


**Discussion and Possible Actions on a City Council Statement Related to Super Bowl Safety and Affirmation of Support for Immigrant Communities, and Policy Regarding Immigration Enforcement Activities within the City of Santa Clara**

February 3, 2026, Item #2

Jövan D. Grogan, City Manager and  
Glen R. Googins, City Attorney

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## Agenda

- Staff Presentation
  - Background
  - Existing State and Regional Laws
  - Draft City Council Statement
  - Recent Immigration Enforcement Policies in Bay Area Cities
  - Draft Resolution for City Council Policy 056
  - Other Items for Potential Future Consideration
  - Recommendation
- City Council Questions on the Presentation
- Public Comment
- City Council Deliberations and Action

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## Background




### Super Bowl LX

Levi's Stadium is hosting  
Super Bowl LX on  
February 8, 2026

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## Background (cont.)


### FIFA Men's World Cup

Levi's Stadium is  
hosting six matches  
between June 13  
through July 1, 2026



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## Background (cont.)






- Since 2023, City and Stadium Authority staff has been working with the Bay Area Host Committee (BAHC), the Forty Niners, and other key stakeholders to plan and implement the necessary services to support the events.
- This includes, but is not limited to, negotiation of funding agreements, participation in public safety trainings, and Super Bowl 58 and 59 Visiting Public Safety Officer and Future Host City Programs.

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## Background - Key Entities

 <b>City of Santa Clara</b> <small>The Center of What's Possible</small>	Local jurisdiction where Levi's® Stadium is located. Lead agency responsible for public safety and permitting for the events.
	Owner of Levi's® Stadium, which will host SBLX and six FWC26 matches.
	BAHC is a non-profit focused on bringing and managing mega-events in the Bay Area. Host City for both SBLX and FWC26.
	Professional football league in the United States, comprised of 32 teams divided between the AFC and NFC. It organizes the annual Super Bowl and collaborates with local teams, cities, and host committees to plan the event.
	Soccer's international governing body that organizes the FIFA World Cup, an international competition between FIFA's national teams.








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## Background – Key Entities (cont.)

  & more	Federal partners working with City, Stadium Authority, and BAHC on public safety and security for the 2026 major events.
 & more	State partners to working with City, Stadium Authority, and BAHC on emergency planning, public safety and other items for the 2026 major events.
  & more	Regional partners working with City, Stadium Authority, and BAHC on public safety, emergency planning, and other items for the 2026 major events.
  & more	Regional public transportation agencies working with City, Stadium Authority, and BAHC to coordinate transportation to and from the 2026 major events.



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## Background (cont.)

- The Super Bowl is consistently classified as a **Special Event Assessment Rating (SEAR) Level 1** event by the Department of Homeland Security (DHS).
 



- This designation requires extensive federal interagency support, including FBI, DHS, and TSA, to secure the stadium and surrounding areas.
 







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## Public Safety Coordination



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Human Trafficking

Public Health | Intel | Multi-Agency Coordination

Criminal Enterprise | EMS/Medical | Interoperability

VSPO | Tactical | Traffic/Parking | Fire Suppression

Cyber Security | Fire – US&R | Civil Disturbances | Logistics | Training

EOD | Haz Mat | **Public Safety Coordination** | Transit | Credentialing


Military Liaisons | PIO | Community Safety Liaisons | Crisis Management/JOC

Aviation | Outside Special Events | Escorts | Fire Prevention

Dignitary | Emergency Management | Finance

Critical Infrastructure

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## Background (cont.)

- Recent federal immigration enforcement activities across the country have created concerns both locally and nationally.
- Fears of immigration enforcements connected to Super Bowl events have been elevated.
- At the January 27, 2026 meeting, all present members of the City Council unanimously approved to agendize an item to be heard at the February 3, 2026 Special Council Meeting.
  - Direction provided to schedule a discussion and potential action on safety protocols, community requests, and policies regarding immigration enforcement activities.

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## Background (cont.)

- Communication from the **community** included proposed actions by the City and other jurisdictions' adopted policies (Attachment 1 in agenda report).
- Since the January 27, 2026 meeting:
  - City staff have met with DHS and other key stakeholders to confirm there are no planned ICE immigration enforcement operations associated with SBLX.
  - City Council held a Closed Session on February 2, 2026 to receive information on safety and security concerns.
  - Annual NFL Public Safety Press Conference held on February 3, 2026 included public confirmation of no planned ICE immigration enforcement operations associated with SBLX.
  - City staff reviewed other jurisdiction's policies, prepared a draft statement, and policy for Council consideration.
  - Activated the City's Emergency Operations Center (EOC) for SBLX week in coordination with regional agencies.

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## Existing Laws in California Regarding Immigration Enforcement

- **SB 54, the "California Values Act"**
  - went into effect January 1, 2018
  - withstood legal challenge
  - generally prohibits law enforcement from engaging in immigration enforcement or cooperating with federal immigration enforcement except in defined circumstances
  - affirms longstanding practices whereby local law enforcement doesn't inquire or provide services based on immigration status
  - implemented in Santa Clara with SCPD Policy 414

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## Existing Laws in California Regarding Immigration Enforcement (cont.)

