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11 nicipal Corporation, HUNTINGTON BEACH CITY COUNCIL, HUN-
12 TINGTON BEACH POLICE DEPARTMENT, and the HUNTINGTON
13 BEACH POLICE CHIEF

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 CITY OF HUNTINGTON
17 BEACH, a California Charter
18 City, HUNTINGTON BEACH
19 CITY COUNCIL, HUNTINGTON
20 BEACH POLICE DEPARTMENT,
21 and the HUNTINGTON BEACH
22 POLICE CHIEF, in his official
capacity as Chief of Police,

23 Plaintiffs,

24 v.

25
26 The STATE OF CALIFORNIA,
27 GAVIN NEWSOM, in his official
28 capacity as Governor of the State
of California; ROBERT BONTA in

CASE NO. 8:25-cv-00026-SSS-PD
**FIRST AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

1. VIOLATION OF THE SUPREMECY
CLAUSE – ARTICLE VI, CLAUSE 2
OF THE U.S. CONSTITUTION
2. VIOLATION OF THE NATURALI-
ZATION CLAUSE – ARTICLE I,
SECTION 8, CLAUSE 4 OF THE U.S.
CONSTITUTION
3. VIOLATION OF U.S. FEDERAL
IMMIGRATION LAWS – 8 U.S.C. §,
1324
4. VIOLATION OF U.S. FEDERAL
IMMIGRATION LAWS – 8 U.S.C. §
1373
5. VIOLATION OF U.S. FEDERAL
IMMIGRATION LAWS – 18 U.S.C. §§

1 his official capacity as Attorney
2 General of the State of California;
3 and
4 DOES 1-50, inclusive,
5
6 Defendants.

- 4, 371, 372, and 1512
- 6. VIOLATION OF CALIFORNIA PENAL CODE §§ 31, 32
- 7. VIOLATION OF CALIFORNIA CONSTITUTION – ARTICLE XX, SECTION 3
- 8. VIOLATION OF 42 U.S.C. § 1983
- 9. NON-STATUTORY CAUSE OF ACTION FOR VIOLATION OF FEDERAL LAW

DEMAND FOR JURY TRIAL

COMPLAINT

10 The CITY OF HUNTINGTON BEACH, a California Charter City,
11 and Municipal Corporation, the HUNTINGTON BEACH CITY COUN-
12 CIL, the HUNTINGTON BEACH POLICE DEPARTMENT, and the
13 HUNTINGTON BEACH POLICE CHIEF, in his official capacity as
14 Chief of Police are all collectively hereinafter referred to together as
15 the “City” or together as “Plaintiffs.”

16 The City brings this lawsuit seeking Declaratory and Injunctive
17 Relief (“Complaint”) against the STATE OF CALIFORNIA, GAVIN
18 NEWSOM, in his official capacity as Governor of the State of Califor-
19 nia; ROBERT BONTA in his official capacity as Attorney General of
20 the State of California; and DOES 1-50, inclusive (together as “De-
21 fendants”), for various violations of law and actual and threatened
22 State enforcement actions against the City in violation of ARTICLE
23 VI, CLAUSE 2 OF THE U.S. CONSTITUTION, ARTICLE I, SECTION
24 8, CLAUSE 4 OF THE U.S. CONSTITUTION, U.S. Federal Immigra-
25 tion Laws under 8 U.S.C. §§ 1324, 1325, & 1373, Federal Criminal
26 Laws under 18 U.S.C. §§ 4, 371, 372, and 1512, and Federal Civil
27 Rights Laws under 42 U.S.C. § 1983, and causing the City further
28 thereby to violate California Penal Code §§ 31, 32, for Aiding and
Abetting and Accessory After the Fact in the Commission of Federal

1 crimes, and violations of City Officials’ Oath of Office pursuant to
2 ARTICLE XX, SECTION 3 OF THE CALIFORNIA CONSTITUTION.

