



Administrative Regulations

Number AR8-33
Issue 1

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

I. Purpose

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 March 13, 2018, the City Council additionally adopted Resolution No. RES-18-0032, 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

For the purposes of this Regulation, these terms are defined as follows:

- 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. 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 procedures in the interest of administrative uniformity.

IV. Amendment

This Regulation may be amended by the City Manager consistent with the City Council's intent at its meeting of March 13, 2018.

V. Policy

A. 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:

1. 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.

2. 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).
3. The individual, or his or her legal guardian, to whom such information pertains provides his or her informed and voluntary consent.
4. Required by state or federal law, or by a valid judicial warrant or subpoena.
5. 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.

B. 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:

1. Required by state or federal law, or by a valid judicial warrant or subpoena.
2. 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.
3. 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:
 - a. 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
 - b. 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.

4. 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).
5. 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).
6. 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).
7. 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).
8. 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.
9. Providing personal information, as defined in Civil Code Section 1798.3, about an individual, provided that the information is available to the public.

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, state, or local government 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. 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.

IX. 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.

X. Effective Date

This Regulation shall take effect immediately.

APPROVED:



CITY MANAGER



DATE