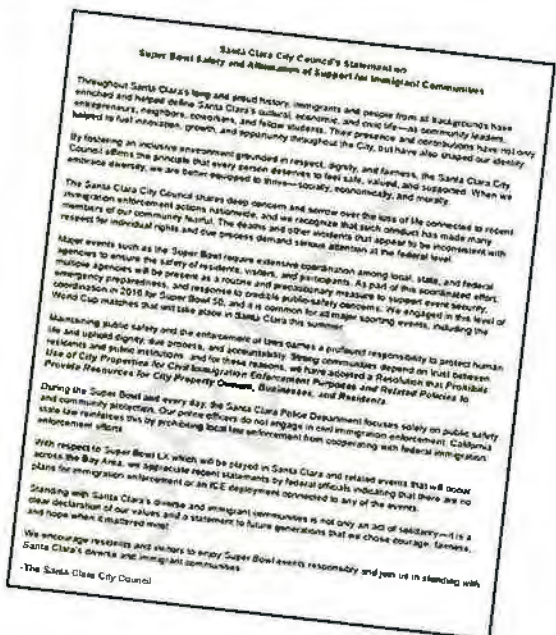
- **AB 450, the "Immigration Worker Protection Act"**
  - went into effect January 1, 2018
  - substantially survived legal challenge
  - generally, prohibits federal immigration enforcement authorities from accessing nonpublic private workplaces without a judicial warrant
- **SB 627, the "No Secret Police Act"**
  - adopted to go into effect January 1, 2026
  - purports to ban law enforcement (including federal) from wearing face coverings with exceptions for medical masks and certain tactical actions
  - currently suspended pending judicial review

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### Draft City Council Statement on Super Bowl Safety and Affirmation of Support for Immigrant Communities


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Santa Clara City Council's Statement on Super Bowl Safety and Affirmation of Support for Immigrant Communities

Throughout Santa Clara's long and proud history, immigrants and people from all backgrounds have enriched and helped define Santa Clara's cultural, economic, and civic life—as community leaders, entrepreneurs, neighbors, coworkers, and future students. Their presence and contributions have not only helped to fuel innovation, growth, and opportunity throughout the City, but have also shaped our identity.

By fostering an inclusive environment grounded in respect, dignity, and fairness, the Santa Clara City Council affirms the principle that every person deserves to feel safe, valued, and supported. When we embrace diversity, we are better equipped to thrive—locally, regionally, and globally.

The Santa Clara City Council shares deep concern and sorrow over the loss of life connected to recent immigration enforcement actions nationwide. And we recognize that such conduct has made many members of our community fearful. The fears and other hardships that appear to be inconsistent with respect for individual rights and our process demand serious attention at the federal level.

Major events such as the Super Bowl require extensive coordination among local, state, and federal agencies to ensure the safety of residents, visitors, and participants. As part of this coordinated effort, multiple agencies will be present as a routine and precautionary measure to support event security, emergency preparedness, and response to possible public-safety concerns. We engaged in this level of coordination in 2016 for Super Bowl 50, and it is common for all major sporting events, including the World Cup matches that will take place in Santa Clara this summer.

Maintaining public safety and the enforcement of laws carries a profound responsibility to protect human life and uphold dignity, due process, and accountability. Strong communities depend on trust between residents and public institutions, and for these reasons, we have adopted a Resolution that Prohibits Use of City Properties for Civil Immigration Enforcement Purposes and Related Policies to Provide Resources for City Property Owners, Businesses, and Residents.

During the Super Bowl and every day, the Santa Clara Police Department focuses solely on public safety and community protection. Our police officers do not engage in civil immigration enforcement. California state law reinforces this by prohibiting local law enforcement from cooperating with federal immigration enforcement efforts.

With respect to Super Bowl LIX, which will be played in Santa Clara and related events that will occur across the Bay Area, we appreciate recent statements by federal officials indicating that there are no plans for immigration enforcement or an ICE deployment connected to any of the events.

Standing with Santa Clara's diverse and immigrant communities is not only an act of solidarity—it is a clear declaration of our values and a statement to future generations that we choose courage, fairness, and hope when challenged most.


We encourage residents and visitors to enjoy Super Bowl events responsibly and join us in standing with the Santa Clara City Council.

The Santa Clara City Council


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**Draft City Council Statement for Consideration**



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Throughout Santa Clara's long and proud history, immigrants and people from all backgrounds have enriched and helped define Santa Clara's cultural, economic, and civic life—as community leaders, entrepreneurs, neighbors, coworkers, and fellow students. Their presence and contributions have not only helped to fuel innovation, growth, and opportunity throughout the City, but have also shaped our identity.

By fostering an inclusive environment grounded in respect, dignity, and fairness, the Santa Clara City Council affirms the principle that every person deserves to feel safe, valued, and supported. When we embrace diversity, we are better equipped to thrive—socially, economically, and morally.


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**Draft City Council Statement for Consideration**



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The Santa Clara City Council shares deep concern and sorrow over the loss of life connected to recent immigration enforcement actions nationwide, and we recognize that such conduct has made many members of our community fearful. The deaths and other incidents that appear to be inconsistent with respect for individual rights and due process demand serious attention at the federal level.