3 By this Complaint, the City seeks a Judicial Declaration invali-
4 dating, and an Injunction Order enjoining, California’s “Sanctuary
5 State Law,” which includes, among other operative provisions, Cali-
6 fornia Government Code §§ 7282, 7282.5, 7283-7283.2, 7284-7284.12,
7 and 7285-7285.3 against the City, its Police Department, and all City
8 Officials and employees. The City avers the following upon personal
9 knowledge, information, and belief, and based upon the investigation
10 of counsel as to all other facts alleged in this Complaint.

11 **INTRODUCTION**

12 As a matter of law, the State’s “Sanctuary State Law” is unconsti-
13 tutional and violates Federal law; as a matter of enforcement policy, it is
14 a clear and present danger to the health, safety and welfare of the City of
15 Huntington Beach. According to the California Department of Justice,
16 violent crime has risen in California by over 15% between 2018 and
17 2023¹, and aggravated assaults, motor vehicle theft, robbery, and arson
18 throughout the State have increased since 2018.

19 The Nation has seen violent crime committed by illegal immigrants
20 including MS-13² and Tren de Aragua gang members including widely
21 reported rapes, murders, assaults, and other crimes.³ In addition, the
22

23 ¹ CALIFORNIA DEP’T OF JUSTICE, CRIME IN CALIFORNIA at 1 (2023),
24 <https://perma.cc/L24D-DHFV>.

25 ² STAFF OF H. COMM. ON THE JUDICIARY AND THE SUBCOMMITTEE ON IMMI-
26 GRATION INTEGRITY, SECURITY, AND ENFORCEMENT, 118TH CONG., THE
27 MURDER OF KAYLA HAMILTON: A CASE FOR IMMIGRATION ENFORCEMENT
AND BORDER SECURITY (May 23, 2023), <https://perma.cc/QSN7-U55L>.

28 ³ KFOX-TV, *Report: Tren De Aragua member arrested for sex trafficking
migrant. At Gateway Hotel* (Oct. 9, 2024), <https://perma.cc/SAF8-LM3N>;

1 reported violent crimes by illegal immigrants includes hostile take-overs
2 by force of apartment buildings and other American establishments seen
3 in Aurora, Colorado⁴ and El Paso, Texas.⁵ According to the U.S.
4 Department of Homeland Security, California leads the nation with the
5 highest illegal immigrant population of any other state – with 2,600,000
6 in 2022.⁶

7 Data shows that the flow of mass illegal immigration *creates* hu-
8 man trafficking, including increasing a market in the United States for
9 human trafficking – with “[t]he number of persons prosecuted for human
10 trafficking more than doubled from 2012 to 2022.”⁷

11 Human trafficking, which also results in sex trafficking, hurts
12 women and children the most⁸ and over 320,000 immigrant children
13 have gone missing in the United States. According to the Federal Gov-
14 ernment, those lost children are now completely unaccounted for and un-
15

16
17 Christina Coulter, *Colorado video shows Tren de Aragua gang beating*
18 *apartment complex worker in extortion bid, company says*, FOX NEWS
(Oct. 16, 2024), <https://perma.cc/HF2N-E3M9>.

19 ⁴ Samantha Jarpe, *ICE: 16 detained in Aurora are suspected Tren de*
20 *Aragua associates*, KDVR (Dec. 18, 2024), <https://perma.cc/W6ZF-FYYP>.

21 ⁵ Kerry Mannix, *Inside a Downtown El Paso hotel that is reportedly hous-*
22 *ing Tren de Aragua gang members*, KVIA.COM (Sep. 10, 2024),
<https://perma.cc/5FR2-VZ23>.

23 ⁶ Baker, B. & Warren, R., *Estimates of the Unauthorized Immigrant Pop-*
24 *ulation Residing in the United States: January 2018 to January 2022* at
25 5, U.S. DEP’T OF HOMELAND SEC. (Apr. 18, 2024), [https://perma.cc/75S4-](https://perma.cc/75S4-Z84K)
[Z84K](https://perma.cc/75S4-Z84K).

26 ⁷ BUREAU OF JUSTICE STATISTICS, HUMAN TRAFFICKING DATA COLLECTION
27 ACTIVITIES, 2024, NCJ 309422 (Oct. 2024), <https://perma.cc/5WJ9-TD8R>.

