



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

Board of Supervisors
HILDA L. SOLIS
First District
MARK RIDLEY-THOMAS
Second District
SHEILA KUEHL
Third District
JANICE HAHN
Fourth District
KATHRYN BARGER
Fifth District

SACHI A. HAMAI
Chief Executive Officer

October 19, 2017

To: All Department Heads

From: Sachi A. Hamai
Chief Executive Officer

SENSITIVE LOCATIONS POLICY

On October 17, 2017, the Board adopted the attached countywide policy entitled "Limiting Access to County Sensitive Locations by Law Enforcement Officers Engaged in Immigration Enforcement or Immigration Investigative Activities" (Policy).

Among other things, the Policy:

- Designates all County properties, except for County jail facilities, as "sensitive locations";
- Prohibits the use of County resources for activities related to immigration enforcement or investigation, except for law enforcement engaged in matters unrelated to civil immigration law;
- Prohibits all immigration enforcement or investigative activities in sensitive locations; and
- Directs County employees to not comply with law enforcement requests to access non-public areas within a sensitive location for purposes of immigration enforcement or investigation, unless the request is accompanied by a warrant signed by a judge.

The Policy, which is **effective immediately**, also sets forth procedures for County employees to follow when confronted at a sensitive location by a law enforcement officer engaged in immigration enforcement or investigation. The procedures differ depending on whether the officer has a warrant or not.

All Department Heads
October 19, 2017
Page 2

Generally, if the officer does not have a warrant and seeks to access a non-public area within a sensitive location, County employees must, among other things, not comply with the request and immediately notify the Office of County Counsel (County Counsel) for guidance. If the officer presents a warrant, County employees must, among other things, review the warrant, provide the officer with a copy of the Policy, and immediately notify County Counsel for guidance.

In all instances, the Policy directs County employees to not attempt to physically prevent an officer's entry into an area within a sensitive location if the officer insists on entering.

County Counsel is in the process of developing Policy-specific training that will be made available to all County Department Heads and/or their designated employees. County Counsel will also ensure that training materials are available electronically to all County employees. It is anticipated that the training and training materials will be available in December 2017. In the interim, County Counsel has developed the attached Frequently Asked Questions about the Policy.

County Counsel also has a team dedicated to dealing with immigration-related issues, and has set up an email account for County employees to use when confronted with such issues, and a telephone hotline number for emergency situations (e.g., federal immigration officer is at the door seeking access) for County employees to call.

The Email Address and Emergency Telephone Number are:

Email Address:	immigration@counsel.lacounty.gov
Emergency Telephone No:	213-787-0696

If you have any questions or need additional information, please contact Liliana Campos with County Counsel at (213) 974-1958 or lcampos@counsel.lacounty.gov. You may also contact Robinetta Mack with the Chief Executive Office, Employee Relations Division, at (213) 974-1715 or rmack@ceo.lacounty.gov.

SAH:JJ:LR:er

Attachments

c: Each Supervisor
Liliana Campos, County Counsel
Robinetta Mack, Chief Executive Office



Los Angeles County
BOARD OF SUPERVISORS POLICY AMNU I

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 Le6n 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:

- o Shall *not* comply with any request for access to a non-Public Area within a Sensitive Location.
- o Shall provide the officer with a copy of this Policy.
- o Are *not* required to answer the officer's questions.
- o Are *not* required to speak with the officer at all.
- o May tell the officer that they choose not to speak with him or her, and then say nothing else.
- o Must immediately notify the Office of County Counsel.
- o If the officer still seeks entry without a warrant, the employee should request the name and badge/10 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:

- o Request and review a copy of the warrant.
- o Provide the officer presenting the warrant with a copy of this Policy.
- o Immediately notify the Office of County Counsel and provide a copy of the warrant.
- o 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.
- o 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:

- o The officer has the same right to occupy a Public Area as any other member of the general public.
- o 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:

- o 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.