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**Draft City Council Statement for Consideration**



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**Draft City Council Statement for Consideration**



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Maintaining public safety and the enforcement of laws carries a profound responsibility to protect human life and uphold dignity, due process, and accountability. Strong communities depend on trust between residents and public institutions, and for these reasons, we have **[insert tonight's action]**

Options:

- Adopted this Statement
- Adopted this Statement and Resolution that ***Prohibits Use of City Properties for Civil Immigration Enforcement Purposes and Related Policies to Provide Resources for City Property Owners, Businesses, and Residents.***
- Other Potential Actions

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**Draft City Council Statement for Consideration**

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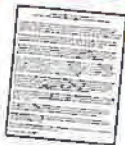
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**Draft City Council Statement for Consideration**

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**Draft City Council Statement for Consideration**



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**We encourage residents and visitors to enjoy Super Bowl events responsibly and join us in standing with Santa Clara's diverse and immigrant communities.**


**-The Santa Clara City Council**

**[End]**

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**Glen R. Googins**  
**City Attorney**



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## Draft City Council Policy 056

- In general, would prohibit use of City facilities, parking lots, garages, and open spaces for civil immigration enforcement purposes.
- Referenced by both advocates and Councilmembers at the January 27, 2026 Council meeting as the kind of policy they/you would like to see.
- Given time constraints, and availability of local models, identified by staff as the type of policy that could be generated.
- Primarily based on City of San Jose's policy, but other policies were reviewed and provisions were tailored as much as possible to Santa Clara.

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## Benchmarking

Local Jurisdiction	Prohibits Use of City Property for Civil Immigration Enforcement	Signage on City Property	Physical Barriers to Limit Access When Possible	Reporting Requirements	Private Signage Support and Educational Materials	Additional Policy Items
City of Oakland	X	X	X	X		X
City of Pinole	X					
City of San Jose	X	X	X	X	X	
Alameda County	X	X	X	X	X	
San Mateo County	X			X		X
Santa Clara County	X	X				X

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## Draft Policy 056 – Key Terms

- **General Prohibition on Use of City Facilities, Parking Lots, Garages, and Open Spaces**  
No City-owned or City-controlled facilities, parking lot, garage, or open space shall be used as a “Staging Area,” “Processing Location,” or “Operations Base” for civil immigration enforcement.

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## Draft Policy 056 – Key Terms (cont.)

- **Implementation and Enforcement**  
City Manager to:
  - Identify City-owned or City-controlled properties.
  - Post clear signage on such properties that indicate the prohibited immigration activities.
  - Where necessary and appropriate, install physical barriers to discourage such activities.
  - Provide procedure for City employees to report any prohibited activities to the City Manager and City Attorney.

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## Draft Policy 056 – Key Terms (cont.)

- **Support for Private Property Owners, Businesses, and Residents**
  - City will provide free electronic copy of a signage template that private landowners and leaseholders could use to delineate non-public areas of the property where they wish to restrict activities related to civil immigration enforcement.
  - City will also make available to the public “know your rights” materials.

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## Draft Policy 056 – Key Terms (cont.)

- **Limitations on Scope**


Policy does not:

  - Apply to City property subject to an existing lease, license, operator agreement, or other contractual restriction (defined as “Existing Contracts”).
  - Limit the execution of lawful judicial warrants or the enforcement of criminal law by any federal, state or local law enforcement agency.
  - Limit the rights of any person or entity under state or federal law, or other lawful activities, including by other federal and state agencies and private entities or individuals.

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## **Draft Policy 056 – Key Terms (cont.)**

- **Special provisions for Existing Stadium Contracts and Future Contracts.**
  - Meet and confer process with the third parties of Existing Contracts for the operation of Stadium Authority-owned Stadium Facilities to develop mutually agreeable mechanisms that, to the extent possible, implement the terms of the Policy at Stadium Facilities.
  - For all other City-owned and controlled properties subject to Existing Contracts, the City Manager shall provide notice of the existence of the Policy and shall request their concurrence with the terms of the Policy.
  - For any future agreements regarding City-owned or controlled property, wherever possible and allowed by law, the City Manager shall direct that the use limitations set forth in the Policy be included.

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## **Other Items for Potential Future Consideration**

- Proposed policy addresses immediate community concerns regarding potential immigration enforcement activities at City properties.
- Many items in the draft Policy's Implementation and Enforcement and Support for Private Property Owners, Businesses and Residents sections will require staffing/material resources and time to complete.
- The Council may decide to direct staff to review additional items for future policy consideration.

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## Recommendation

- Consider staff's presentation and take such action as Council deems appropriate on:
  1. The draft City Council Statement on Super Bowl Safety and Affirmation of Support for Immigrant Communities; and
  2. The draft City Council Policy 056, Prohibiting Use of City Properties for Civil Immigration Enforcement Purposes and Related Policies to Provide Resources for City Property Owners, Businesses, and Residents
- Any other items should be referred to staff for further analysis and/or presentation to the City Council at a future date.

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2/3/2026  
General Business #2

Vice Mayor

Albert Gonzalez

February 3, 2026

To: Jovan Grogan, City Manager, City of Santa Clara

From: Albert Gonzalez, Vice Mayor, City of Santa Clara,

Kelly Cox, Council Member District 6

**Subject: City Council Discussion and Possible Actions Related to Super Bowl Safety,  
Support for Immigrant Communities, and City Policy on Immigration  
Enforcement Activities**

Dear Jovan,

Thank you to you and City staff for responding with urgency to the concerns raised by our community. The fear and anger expressed by residents, particularly members of our immigrant community, were not abstract. They were grounded in real experiences, recent national events, and a deep distrust of federal immigration enforcement practices that have increasingly blurred the line between lawful activity and intimidation.

Santa Clara is hosting events of international significance. With that visibility comes responsibility. Our residents deserve clarity, protection within the limits of the law, and a local government that acts decisively rather than symbolically. We write to affirm our support for advancing a concrete and enforceable City policy that prevents City-owned and City-controlled property from being used to facilitate civil immigration enforcement activities, while also providing practical guidance and resources to residents and businesses.