28 ⁸ Heather Robinson, *How Biden’s border policies will increase sex traf-*
ficking of children to US, NEW YORK POST (Apr. 17, 2021),
<https://perma.cc/7TLP-MH5Q>.

1 able to be protected.⁹ Lest it be forgotten, entering the United States il-
2 legally in the first place is a Federal crime. 8 U.S.C. §§ 1325 and 1326.

3 Protecting the City’s 200,000 residents from crime and lawlessness
4 is of the greatest import to, and of the highest order for, Huntington
5 Beach’s City leaders and its Police Department. Huntington Beach is the
6 23rd largest of 482 cities in the State of California.

7 The State’s relatively new “Sanctuary State Law” directly conflicts
8 with U.S. Federal immigration, criminal, and civil rights laws, including
9 but not limited to 8 U.S.C. §§ 1324, 1373, and 1644; 18 U.S.C. §§ 4, 371,
10 372, and 1512; and 42 U.S.C. § 1983.

11 California’s Sanctuary State Law not only limits the ability of City
12 officials, including Huntington Beach Police personnel, to engage fully in
13 effective law enforcement practices, but it directs City officials, including
14 Huntington Beach Police personnel, *to violate U.S. Federal law*, includ-
15 ing and among others, 8 U.S.C. §§ 1324, 1373, and 1644, and 18 U.S.C.
16 §§ 4, 371, 372, and 1512. In fact, the conflict of laws created by the State
17 presents an untenable “Catch-22” for the City of Huntington Beach, e.g.,
18 comply with the State’s new Sanctuary State Law and violate U.S. Fed-
19 eral immigration laws, or comply with the Federal immigration laws,
20 and violate the Sanctuary State Law. This conflict must be reconciled by
21 this Court.

22 At the passage of California’s Sanctuary State Law in 2017, NPR
23 reported that the law “bans state and local agencies... from enforcing
24 ‘holds’ on people in custody. It blocks the deputization of police as immi-
25 gration agents and bars state and local law enforcement agencies from

27 ⁹ Jennie Tauer, *Biden-Harris admin loses track of 320,000 migrant chil-*
28 *dren – with untold numbers at risk of sex trafficking and forced labor*,
NEW YORK POST (Aug. 21, 2024), <https://perma.cc/UES9-S289>.

1 inquiring into an individual’s immigration status.... It also prohibits
2 new or expanded contracts with Federal agencies to use California law
3 enforcement facilities as detention centers, although it does not force the
4 termination of existing contracts. . . .”¹⁰ Politico reported that this new
5 law limits “local law enforcement officials’ ability to cooperate with fed-
6 eral immigration authorities. . . .”¹¹

7 Huntington Beach is a City in the County of Orange. As will be
8 presented in greater detail, *infra*, Sheriff Don Barnes reported that the
9 Orange County Sheriff’s Department (hereinafter “OCSD”) is prohibited
10 by State law from notifying U.S. Immigration and Customs Enforcement
11 (ICE) of the release of inmates with ICE detainers. In 2018, 1,106 in-
12 mates in Orange County who had ICE detainers but did not meet eligi-
13 bility for notifying ICE were released into the community. Out of those
14 1,106 inmates, 173 were rearrested “in Orange County for committing 58
15 different types of crimes, including attempted murder, assault and bat-
16 tery, child molestation, and robbery.” In 2023, 547 inmates with ICE de-
17 tainers were released from Orange County Jail. About 81 of those in-
18 mates eligible for notification and transfer to ICE’s custody were not
19 transferred but were released into the community. A total of 40 individ-
20 uals were rearrested for committing new crimes in Orange County. Being
21 prevented from coordinating with Federal agencies by the Sanctuary
22 State Law prevents effective law enforcement, puts the community at
23 risk, and as the data shows, leads to more crimes.

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25

26 ¹⁰ Ben Adler, *California Governor Signs ‘Sanctuary State’ Bill*, NPR (Oct.
27 5, 2017), <https://perma.cc/5YEE-2XF6>.

28 ¹¹ David Siders, *Brown signs ‘sanctuary state’ bill in California*, POLITICO
(Oct. 5, 2017), <https://perma.cc/4LXS-4FP5>.

