

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,

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Long Beach, CA 90802-4664

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1 respectful, and dignified treatment of all people, on October 3, 2017, the City Council
2 adopted Resolution No. RES-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 March 13, 2018, by the following vote:

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4 Ayes: Councilmembers: Gonzalez, Pearce, Price, Andrews,
5 Uranga, Richardson.

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8 Noes: Councilmembers: Supernaw, Mungo.

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10 Absent: Councilmembers: Austin.

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14 City Clerk

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
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.