Specifically, we support the adoption of **City Council Policy 056**, as drafted by staff, which establishes the following core commitments:

**1. Protection of City Property**

The City shall prohibit the use of City-owned or City-controlled facilities, parking lots, garages, and open spaces as staging areas, processing locations, or operational bases for civil immigration enforcement activities.

**2. Implementation and Enforcement Measures**

We support directing the City Manager to implement this policy through clear identification of covered properties, visible signage indicating prohibited uses, physical deterrents where appropriate, and internal reporting procedures for City employees to flag violations for review by the City Manager and City Attorney.



### **3. Support for Private Property Owners, Businesses, and Residents**

While the City cannot regulate private property in the same manner, we strongly support providing standardized signage for voluntary use by property owners and making "Know Your Rights" materials publicly available in alignment with California law and Attorney General guidance. Partnership with local activists groups will ensure this messaging is circulated in the most efficient way possible with the greatest reach and impact.

### **4. Clear Legal Boundaries**

This policy must be explicit that it does not interfere with lawful judicial warrants, criminal law enforcement, or rights and obligations imposed by state or federal law. Clarity here is essential to maintain public trust and avoid misinformation.

### **5. Stadium and Large Event Coordination**

Given the scale and complexity of Stadium Authority operations, we support staff's approach to meet and confer with existing contract partners and community groups to implement this policy to the greatest extent possible, while preserving necessary coordination among law enforcement agencies to ensure public safety. For future agreements, we support including these use limitations wherever legally permissible.

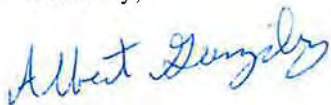
In addition to adopting Policy 056, we request that staff modify the policy to include:

- A clear implementation timeline identifying what can be executed immediately and what will require additional staffing or resources.
- Guidance on employee training related to safe-site protocols and reporting procedures.
- A public-facing summary of lessons learned from Super Bowl operations to inform preparation for the upcoming FIFA World Cup.

This moment requires more than reassurance. It requires visible action that is legally sound, operationally feasible, and responsive to the lived reality of our residents. Policy 056 is not a declaration of intent. It is a framework for real limits, real notice, and real accountability.

We appreciate staff's work under tight timelines and look forward to continued collaboration to ensure Santa Clara remains a city where all residents can live, work, and participate without fear.

Sincerely,




Albert Gonzalez  
Vice Mayor, City of Santa Clara



Kelly Cox  
Council Member, District 6

cc: Glen Googins, City Attorney, City of Santa Clara

<div>California Department of Justice DIVISION OF LAW ENFORCEMENT Stephen Woolery, Chief</div> <div></div>	<div><b>INFORMATION BULLETIN</b></div>	
<div>Subject:</div> <div>Updated Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California TRUTH Act</div>	<div>No.</div> <div>2025-DLE-03</div>	<div>Contact for information:</div> <div>Stephen Woolery, Chief Division of Law Enforcement (916) 210-6300</div>
	<div>Date:</div> <div>01/17/2025</div>	

**TO: EXECUTIVES OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES**

This bulletin updates and supersedes Information Bulletin 2018-DLE-01, issued on March 28, 2018, titled “Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California TRUTH Act.” The Values Act (Senate Bill 54, codified at Gov. Code, §§ 7284, 7284.2, 7284.4, 7284.6, 7284.10, and 7284.12) made significant changes to California’s Transparency and Responsibility Using State Tools (TRUST) Act (Gov. Code, §§ 7282 and 7282.5) and repealed Health and Safety Code section 11369. Together, these provisions define the parameters under which state and local law enforcement agencies may engage in immigration enforcement-related activities.

The Transparent Review of Unjust Transfers and Holds (TRUTH) Act, Government Code sections 7283, 7283.1, 7283.2, effective January 1, 2017, created mandatory notice and procedural protections for individuals in the custody of local law enforcement agencies should federal immigration officers wish to contact them. This bulletin also provides guidance regarding local law enforcement agencies’ obligations under the TRUTH Act, including similar provisions within the Values Act that apply to the California Department of Corrections and Rehabilitation (CDCR).

This bulletin does not provide guidance on the reporting obligations of law enforcement agencies to the California Department of Justice with respect to the activities of joint law enforcement task forces and transfers of individuals to immigration authorities; these reporting requirements are set forth in a separate updated information bulletin entitled “Updated California Values Act’s Statistical Reporting Requirements (25-02-CJIS).”

**SUMMARY**

**I. Amendments to the TRUST Act**

The TRUST Act previously described the circumstances under which a local California law enforcement agency could detain an individual past their scheduled release in response to a hold request from immigration authorities. As amended by SB 54, the TRUST Act no longer addresses detentions in response to hold requests because the Values Act prohibits such detentions. The TRUST Act, as amended by SB 54, now describes the circumstances under which a California law enforcement agency can respond to transfer and notification requests from immigration authorities.