1 In addition to commanding the City to violate U.S. Federal immi-
2 gration laws, the State’s Sanctuary State Law forces City officials, in-
3 cluding Huntington Beach Police personnel, to violate California Penal
4 Code §§ 31 and 32 for “aiding and abetting” and “accessory after the fact”
5 in harboring, concealing, or protecting the perpetrator who committed a
6 Federal crime. Moreover, the Sanctuary State Law forces City officials,
7 including Huntington Beach Police personnel, to harbor, conceal, or
8 “shield from detection” known unauthorized aliens in their custody. The
9 Sanctuary State Law commands City officials, including Huntington
10 Beach Police personnel, to turn a blind eye to the smuggling of aliens,
11 many of whom end up becoming victims of human trafficking.

12 The State cannot force the City to violate U.S. Federal immigration
13 laws that both the Ninth Circuit Court of Appeals and the United States
14 Supreme Court have held preempt related State laws under the Su-
15 premacy Clause.

16 To put a fine point, as a Charter City, Huntington Beach’s Police
17 Department does not belong to the State. Rather, the Huntington Beach
18 Police Department belongs to the City – and as such, the Police Depart-
19 ment should be free from State interference and control. The City and its
20 Police Department should be, therefore, entirely at liberty to employ *eve-*
21 *ry* lawful means to combat crime and promote public safety for the City’s
22 200,000 residents.

23 While the Federal Government cannot *commandeer* State and/or
24 local resources to effectuate its operations or achieve its goals, *local*
25 *agencies, like Huntington Beach, should be at liberty to voluntarily co-*
26 *operate with the Federal Government in its operations* in order to combat
27
28

1 local crime and promote local public safety.¹² As it is now, California’s
2 Sanctuary State Law prevents such voluntary cooperation thereby pre-
3 venting the City from employing every lawful means available to combat
4 crime in Huntington Beach and forces City officials to violate U.S. Fed-
5 eral immigration laws. That the State can stand as a barrier between the
6 City and the Federal Government not only shocks the conscience, but it
7 is also unconstitutional.

8 The Supremacy Clause of the U.S. Constitution demands that the
9 California Sanctuary State Law yield to the Federal Government and not
10 act as a barrier to the enforcement of U.S. Federal immigration laws. By
11 enacting its Sanctuary State Law, the State of California exceeded its
12 authority and is unconstitutionally interfering with U.S. Federal law and
13 the City’s Charter Home Rule authority.

14 With no other remedy available at law, the City seeks a Judicial
15 Declaration invalidating, and an Injunction Order enjoining, the
16 State’s enforcement of operative portions of California’s “Sanctuary
17 State Law,” which includes, among others, California Government
18 Code §§ 7282, 7282.5, 7283-7283.2, 7284-7284.12, and 7285-7285.3,
19 against the City Plaintiffs and the City’s officials and employees.

20 **PARTIES**

21 1. Plaintiff CITY OF HUNTINGTON BEACH is, and at all rele-
22 vant times was, a Municipal Corporation and Charter City¹³ organized
23 by the people of the City and existing under a freeholder’s charter and
24 _____

25 ¹² See *Cal. ex. Rel. Becerra v. Sessions*, 284 F. Supp.3d 1015, 1035 (N.D.
26 Cal. 2018) (“No cited authority holds that the scope of state sovereignty
27 includes the power to forbid state or local employees from voluntarily
complying with a federal program.”).

28 ¹³ CITY OF HUNTINGTON BEACH, CAL., TITLE CHA CHARTER, PREAMBLE
(Oct. 15, 2024), <https://perma.cc/XX97-BXPA>.

1 exercising “Home Rule” powers over its Municipal Affairs, including
2 without limitation local law enforcement as authorized by Article XI,
3 Section 5 of the California Constitution.

4 2. Plaintiff HUNTINGTON BEACH CITY COUNCIL (“City
5 Council” or “Council Members”) is, and at all relevant times was, the
6 elected body of seven members, elected by the People of the City pursu-
7 ant to the Charter of the City of Huntington Beach. *See* Section 300, City
8 Charter¹⁴.

