are primarily related to violation of state or federal law unrelated to immigration enforcement; and
  - 2. LBPD submits any report(s), required to be submitted annually by LBPD to the Department of Justice per Government Code section 7284.6(c), to the Long Beach City Council for review on an annual basis.
- D. Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity; transfers are only permitted where authorized by a judicial warrant or judicial probable cause determination (as defined under Government Code Section 7284.4(h)), or for individuals meeting one or more of the criminal background conditions under Government Code Section 7282.5(a)-(b).
- E. Providing immigration authorities access to interview an individual in department custody provided that LBPD has complied with the California TRUTH Act, as authorized by Government Code Section 7284.6(b)(5).
- F. Providing information regarding a person’s release date or responding to requests for notification by providing release dates or other information only if the release date or other information is available to the public, or is in response to a notification request from immigration authorities regarding persons meeting one or more of the criminal background conditions specified under Government Code Section 7282.5(a)-(b).
- G. Transferring an individual to immigration authorities pursuant to a judicial warrant, judicial probable cause determination (as defined under Government Code Section 7284.4(h)), or those individuals meeting one or more of the criminal background conditions specified under Government Code Section 7282.5(a)-(b).

H. Responding to a request from federal immigration authorities for information about an individual's criminal history, such as previous criminal arrests, convictions, or similar criminal history information obtained through the California Law Enforcement Telecommunications System (CLETS) only where permitted by State law.

I. Providing personal information, as defined in Civil Code Section 1798.3, about an individual, provided that the information is available to the public.

## **V. IMPLEMENTATION.**

The City Manager, or his or her designee(s), shall carry out the implementation of this Regulation.

## **VI. REGULATION NOT TO CONFLICT WITH FEDERAL, STATE, OR LOCAL LAWS AND REGULATIONS; NO PROHIBITION OR RESTRICTION PER SECTIONS 1373 AND 1644 OF TITLE 8 OF THE UNITED STATES CODE.**

Nothing in this Regulation shall be construed or implemented to conflict with any prohibition, duty, or obligation imposed by court order; City of Long Beach policies, laws, or regulations; state law, including but not limited to the California Public Records Act; or federal law.

This Regulation does not prohibit or restrict any City employee from sending to, or receiving from, federal immigration authorities information regarding citizenship or lawful or unlawful immigration status of any individual, or from requesting from federal immigration authorities immigration status information (lawful or unlawful) of any individual, or maintaining or exchanging such information with any other federal entity, in accordance with Sections 1373 and 1644 of Title 8 of the United States Code.

## **VII. NO PRIVATE RIGHT OF ACTION.**

This Regulation does not create or form the basis of liability on the part of the City, its agencies, departments, officers, employees, or agents, and is not intended to, and does not, create any rights for breach of which the City, its agencies, departments, officers, employees, or agents is liable for money or any other damages to any person who claims that such breach proximately caused injury.

## **VIII. SCOPE.**

This regulation is applicable to all City departments and offices responsible directly to the City Manager. It is also requested that elective offices and other independent offices and departments of the City comply with these, or similar, procedures in the interest of administrative uniformity.



**IX. VIOLATIONS.**

The exclusive remedy for violation of this Regulation shall be through the City's disciplinary procedures for employees under applicable City regulations and policies, including but not limited to the City Charter and Civil Service Rules and Regulations. No violation will exist if the agency, department, officer, employee, or agent of the City is discharging his or her duties as set forth herein.

**X. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, or portion of this Regulation is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Regulation. The City Manager declares that he or she would have adopted this Regulation and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions were to be declared invalid or unconstitutional.

**XI. AMENDMENT.**

This Regulation may be amended by the City Manager consistent with the City Council's intent at its meeting of \_\_\_\_\_, 2018.

**XII. EFFECTIVE DATE.**

This Regulation shall take effect immediately.