## II. Overview of the Values Act (SB 54)

In enacting the Values Act, the Legislature made clear in its findings that immigrants are valuable and essential members of the California community. The Legislature further determined that “a relationship of trust between California’s immigrant community and state and local agencies is central to the public safety of the people of California.” (Gov. Code, § 7284.2). Thus, the core purpose of the Values Act is to ensure effective policing and to protect the safety, well-being, and constitutional rights of the people of California. (*Ibid.*)

The Values Act does the following:

1. Sets the parameters under which California state and local law enforcement agencies (excluding the CDCR) may engage in “immigration enforcement,” as defined, and requires certain information about joint law enforcement task forces and transfers of individuals to immigration authorities to be reported to the California Department of Justice.
2. Requires the CDCR to provide individuals in its custody with information about their legal rights should federal immigration officers request to make contact with them, similar to the requirements of the TRUTH Act (Gov. Code, § 7283 et seq.), which applies to local law enforcement agencies.
3. Requires the Attorney General’s Office to issue model policies, to be adopted by public schools, state or locally operated health facilities, courthouses and other enumerated state and local facilities, that limit assistance with immigration enforcement to the fullest extent possible consistent with federal and state law. The Attorney General’s Office issued these guidelines in 2018 and issued updated guidance in December 2024 available at <https://oag.ca.gov/publications>.

It should be noted that the Values Act defines many terms, some of which may seem familiar to law enforcement officers, but have special meaning within the context of the Values Act. For example, the Values Act defines “California law enforcement agency” as “a state or local law enforcement agency, including school police or security departments.” (Gov. Code, § 7284.4, subd. (a).) This term, however, does not include the CDCR. (*Ibid.*) Therefore, the provisions of Government Code sections 7284.6 and 7284.8 of the Values Act do not apply to the CDCR.

Further, the Values Act defines “immigration enforcement” as “any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States.” (Gov. Code, § 7284.4, subd. (f).) And, under the Values Act, a “judicial warrant” means “a warrant based upon probable cause for a violation of *federal criminal immigration* law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.” (Gov. Code, § 7284.4, subd. (i), emphasis added.) While this bulletin points out a few of the relevant definitions, individual agencies should review the law to ensure full understanding of all the key terms in the Values Act.



### **III. The Values Act Limits the Discretion of California Law Enforcement Agencies to Participate in Immigration-Related Activities in the Following Ways:**

#### **1. Prohibits use of resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including:**

- a. Inquiring into an individual's immigration status;<sup>1</sup>
- b. Detaining an individual in response to a hold request;<sup>2</sup>
- c. Providing personal information, as defined in Civil Code section 1798.3, including home or work addresses, unless this information is "available to the public." For purposes of this prohibition, "personal information" means "any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual." (Civ. Code, § 1798.3, subd. (a).)

Although not expressly defined in the act, the phrase "available to the public" refers to information where a law enforcement agency has a practice or policy of making such information public, such as disclosing the information on its website. Law enforcement agencies should, in addition to ensuring compliance with the Values Act, take care to ensure that they comply with applicable state or federal privacy laws.

However, there is an important exception to this limitation on providing personal information: federal law (8 U.S.C. §§ 1373, 1644) prohibits restrictions on the exchange of information regarding a person's citizenship or immigration status, and all California law enforcement agencies should comply with these laws.

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<sup>1</sup> This provision does not prohibit inquiries into an individual's immigration status to immigration authorities, or exchanging immigration status information with any other federal, state, or local government entity, pursuant to 8 U.S.C. §§ 1373 and 1644. (See Gov. Code, § 7284.6, subd. (e).)

<sup>2</sup> "Hold request" means a request by any immigration authority that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to an immigration authority. (Gov. Code, §§ 7283, subd. (b); 7284.4, subd. (e).)

"Notification request" means a request by any immigration authority that a local law enforcement agency inform an immigration authority of the release date and time in advance of the public of an individual in its custody. (Gov. Code, §§ 7283, subd. (f); 7284.4, subd. (e).)

"Transfer request" means a request by any immigration authority that a local law enforcement agency facilitate the transfer of an individual in its custody to an immigration authority. (Gov. Code, §§ 7283, subd. (g); 7284.4, subd. (e).)

Hold, notification, and transfer requests include requests issued by U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection as well as any other immigration authorities. (Gov. Code, § 7284.4, subd. (e).) "Immigration authority" means any federal, state, or local officer, employee or person performing immigration enforcement functions. (Gov. Code, § 7284.4, subd. (c).)

- d. Making or participating in arrests based on "civil immigration warrants," which means any warrant for a violation of federal civil immigration law and includes civil immigration warrants entered in the National Crime Information Center database; and
- e. Assisting immigration authorities in immigration enforcement activities at the United States borders, as described in 8 U.S.C. § 1357(a)(3), or performing the functions of an immigration officer whether informally or formally, through an 8 U.S.C. § 1357(g) agreement or any other law, regulation or policy.

**2. California law enforcement agencies cannot honor transfer and notification requests or provide information regarding a person's release date except in certain circumstances:**

California law enforcement agencies are never *required* to respond to transfer or notification requests -- under the Values Act they retain the discretion to decline these requests for any reason. (Gov. Code, § 7282.5, subd. (a).) Thus, law enforcement agencies may honor transfer and notification requests as specified in the Values Act as follows:

**a. Transfer Requests:** Responding to transfer requests is permitted only if:

- i. The transfer is authorized by a judicial warrant, as defined by Government Code section 7284.4, subdivision (i), or a judicial probable cause determination, as defined by Government Code section 7284.4, subdivision (h), regarding a violation of federal criminal immigration law;

or

- ii. Where the transfer would not otherwise violate any federal, state, or local law, or local policy, and the individual in custody meets any one of the conditions set forth in the TRUST Act, Government Code section 7282.5, subdivision (a). These qualifying conditions are:

- 1) The individual has been convicted at any time of a serious or violent felony, as defined in Penal Code section 1192.7, subdivision (c), or Penal Code section 667.5, subdivision (c).
- 2) The individual has been convicted at any time of a felony that is presently punishable by imprisonment in state prison.
- 3) The individual was convicted within the past 15 years of a felony listed in Government Code section 7282.5, subdivision (a)(3), or within the past five years of a wobbler (i.e., a crime punishable as either a felony or a misdemeanor) listed in Government Code section 7282.5, subdivision (a)(3).
- 4) The individual is a current registrant on the California Sex and Arson Registry.