9 3. Plaintiff HUNTINGTON BEACH POLICE DEPARTMENT
10 (“HBPD”) is, and at all relevant times was, the official local municipal
11 law enforcement department of the City of Huntington Beach, organized
12 as a Charter City pursuant to, and authorized as provided in Article XI,
13 including §§ 3 and 5, of the California Constitution.

14 4. Plaintiff HUNTINGTON BEACH POLICE CHIEF (“HBPD
15 Chief”) is the Chief of the Huntington Beach Police Department. He was
16 duly appointed by the City Council.

17 5. Defendant STATE OF CALIFORNIA is the State of Califor-
18 nia.

19 6. Defendant GAVIN NEWSOM (“Governor”) is and at all rele-
20 vant times was the Governor of the State of California. He is being sued
21 in his official capacity.

22 7. Defendant ROBERT BONTA (“Attorney General”) is and at
23 all relevant times was the Attorney General of the State of California. He
24 is being sued in his official capacity.

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28 ¹⁴ *Id.* at CHARTER ART. III § 300 (Oct. 15, 2024), <https://perma.cc/VQK6-J5QL>.

1 **POTENTIAL PARTIES**

2 8. The City is ignorant of the true names and capacities of those
3 Defendants sued herein as DOES 1 through 50, inclusive, and therefore
4 sue those Defendants by such fictitious names. The City will amend this
5 Complaint to allege the true names and capacities of these fictitiously
6 named Defendants when the same have been ascertained.

7 9. There are several individuals and/or entities whose true
8 names and capacities are currently not known to the City. Evidence may
9 come forth that others are legally responsible and liable to the City to the
10 extent of the liability of the named Defendants. The City will seek leave
11 of the Court to amend this Complaint to reflect the names and capacities
12 should they become known. The City reserves the right to amend this
13 claim pursuant to Fed. R. Civ. P. 15(a) and Fed. R. Civ. P. 21 with leave
14 of the Court to add potential additional defendants and additional alle-
15 gations and claims.

16 **JURISDICTION AND VENUE**

17 10. This case presents Federal questions arising under the Con-
18 stitution of the United States and seeks relief for the deprivation of Fed-
19 eral rights under color of state law. This Court accordingly has subject-
20 matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1343.

21 11. This Court has authority to award Plaintiffs declaratory relief
22 pursuant to 28 U.S.C. § 2201, and injunctive relief under 28 U.S.C. §§
23 1343 and 2202, Rule 65 of the Federal Rules of Civil Procedure, and un-
24 der *Ex parte Young*, 209 U.S. 123 (1908).

25 12. Venue is proper in this District under 28 U.S.C. § 1391(b) be-
26 cause a substantial part of the events or omissions giving rise to Plain-
27 tiffs' claims occurred in this District.

28

1 **ALLEGATIONS**

2 **A. Charter City Authority**

3 13. The City of Huntington Beach is a Municipal Corporation
4 formed by the people of the City of Huntington Beach as a “Charter City”
5 pursuant to California Constitution Article XI §§ 3 and 5.

6 14. To compare, “general law” cities are “political subdivisions” of
7 the State and the law generally holds that such cities must follow the
8 dictates of the State to execute functions of the State. Accordingly, “polit-
9 ical subdivision” is defined to mean “a geographic area of representation .
10 . . including, but not limited to, a city, a school district, a community col-
11 lege district, or other district organized pursuant to state law.” Cal.
12 Elect. Code § 14051(a).

13 15. ***Charter Cities*** on the other hand, being formed by the peo-
14 ple of their city under the California Constitution (and *not* State law),
15 are *not political subdivisions of the State*. To that end, both the Califor-
16 nia Constitution and case law hold that Charter Cities possess independ-
17 ent authority over Municipal Affairs – so “independent” as to be free
18 from State Legislative interference and control. *See* Cal. Const. art. XI, §
19 5(a) (which expressly states, “***City charters adopted pursuant to this***
20 ***Constitution shall supersede any existing charter, and with re-***
21 ***spect to municipal affairs shall supersede all laws inconsistent***
22 ***therewith.***” (emphasis added)).

