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October 17, 2017

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

24 October 17, 2017

A handwritten signature in cursive script, reading "Lori Glasgow".

LORI GLASGOW
EXECUTIVE OFFICER

Dear Supervisors:

**ADOPTION OF SENSITIVE LOCATIONS POLICY
(ALL DISTRICTS) (3 VOTES)**

SUBJECT

Countywide policy to limit the disruption of County services and programs by requiring County officials and employees to not comply with any request by law enforcement officers engaged in immigration enforcement or investigative activities to access non-public areas of County properties or facilities, unless the request is accompanied by a judicial warrant.

IT IS RECOMMENDED THAT THE BOARD:

Adopt the proposed Sensitive Locations Policy ("Policy").

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On April 11, 2017, your Board directed County Counsel and the Chief Executive Office, in consultation with the Department of Human Resources, the Office of Immigrant Affairs, the Immigration Protection and Advancement Task Force, and other relevant County departments and stakeholders (the "Immigration Team"), to conduct an analysis and recommend a policy that would limit federal immigration investigation and enforcement activity at County properties and facilities central to the administration of County programs and services. The Policy was developed in consultation with the Immigration Team in response to your Board's directive.

FISCAL IMPACT/FINANCING

No fiscal impact.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The County has a strong interest in promoting unimpeded access to County offices and agencies for all residents and seeks to foster a relationship of trust between all residents and County agencies. Immigration enforcement activities in County offices and agencies can create fear, anxiety, and concern, and can severely disrupt the provision of County services and unimpeded access to all County residents.

The County has broad authority to adopt policies governing the conduct of County employees at County properties and facilities. However, the County may not prohibit law enforcement activity in public areas or that is conducted pursuant to a warrant issued by a judge. Therefore, the Policy requires that County employees, when confronted by a law enforcement officer seeking access to a non-public area of County property or facilities for purposes of immigration enforcement and investigative activity, deny access unless the officer produces a warrant signed by a judge authorizing the desired activity.

Certain facilities, such as schools, jails, and courthouses, are not included in the Policy because they are regulated by policies adopted by school districts, the Sheriff, and the State, respectively.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

If the Policy is adopted, County employees will be required to respond to requests from immigration enforcement officials in a specified manner. To ensure consistent and appropriate implementation of the Policy, County Counsel will make a training available to all County department heads and/or their designated employees, and will ensure that training materials are available electronically to all County employees. In addition, a dedicated team of County Counsel attorneys will be available on an ongoing basis to respond to questions from County employees regarding implementation of the Policy.

CONCLUSION

Approval of the Policy will strengthen the County's ability to reduce disruptions in the provision of County services due to immigration enforcement and investigative activity.

The Honorable Board of Supervisors

10/17/2017

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Respectfully submitted,

A handwritten signature in cursive script that reads "Mary C. Wickham". The ink is dark and the signature is fluid, with a large initial 'M' and a distinct 'C' before the last name.

MARY WICKHAM

County Counsel

SSP

Enclosures

c: Brian Stiger
Consumer and Business Affairs

Lisa Garrett
Human Resources



Los Angeles County **BOARD OF SUPERVISORS POLICY MANUAL**

Policy #:	Title:	Effective Date:
0.00	LIMITING ACCESS TO COUNTY SENSITIVE LOCATIONS BY LAW ENFORCEMENT OFFICERS ENGAGED IN IMMIGRATION ENFORCEMENT OR IMMIGRATION INVESTIGATIVE ACTIVITIES	00/00/00

PURPOSE

Designates County property and facilities as "sensitive locations" and, to the greatest extent permissible by law, limits the disruption of County activities caused by law enforcement officers who seek to access non-public areas of such property and facilities for the purposes of immigration enforcement or immigration investigative activities.

REFERENCE

January 25, 2017 Executive Order: Enhancing Public Safety in the Interior of the United States

January 27, 2017 Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States

8 U.S.C. § 1373

8 U.S.C. § 1644

April 11, 2017 Board Order Item # 10

California Senate Bill 54 (De León 2016)

Sample Judicial vs. ICE Administrative Warrants

ICE Sensitive Locations Policy, October 24, 2011

U.S. Customs and Border Protection Sensitive Locations Policy, January 18, 2013

POLICY AND PROCEDURES

Background:

The County of Los Angeles (County) is committed to the well-being of all its residents, irrespective of their immigration status, and to serving its diverse community in an inclusive, safe, and secure environment. The County also has a strong interest in promoting safe and unimpeded access to County offices and agencies for all residents and seeks to foster a relationship of trust between the County's immigrant community and County agencies. Immigration enforcement activities in County offices and agencies can create fear, anxiety, and concern in County residents and employees, and can severely disrupt the provision of County services and unimpeded access to all County residents.