- 5) The individual has been convicted of certain specified federal aggravated felonies identified in section 101(a)(43)(A)-(P) of the federal Immigration and Nationality Act (8 U.S.C. § 1101(a)(43)(A)-(P)).
- 6) The United States Department of Homeland Security's Immigration and Customs Enforcement (ICE) identifies the person as the subject of an outstanding federal felony arrest warrant for any federal crime.

Furthermore, if a law enforcement agency does transfer an individual to immigration authorities, Government Code section 7284.6, subdivision (c)(2) requires the agency to report to the California Department of Justice the number of transfers it makes in a calendar year, as well as the offense that allowed for the transfer. For more information regarding these reporting obligations, please see Information Bulletin 25-01-CJIS (Updated California Values Act's Statistical Reporting Requirements).

- b. **Notification Requests:** Providing information regarding a person's release date or responding to notification requests from immigration authorities by providing an individual's release date or other information is permitted only if:
  - i. The information is available to the public;
  - or
  - ii. The individual is subject to (1) the qualifying conditions in the TRUST Act, Government Code section 7282.5, subdivision (a) described above with respect to transfer requests; or (2) the individual has been arrested and taken before a magistrate judge on the following types of charges, and the magistrate makes a probable cause determination (Pen. Code, § 872) for the charge: (i) a serious or violent felony (Pen. Code, §§ 1192.7, subd. (c) or 667.5, subd. (c)); or (ii) a felony that is punishable by imprisonment in state prison. (Gov. Code, § 7282.5, subd. (b)).

A conviction for a straight misdemeanor, i.e., a crime that is *presently* punishable *only* as a misdemeanor, is not listed in section 7285, subdivision (a), and therefore is not a valid justification for honoring a transfer or notification request. And misdemeanor convictions for crimes affected by Proposition 47 (2014), the "Safe Neighborhoods and Schools Act," including felony convictions that were reduced to misdemeanors or re-designated as misdemeanors by a court as a result of Proposition 47, cannot serve as the basis for transfers or providing release date information to immigration authorities. (Gov. Code, § 7285.5, subd. (a)(6)). The crimes affected by Proposition 47 include, among others, simple drug possession for personal use, shoplifting, forgery, writing bad check, petty theft, and receiving stolen property. However, misdemeanor crimes that were reclassified as felonies under Proposition 36, are subject to the transfer provisions of Gov. Code, § 7285.5, subd. (a)(2).

Before honoring a transfer or notification request on the basis of a qualifying conviction,



California law enforcement agencies should carefully review an individual's Record of Arrests and Prosecutions to determine whether a listed felony conviction was reduced to a misdemeanor, or re-designated as a misdemeanor, by a court under Proposition 47. If so, cooperation with immigration authorities is prohibited, unless there is another valid basis for cooperation (for transfers, a judicial warrant; for notifications, if the information is publicly available).

### **3. Other Restrictions on Immigration Enforcement**

California law enforcement agencies may not (1) allow officers to be supervised by federal agencies or deputized for immigration enforcement purposes; (2) use immigration authorities as interpreters for law enforcement matters relating to individuals in custody; (3) provide office space exclusively for immigration authorities in city or county law enforcement facilities; or (4) enter into a contract, after June 15, 2017, with the federal government to house or detain adult and minor noncitizens in a locked detention facility for purposes of immigration custody; agencies with existing federal contracts cannot renew or modify the contract if doing so would expand the number of contract beds available to detain noncitizens for purposes of civil immigration custody. (Gov. Code, §§ 7284.6, subs. (a)(2), (3), 7310, 7311).

## **IV. If agency policy or local law or policy permit, a California law enforcement agency has discretion, but is not required, to perform the following immigration enforcement activities:**

1. Investigate, enforce, detain persons upon reasonable suspicion of, or arrest, persons for violation of 8 U.S.C. § 1326(a), the federal criminal violation for reentry by a noncitizen after removal, but only if the individual was removed because of an aggravated felony conviction under 8 U.S.C. § 1326(b)(2) and the suspected violation was detected during an unrelated law enforcement activity. This is the one limited circumstance in which the Value Act permits a law enforcement official to exercise their discretion to arrest or assist in the arrest of a person for a *federal immigration law violation*. Transfers of these individuals to immigration authorities are subject to the above restrictions regarding transfers.
2. Provide individual criminal history in response to a request from immigration authorities about a specific person's criminal history, including information obtained from CLETs or similar local databases, as long as it is otherwise permitted by state law.
3. Participate in a joint law enforcement task force, including the sharing of confidential information with task force participants, if all of the following conditions are met:
  - a. The task force's primary purpose is not immigration enforcement;
  - b. Enforcement or investigative duties are primarily related to violations of state or federal law unrelated to immigration enforcement; and
  - c. The local law or policy that the agency is subject to permits such participation.