23 16. As the Court of Appeal recently stated, Charter Cities, like
24 Huntington Beach, “are distinct individual entities, and are not connect-
25 ed political subdivisions of the state.” *Haytasingh v. City of San Diego*, 66
26 Cal.App.5th 429, 459 (2021). The Court of Appeal explained that “[i]t is
27 the free consent of the persons composing them that brings into existence
28 municipal corporations, and they are used for the promotion of their own

1 local and private advantage and convenience... *Cities, therefore, are dis-*
2 *tinct individual entities, and are not connected political subdivisions of*
3 *the state. As a matter of fact, municipalities, and particularly*
4 *charter cities, are in a sense independent political organizations*
5 *and do not pretend to exercise any functions of the state. They ex-*
6 *ist in the main for the purposes of local government.”* *Id.*, (empha-
7 sis added) (quoting *Otis v. City of Los Angeles*, 52 Cal.App.2d 605, 611-12
8 (1942)).

9 17. In 2020, the State Court of Appeal recognized that Charter
10 Cities, far from being creatures of the State, enjoy constitutionally rec-
11 ognized autonomy (Cal. Const. art. XI) and municipal authority over cer-
12 tain areas of governance that is “supreme and beyond the reach of legis-
13 lative enactment.” *City of Redondo Beach v. Padilla*, 46 Cal.App.5th. 902,
14 910 (2020) (relying on Cal. Const. art. XI).

15 18. After the California Constitution of 1879 was adopted, the
16 Supreme Court of California declared it was “manifestly the intent” of
17 the drafters “to emancipate municipal governments from the authority
18 and control formerly exercised over them by the Legislature.” *Johnson v.*
19 *Bradley*, 4 Cal.4th 389, 395 (1992) (quoting *People v. Hoge*, 55 Cal. 612,
20 618 (1880)).

21 19. Article XI, section 5 of the California Constitution provides in
22 full:

23 (a) It shall be competent in any city charter to provide
24 that the city governed thereunder may make and en-
25 force all ordinances and regulations in respect to munic-
26 ipal affairs, subject only to restrictions and limitations
27 provided in their several charters and in respect to other
28 matters they shall be subject to general laws. City char-
ters adopted pursuant to this Constitution shall super-

1 sede any existing charter, and with respect to municipal
2 affairs shall supersede all laws inconsistent therewith.

3 (b) It shall be competent in all city charters to provide,
4 in addition to those provisions allowable by this Consti-
5 tution, and by the laws of the State for: (1) **the consti-**
6 **tution, regulation, and government of the city po-**
7 **lice force** (2) subgovernment in all or part of a city (3)
8 conduct of city elections and (4) plenary authority is
9 hereby granted, subject only to the restrictions of this
10 article, to provide therein or by amendment thereto, the
11 manner in which, the method by which, the times at
12 which, and the terms for which the several municipal of-
13 ficers and employees whose compensation is paid by the
14 city shall be elected or appointed, and for their removal,
15 and for their compensation, and for the number of depu-
16 ties, clerks and other employees that each shall have,
17 and for the compensation, method of appointment, qual-
18 ifications, tenure of office and removal of such deputies,
19 clerks and other employees.

20 Cal. Const. art. XI, § 5 (emphasis added).

21 20. The California Supreme Court has explained that § 5(a) of Ar-
22 ticle XI of the California Constitution provides that a Charter City shall
23 not be governed by State law in respect to “Municipal Affairs.” Rather,
24 “so far as ‘Municipal Affairs’ are concerned,” Charter Cities’ laws are
25 “supreme and beyond the reach of [State] legislative enactment.” *Calif-*
26 *ornia Fed. Savings & Loan Assn. v. City of Los Angeles* 35 Cal.3d 1, 12
27 (1991).

28 21. One of the “core” categories of Municipal Affairs that is specif-
29 ically described in Article XI, § 5(b) is “the constitution, regulation and
30 government of the city police force.” Cal. Const. art. XI, § 5(b)(1).