For these reasons, the County has a strong interest in ensuring that its employees are trained and equipped to provide services safely and efficiently to all of its residents without unnecessary or unwarranted disruptions. Thus, to preserve the County's ability to administer its offices, agencies, hospitals, and departments, promote access to government programs and services, and protect, where appropriate, the privacy rights and interests of all County residents, the Los Angeles County Board of Supervisors promulgates this Policy and Procedures ("Policy").

Policy:

All County properties are designated as Sensitive Locations, as defined below. At these Sensitive Locations, no one may use County resources—such as personnel, funds, or property—for activities related to immigration enforcement or immigration investigation, except for law enforcement engaged in a legitimate law enforcement purpose primarily unrelated to civil immigration law (e.g., a joint law enforcement task force), or as otherwise provided herein.

Moreover, all immigration enforcement or immigration investigative activities are prohibited in Sensitive Locations to the extent permissible by law. County officials and employees shall not comply with any request by a law enforcement officer to access a non-Public Area (as defined below) within a Sensitive Location for purposes of immigration enforcement or immigration investigation, unless the request is accompanied by a Judicial Warrant, as defined below.

Additionally, County officials and employees shall direct any individual whose actions in a Sensitive Location are impeding County activities or services, or disrupting County operations, to stop any such activity or leave the premises, unless the individual is a federal, State, or local officer authorized to engage in such activity by a Judicial Warrant, as defined below.

Nothing in this Policy restricts or prohibits County officials or employees from complying with Sections 1373 and 1644 of Title 8 of the United States Code or any other federal, State, or local law.

The preceding requirements do not apply in the event of a public safety emergency or when access is required by federal, State, or local law.

This Policy is intended only to provide general guidance to the County, its departments, agencies, or entities, its officers, employees, or agents and is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the County, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Definitions:

1. **Sensitive Location** – All County property, including but not limited to, facilities owned, controlled, or leased by County agencies, departments, commissions, and hospitals, but not any of the County jail facilities, which includes any facility in which individuals are detained or held in custody by the Los Angeles County Sheriff's Department.¹
2. **Public Area** – Any area within a Sensitive Location that is accessible to the general public without special permission, such as lobbies and reception areas, hallways open to the general public, public parking lots and sidewalks, and similar areas.
3. **Subpoena** – A document issued by a government agency seeking records, documents, or evidence.
4. **Warrant:**

Judicial Warrant

a. **Judicial Warrant** – A type of authorization issued by a federal judge or other judicial official that gives authority to perform a specific act, for example, to conduct a search or arrest a person. This type of warrant would be based on probable cause for a violation of federal immigration law and state that it was issued by a "District Court Judge," "Magistrate Judge," or the "United States District Court." (See attached sample).

Administrative Warrant

b. **Administrative Warrant** – A type of authorization issued by an administrative official—which may include an immigration judge or Immigration and Customs Enforcement Field Office Director—that gives authority to perform a specific act, for example, to arrest an individual. This warrant may state that it was issued by an "immigration judge," "administrative law judge," or "immigration officer." (See attached sample.)

¹ See Government Code section 26605, which grants sheriffs sole and exclusive authority over such facilities ("the sheriff shall . . . be the sole and exclusive authority to keep the county jail and the prisoners in it . . .").

Procedures:

The following procedures provide information on different types of inquiries that could occur, and appropriate responses. County departments and agencies are directed to examine their respective policies, in consultation with County Counsel, to determine whether additional guidance is necessary.

Inquiries regarding this Policy may be directed to the Office of County Counsel at 213-787-0696 or immigration@counsel.lacounty.gov. More information is available at the Los Angeles County Office of Immigrant Affairs website, located at: <http://oia.lacounty.gov>.