Nothing in the Values Act prohibits a California law enforcement agency from asserting its own jurisdiction over criminal law enforcement matters, i.e., engaging in an investigation, detention or arrest for criminal activities based upon California state law, even when its activities may indirectly impact or assist a federal agency that is engaged in immigration enforcement as part of a joint task force or otherwise. (Gov. Code, § 7284.6, subd. (f).) This includes circumstances in which an officer is responding to a call for service involving a violation of a state criminal law or during an immigration enforcement action where the safety of the public or a law enforcement officer, including an immigration enforcement officer, is in danger. This narrow public safety exception should not be used to avoid the prohibitions in the Values Act on using state resources to conduct immigration enforcement.

If a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis to a task force, it must report the information set forth in Government Code section 7284.6 subdivision (c)(1) concerning the activities of the task force to the Department of Justice, as explained in Information Bulletin 25-01-CJIS (Updated California Values Act's Statistical Reporting Requirements).<sup>3</sup>

4. Ask for information necessary to certify potential victims of crime or human trafficking with respect to T-visas and U-visas (8 U.S.C. §§ 1101(a)(15)(T) and 1101(a)(15)(U)),<sup>4</sup> or to comply with 18 U.S.C. § 922(d)(5), which prohibits the sale or disposition of firearms or ammunition to a person who law enforcement knows or has reasonable cause to believe is not lawfully present in the United States. California Penal Code sections 679.10 and 679.11 mandate that certifying state and local agencies submit certifications for T- or U-Visa applicants when certain conditions are met. Certifying law enforcement agencies are prohibited from disclosing the immigration status information of a victim or person requesting T- or U-visa certification forms except to comply with federal law or legal process, or if authorized by the victim. For guidance regarding law enforcement agencies' obligations under California Penal Code section 679.10 with respect to U-Visas, see the Update to the Information Bulletin by California Department of Justice Division of Law Enforcement, dated April 3, 2024, available at [2024-DLE-05 Information Bulletin](#).
5. Provide ICE with access to interview an individual in custody, if the agency gives the notices required by the TRUTH Act (Gov. Code, § 7283 et seq.). Local law or policy, or agency policy, may be more restrictive than the Values Act. Agencies should determine whether, even if the Values Act permits assistance in immigration enforcement related activities, the agency's policy or local law or policies prohibit such activities. Further, if a particular activity is prohibited by the agency or the agency's jurisdiction, the agency must comply with the more restrictive conditions of the agency or jurisdiction so long as the local law or policy complies with 8 U.S.C. §§ 1373 and 1644, governing restrictions on the exchange of a person's immigration and citizenship status with government

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<sup>3</sup> An "ongoing basis" means more than one interaction with any federal, state, or local LEA on a task force to discuss task force operations. Accordingly, isolated interactions with a federal law enforcement agency are not subject to these reporting requirements because the California LEA did not dedicate personnel or resources to the task force on more than one occasion.

<sup>4</sup> The Victims of Trafficking and Violence Prevention Act (VTVPA) of 2000 is a federal law that, among other things, provides temporary immigration benefits to individuals without immigration status who are victims of specified qualifying crimes including human trafficking. (VTVPA, Pub. L. No. 106-386, 114 Stat. 1464-1548 (2000).)

officials.

In addition, if officers are working in a school district pursuant to a memorandum of understanding (MOU) between the law enforcement agency and the district and the MOU provides for greater protections or limitations than those mandated under SB 54, the officer must adhere to the requirements of the MOU, even if that MOU conflicts with agency policy with respect to immigration enforcement matters, so long as the MOU complies with 8 U.S.C. §§ 1373 and 1644.

## **V. Additional Law Enforcement Activity Under the Values Act**

1. The Values Act does not prohibit a law enforcement agency from exchanging information regarding a person's immigration status with governmental entities, including immigration authorities, for requests made under 8 U.S.C. § 1373 and 8 U.S.C. § 1644. Under those federal statutes, law enforcement officers must be allowed to:
  - a. Send to, or receive from, federal immigration authorities, information regarding the citizenship or immigration status, whether lawful or unlawful, of any individual;
  - b. Request information from federal immigration authorities regarding any individual's immigration status, whether lawful or unlawful; and
  - c. Maintain or exchange information regarding the immigration status of any individual with other governmental entities
2. The Ninth Circuit has narrowly construed this information-sharing requirement to apply only to a person's legal classification under federal law and not to include information like release dates and addresses. (*United States v. California*, 921 F.3d 865, 891 (9th Cir. 2019). See also *United States v. California*, 314 F. Supp. 3d 1077, 1102 (E.D. Cal. 2018) ("[T]he plain meaning of Section 1373 limits its reach to information strictly pertaining to immigration status (i.e. what one's immigration status is) and does not include information like release dates and addresses."), which was quoted approvingly in *U.S. v. California, supra*, 921 F.3d at 891, and *City & Cy of San Francisco v. Barr*, 965 F.3d 753, 763 (9th Cir. 2020), 2020).

## **VI. The Requirements of the TRUTH Act**

The TRUTH Act, Government Code sections 7283, 7283.1, 7283.2, provides individuals who are in the custody of local law enforcement agencies with information about their procedural and legal rights should ICE wish to contact them. ("Local law enforcement agency" for purposes of the TRUTH Act refers to any agency of a city, county, city and county, special district, or other political subdivision of the state that is authorized to enforce criminal statutes, regulations, or local ordinances; or to operate jails or to maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities; or to monitor compliance with probation or parole conditions" (Gov. Code, §7283, subd. (e).)