- o 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

<p>UNITED STATES DISTRICT COURT</p> <p>In the Matter of the Search of</p> <p>SEARCH WARRANT</p> <p>To: An authorized law enforcement officer</p>	<p>AO 93 (Rev. 11-13) Search and Seizure Warrant</p> <p>UNITED STATES DISTRICT COURT</p> <p>In the</p> <p>In this Search of</p> <p>Case No.</p> <p>SEARCH WARRANT SEIZURE</p>
--	---

Issued by a District Court

ACCEPT

YOU ARE COMMANDED to execute this warrant on or before

United States Magistrate Judge

Date and time issued

Judge's signature

Printed name mzd tit/e

Signed by a Judge

Judge's signature

Printed name mzd tit/e

U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

File No:

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

(Full name of alien)

who entered the United States at (Place of entry)

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

the Board of Immigration Appeals

a United States District or Magistrate Court Judge

it to the following provisions of the immigration and nationality laws:

Signature of immigration officer

Title of immigration officer

Date and office location

ICE Form I-205 (8/07)

!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)

Countywide Sensitive Locations Policy Frequently Asked Questions (FAQs)

Q. What does the Sensitive Locations Policy do?

A. The Sensitive Locations Policy restricts immigration enforcement and investigations at County facilities and property to the greatest extent possible and makes all County facilities and property "sensitive locations." It also prohibits all law enforcement officers, which includes immigration officials, from accessing non-public areas in these locations without a warrant signed by a judge.

Q. What is considered a non-public area within County facilities and properties?

A. Non-public areas are spaces within County facilities/property wherein the general public does not have lawful access. Examples include, office spaces, employee breakrooms, and private parking lots. Compare this with "public spaces" such as hallways open to the general public, lobbies, and public parking lots and sidewalks. Law enforcement officers that wish to access a County non-public space must present a warrant signed by a judge to gain access.

Q. What happens if a law enforcement officer arrives at a non-public area with a warrant?

A. The Sensitive Locations Policy instructs employees to contact his/her highest level manager as well as County Counsel and send a copy of the warrant to County Counsel ASAP. If the law enforcement officer decides to execute the warrant immediately, employees are instructed not to attempt to physically interfere with the law enforcement officer.

Q. What happens if a law enforcement officer seeks entry into a non-public area without a warrant?

A. If the officer seeks entry without a warrant, the Sensitive Locations Policy instructs employees to request identifying information from the officer, including the purpose of the visit, and ask that the officer wait outside the area until the employee can consult with his or her manager and County Counsel.

Q. What if the law enforcement officer refuses to wait?

A. If the officer refuses to wait, the Sensitive Locations Policy instructs employees not to attempt physically to prevent entry, but instead to make his/her objection to the entry clear to the officer.

Q. What if immigration enforcement officers are present in the public areas in "sensitive locations"?¹¹

A. Law enforcement officers, including federal immigration officials, have the same right to access public areas of "sensitive locations" as members of the general public. However, as with any one, they may not disrupt County operations. If an

immigration official's actions are impeding or disrupting County operations, the Sensitive Locations Policy instructs County officials/employees to direct these individuals to stop the activity or leave the premises.

Q. Does the Sensitive Locations Policy apply to Sheriff's jails and lockups?

A. No. The Sensitive Locations Policy expressly exempts the Los Angeles County Sheriff's Department's jails and lockup facilities because Government Code section 26605 gives the Sheriff sole authority over those facilities.

Q. Does the Sensitive Locations Policy apply to courthouses?

A. No. The Sensitive Locations Policy does not apply to courthouses within the County because the State of California has exclusive jurisdiction over them. Federal immigration officers have the same right to access public areas of courthouses as any member of the public. However, judges have exclusive authority within courtrooms to remove any person who disrupts court proceedings and the Chief Justice of California opposes immigration enforcement activity in courthouses.

Q. Does the Sensitive Locations Policy apply to public schools within the County?

A. No. The Sensitive Locations Policy does not apply to public schools located within the County. However, seventy-two percent of the student population in the County attend public schools in districts, including the Los Angeles County Office of Education, that have adopted policies which protect students from immigration enforcement.