

FAIR AND EQUAL COUNTY ORDINANCE

I. Short Title

The Ordinance codified in this Chapter shall be known as the Fair and Equal County Ordinance.

II. Findings

Los Angeles County is home to millions of people from all walks of life, of different races, religions, sexual orientations, and national and ethnic origins. The County values and celebrates this diversity, which makes our community and our economy strong and vibrant;

Immigrants make up a large part of the County's population. Los Angeles County is home to nearly 3 million immigrants and over half of all children in Los Angeles County have a noncitizen parent;

A relationship of trust between the County and all residents, regardless of race, religion, sexual orientation, national origin, ethnicity, or immigration status, is essential for accomplishing core County functions, including protecting the safety and civil and human rights of all residents;

The enforcement of federal civil immigration law falls exclusively within the authority of the federal government. No County department, agency, or commission, including the Sheriff's Department, has any inherent authority or duty to investigate violations of federal civil immigration law or to assist in enforcement of such laws;

The creation of a national registry based on religion or national origin would violate the County's core values of religious freedom and tolerance and would sow fear and concern among the County's residents of Muslim faith or Muslim-majority countries;

Voluntary assistance in the enforcement of federal civil immigration law or implementation of a national registry based on race, religion, sexual orientation, national origin, or ethnicity by County departments, agencies, and commissions would drain already-limited County resources and make it difficult to maintain trust between the County and its residents, thereby threatening the safety and well-being of County residents.

III. Definitions

Civil immigration warrant means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center ("NCIC") database.

Federal immigration authorities means any officer, employee, or person otherwise paid by or acting as an agent of United States Immigration and Customs Enforcement or any division thereof, or any other officer, employee or person otherwise paid by or acting as an agent of the United States Department of Homeland Security who is charged with immigration enforcement.

Immigration law means any federal civil immigration law, and also includes any federal criminal immigration law that penalizes a person's presence in, entry or re-entry to, or employment in the United States.

Hold request, notification request, and transfer request have the same meaning as provided in Cal. Gov. Code § 7283

Sensitive information means information that identifies any individual's religion, sexual orientation, and citizenship or immigration status.

IV. Protection of Sensitive Information

A. No County agency, department, officer, employee, or agent shall provide non-publicly available information about any individual to any entity or official for purposes not directly related to administering a program under the County's jurisdiction except where expressly required by law or court order.

B. Nothing in this ordinance shall prevent any County department, agency, commission, officer, employee, or agent from responding to a request for assistance from victims and witnesses of certain qualifying crimes to obtain temporary immigration benefits (See 8 U.S.C. § 1101(a)(15)(U), 8 U.S.C. § 1101(a)(15)(T)).

V. Restriction on Use of County Law Enforcement Resources to Enforce Federal Immigration Laws or Religion-Based Registration Requirements

A. Upon submitting its annual budget request, the Sheriff's Department shall certify that no County moneys, facilities, property, equipment, or personnel will be used for the following:

- (1) Immigration enforcement, including, but not limited to:
 - a. investigating, enforcing, or assisting in the investigation or enforcement of immigration law or otherwise performing the functions of an immigration officer, whether pursuant to 8 U.S.C. § 1357(g) or otherwise;
 - b. providing federal immigration authorities with non-publicly available information about any individual for the purpose of investigating or enforcing immigration law.
 - c. responding to immigration hold, notification, and transfer requests, including by providing federal immigration authorities with non-publicly available information about an individual's date of release from county custody;

- d. making arrests based on civil immigration warrants;
 - e. making individuals in County custody available to federal immigration authorities for interviews
- (2) Enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, or national or ethnic origin.
- (3) Notwithstanding the above, and consistent with Sections 1373 and 1644 of Title 8 of the United States Code, this section neither requires nor prohibits any entity or official from maintaining or exchanging information regarding the immigration status of any individual or sending or receiving information regarding the citizenship or immigration status of any individual with any federal, state, or local government entity. This Ordinance does not alter any existing confidentiality policies of the County.

C. No County departments, agencies, commissions, officers, employees, and agents shall make any databases they maintain available to federal authorities for the purpose of investigating, enforcing, or assisting in the investigation or enforcement of immigration law or for enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, immigration status, or national or ethnic origin.

D. Nothing in this Chapter shall prevent County departments, agencies, commissions, officers, employees, and agents from responding to a lawful subpoena.

VI. Public Record

A. Any county department, agency, commission, officer, employee, or agent that receives a request from federal immigration authorities to use county moneys, facilities, property, equipment, personnel, or databases, or to receive non-publicly available information about any individual, shall document the request in writing.

B. The document required by Section VI(A) shall be considered a public record pursuant to the California Public Records Act.

VII. Transmission to County Employees

A. The Executive Officer of the Board of Supervisors shall send copies of this ordinance, including any future amendments thereto that may be made, to every department, agency and commission of the County of Los Angeles.

B. Each appointing officer of the County of Los Angeles shall inform all officers, employees, or personnel under her or his jurisdiction of the prohibitions in this ordinance, the duty of all of her or his officers, employees, or personnel to comply with the prohibitions in this ordinance, and that officers, employees, or personnel who fail to

comply with the prohibitions of the ordinance shall be subject to appropriate disciplinary action.

C. Each County employee shall be given a written directive with instructions for implementing the provisions of this ordinance.

VIII. Enforcement and Oversight

A. The [OVERSIGHT BODY] shall accept and review complaints from any entity or individual regarding violations of this Ordinance.

B. The [OVERSIGHT BODY] shall produce a public report every 90 days regarding complaints received, responses to complaints by County departments, agencies, commissions and employees, and [OVERSIGHT BODY's] efforts to investigate and resolve such complaints.

IX. County Undertaking Limited To Promotion Of General Welfare

In undertaking the adoption and enforcement of this Chapter, the County is assuming an undertaking only to promote the general welfare. This Chapter is not intended to create any new rights for breach of which the County is liable in money damages to any person who claims that such breach proximately caused injury. This section shall not be construed to limit or proscribe any other existing rights or remedies possessed by such person.

X. Severability

If any part of this ordinance, or the application thereof, is held to be invalid, the remainder of this ordinance shall not be affected thereby, and this ordinance shall otherwise continue in full force and effect. To this end, the provisions of this ordinance, and each of them, are severable.