Specifically, the statute requires:



1. Before any interview between ICE and an individual in custody of a local law enforcement agency regarding civil immigration violations, the local law enforcement entity shall provide the individual with a written consent form,<sup>5</sup> that explains all of the following:
  - a. The purpose of the interview;
  - b. That the interview is voluntary; and
  - c. That the individual may decline the interview or may choose to be interviewed with only their attorney present. (Gov. Code, § 7283.1, subd. (a).)
2. Upon receiving any ICE hold, notification, or transfer request, the local law enforcement agency shall:
  - a. Provide a copy of the request to the individual; and
  - b. Inform the individual whether the law enforcement agency intends to comply with the request. (Gov. Code, § 7283.1, subd. (b).)
  - c. With respect to ICE hold requests, the Values Act requires that the LEA may not hold an individual past the time that he or she normally would be released. (Gov. Code, § 7284.6, subd. (a)(1)(B).)
3. If a local law enforcement agency chooses to provide ICE with notification that an individual will be released from custody on a certain date, the local law enforcement agency must promptly provide the same notification in writing to the individual and to his or her attorney or other person designated by the individual being held. (Gov. Code, § 7283.1, subd. (b).)
4. All records relating to ICE access provided by local law enforcement agencies, including all communication with ICE, shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Government Code section 7920.000)), including the exemptions provided by that Act. The TRUTH Act explicitly provides that personal identifying information may be redacted prior to public disclosure as provided under the California Public Records Act. When responding to such requests, law enforcement agencies should therefore keep in mind California's privacy laws and all applicable exemptions under the California Public Records Act that protect such personal information from disclosure.<sup>6</sup> (Gov. Code, § 7283.1, subd. (c).)

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<sup>5</sup> The local law enforcement agency is required to make the written consent form available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean, and any additional languages that meet the county threshold as defined in Health and Safety Code section 128552, subdivision (d), if certified translations in those languages are made available to the local law enforcement agency at no cost. In keeping with the spirit of the law to advise individuals of their rights, a local law enforcement agency should not pre-populate or presuppose the responses in the consent form.

<sup>6</sup> Records relating to ICE access as provided in the TRUTH Act include, but are not limited to, data maintained by the local law enforcement agency regarding the number and demographic characteristics of individuals to whom the agency has provided ICE access, the date ICE access was provided, and whether the ICE access was provided through a hold, transfer, or notification request or through other means. (Gov. Code, § 7283.1, subd. (c).)

5. Beginning January 1, 2018, the local governing body of any county, city, or city and county in which a local law enforcement agency has provided ICE access to an individual during the last year is required to hold at least one community forum open to the public during the following year. (Gov. Code, § 7283.1, subd. (d).)

#### **VII. The Values Act Requires State Prisons Provide Similar Information Required by the TRUTH Act**

The Values Act requires CDCR to provide an individual in custody with a written consent form and other notifications before allowing an interview between ICE and the individual regarding civil immigration violations. Specifically, this form must explain the purpose of the interview, that the interview is voluntary, and that the individual may decline to be interviewed or may choose to be interviewed only with their attorney present. The consent form must be available in English, Spanish, Chinese, Tagalog, Vietnamese and Korean. The CDCR must also give a copy of an ICE hold, notification, or transfer request to the individual and inform the person whether the agency or CDCR intends to comply with the request. (Gov. Code, § 7284.10.)

In addition, CDCR cannot restrict access to certain opportunities based solely on an individual's citizenship or immigration status (Gov. Code, § 7284.10, subd. (b)(1)), and cannot consider citizenship or immigration status in determining an individual's custodial classification level. (Gov. Code, § 7284.10, subd. (b)(2).)

#### **VIII. Repeal of Health and Safety Code section 11369**

The Values Act also repeals Health and Safety Code section 11369, which required an arresting law enforcement agency to notify the appropriate federal agency if it believed that a person arrested for certain drug violations may not be a United States citizen.

Honorable City Council Members of Santa Clara

THANK YOU FOR THE OPPORTUNITY TO SPEAK ON THIS MOST IMPORTANT MATTER OF ICE over aggressive tactics in our cities leading to violent and reckless killing of U.S. citizens in Minneapolis. Without resistance this will continue.

My name is Wes Mukoyama, a resident of Santa Clara at the same address for fifty one years. I am also a member of the ~~San Jose~~ Nikkei Resistors, part of Neighbors not Enemies Coalition in Japantown, San Jose.

As a Japanese American born in the U.S. during WWII, I am extremely concerned how ICE is unconstitutionally attacking people of color (who may be citizens) and deporting them without due process, very much like Japanese Americans citizens who were evacuated to isolated landsites in 1942. My wife was born in camp in Rowher Arkansas. ICE is repeating this same procedure to our communities of color only in a more violent cruel way, threatening the lives and public safety wherever ~~They roam~~.

I urge you to strongly stand up and oppose their presence and activities by declaring SANCTUARY for this city, and not be intimidated by ~~the~~ the President's funding. Do not allow our law officers to cooperate with ICE. Officers to apprehend people but do not interfere either, unless public safety is at stake. FIFA World Soccer tournament games may be an event which ICE may cause disastrous conflicts and a threat to public safety.

Please adopt the resolutions of the San Jose City. <sup>Come</sup> Bar ICE from City property, no masks and name tags. Do not give them the permission to do reckless invasions of homes. I urge you to make a strong statement, not a moderate one. I support Council Member, Kevin Park's stance. Do the right thing, make a strong statement in your motion. Thank you.