1. Law Enforcement Officer Without A Warrant

If contacted at a Sensitive Location by a law enforcement officer for an immigration enforcement or immigration investigative activity, County employees shall immediately refer the officer to the highest level manager in the facility and ask the officer to wait for his or her arrival. If the officer does not present a warrant, County employees and/or the manager:

- Shall *not* comply with any request for access to a non-Public Area within a Sensitive Location.
- Shall provide the officer with a copy of this Policy.
- Are *not* required to answer the officer's questions.
- Are *not* required to speak with the officer at all.
- May tell the officer that they choose not to speak with him or her, and then say nothing else.
- Must immediately notify the Office of County Counsel.
- If the officer still seeks entry without a warrant, the employee should request the name and badge/ID number of the officer and purpose of the visit and ask the officer to wait outside the area until the employee can consult with his or her manager and the Office of County Counsel. If the officer refuses to wait, the employee should make clear his or her objection to the officer's conduct but **should not attempt physically to prevent entry**. The employee should document the incident and immediately inform the highest level manager in the facility and the Office of County Counsel.

2. Law Enforcement Officer With A Warrant (Judicial or Administrative)

If a law enforcement officer asks to access a non-Public Area within a Sensitive Location or gain access to County records for an immigration enforcement or immigration investigative activity, County employees shall immediately refer the officer to the highest level manager in the facility and ask the officer to wait for his or her arrival. If the officer presents a warrant, County employees and/or the manager must:

- Request and review a copy of the warrant.
- Provide the officer presenting the warrant with a copy of this Policy.
- Immediately notify the Office of County Counsel and provide a copy of the warrant.
- If the officer insists on entering the area without waiting for the employee to consult with the manager and the Office of County Counsel, the employee should make clear his or her objection to the officer's conduct but **should not attempt physically to prevent entry**. The employee should document the incident and immediately inform the highest level manager in the facility and the Office of County Counsel.
- The Office of County Counsel will provide guidance, if necessary, on the type of warrant that is involved and the appropriate response.

**Judicial
Warrant**

(see attached)

- If County Counsel advises that the warrant is a Judicial Warrant, County employees and/or the manager must:
 - a. Comply with the terms of the warrant.
 - b. Accompany the officer and notify the officer that: (i) he or she may gain access only to the places specifically described in the warrant, and (ii) search only for an amount of time reasonably necessary to execute the search or arrest described in the warrant.

**Administrative
Warrant**

(see attached)

- If County Counsel advises that the warrant is an Administrative Warrant, County employees and/or the manager must:
 - a. Inform the officer that they are not authorized to grant the officer access.
 - b. Provide the officer with a copy of this Policy.

3. Access To A Public Area

If a law enforcement officer attempts to access a Public Area within a Sensitive Location for an immigration enforcement or immigration investigative purpose:

- The officer has the same right to occupy a Public Area as any other member of the general public.
- The officer may be directed to leave only if his or her presence impedes County activities or services, or disrupts County operations.

4. Law Enforcement Officer With A Subpoena

If a law enforcement officer presents a County employee with a subpoena seeking immigration-related records, documents, or information:

- The County employee is **not required to comply with the subpoena at that moment**. Instead, the employee must immediately notify the highest level manager in the facility to report the situation and provide a copy of the subpoena to the manager. The manager must then

immediately notify the Office of County Counsel and provide a copy of the subpoena.

- The County employee and/or the manager must provide the officer presenting the subpoena with a copy of this Policy.

County employees may share information prepared by the County's Office of Immigrant Affairs (OIA) with any member of the public and with any law enforcement officer.

RESPONSIBLE DEPARTMENT

Chief Executive Office
County Counsel
Human Resources

DATE ISSUED/SUNSET DATE

Issue Date: _____, 2017

Sunset Review Date: _____, 2021

Sample Judicial vs. ICE Administrative Warrants

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address)) Case No.)
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government of the following person or property located in the _____ District of _____
(Identify the person or describe the property to be searched and give its location):

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address)) Case No.)
)
)
)

SEARCH AND SEIZURE WARRANT

Issued by a District Court

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person or describe the property to be seized):

ACCEPT

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days) _____
in the daytime, or at any time of the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____

Date and time issued: _____
Judge's signature

City and state: _____
Printed name and title

Signed by a Judge

Judge's signature

Printed name and title

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

File No: _____
Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
☐ a designated official
☐ the Board of Immigration Appeals
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)

REJECT

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

Issued by Homeland Security

Signed by an "Immigration Officer"

(Signature of immigration officer)

(Title of immigration officer)

(Date and office location)