31 22. The “Home Rule” provision of the California Constitution au-
32 thorizes a Charter City to exercise plenary authority over Municipal Af-

1 fairs, free from any constraint imposed by the general law and subject
2 only to constitutional limitations. *See* Cal. Const. art. XI, § 5(a); *Ex Parte*
3 *Braun*, 141 Cal. 204, 209 (1903); *Bishop v. City of San Jose*, 1 Cal. 3d 56,
4 61 (1969); *Comm. of Seven Thousand v. Super. Ct. (City of Irvine)*, 45
5 Cal.3d 491 (1988).

6 23. As a Charter City, the City of Huntington Beach has supreme
7 authority over its city police force. Cal. Const. art. XI, § 5(b).

8 24. As a Charter City particularly, the City’s Police Department
9 does not belong to the State, rather, it belongs to the City – and as such,
10 is free from State interference and control. The City’s Police Department
11 engages in local arrests and investigations as Municipal Affairs.

12 25. The independence and Home Rule authority the California
13 Constitution provides to Huntington Beach means that the City and its
14 Police Department are, among many other things, at liberty to conduct
15 effective law enforcement practices, including fighting violent crime by
16 all means available, and “free” to comply with Federal laws in addition to
17 its local laws; “free” from State interference.

18 26. The City of Huntington Beach has a duty to protect the
19 health, safety, and welfare of its residents. Part of that duty is to ensure
20 that police officers have the ability to investigate crimes before they oc-
21 cur, and arrest and detain individuals who committed those crimes, in-
22 cluding incidents involving unauthorized aliens. Part of that duty neces-
23 sarily involves coordinating with other agencies, whether County, State,
24 or Federal for full enforcement of the laws.

25 27. Article XX, § 3 of the California Constitution provides the
26 Oath of Office that certain City officials, including elected officials and
27 police officers, are required to take in order to be fully vested with au-
28 thority for the office they are to assume. Cal. Const. art. XX, § 3.

1 28. The Constitutionally required Oath of Office states “I,,
2 do solemnly swear (or affirm) that I will support and defend the Consti-
3 tution of the United States and the Constitution of the State of Califor-
4 nia against all enemies, foreign and domestic; that I will bear true faith
5 and allegiance to the Constitution of the United States and the Constitu-
6 tion of the State of California; that I take this obligation freely, without
7 any mental reservation or purpose of evasion; and that I will well and
8 faithfully discharge the duties upon which I am about to enter.”

9 29. The Sanctuary State Law forces the City’s officials, including
10 Huntington Beach Police personnel, to violate U.S. Federal law, in viola-
11 tion of the California Constitution’s Oath of Office.

12 **B. The Sanctuary State Law**

13 30. In 2017, the State of California enacted the “Sanctuary State
14 Law,” presented then as the “California Values Act of 2017.” The Legis-
15 lative Bill at the time was commonly known as “Senate Bill 54” or “Calif-
16 ornia’s Sanctuary State Law” (hereinafter “Sanctuary State Law”).

17 31. The Sanctuary State Law is unconstitutional. *See* U.S. Const.
18 art. VI, cl. 2; U.S. Const. art. I, § 8, cl. 4; 8 U.S.C. §§ 1324, 1325, 1373; 18
19 U.S.C. §§ 4, 371, 372, and 1512; *see also*, Cal. Const. art. XI, § 5; Cal.
20 Const. art. XX, § 3.

21 32. The Sanctuary State Law violates the City’s right to fully con-
22 trol its own Police Department and fully and effectively engage in law
23 enforcement. Moreover, neither the State, nor its laws, may prevent the
24 City of Huntington Beach from honoring, following, and/or complying
25 with State and all Federal laws, including Federal laws on immigration,
26 which is the supreme law of the land on immigration.

27 33. The Sanctuary State Law violates the City’s right to fully con-
28 trol its own Police Department and fully and effectively engage in law

1 enforcement. Specifically, California Government Code §§ 7282.5, 7284.4,
2 7284.6, 7285.1, and 7285.2 prohibit local law enforcement officers from
3 cooperating with the Federal Government in criminal immigration inves-
4 tigation.

5 34. The Sanctuary State Law bars local jurisdictions from com-
6 plying with 8 U.S.C. § 1324 or participating in a joint task force that may
7 involve immigration enforcement. *See* Cal. Gov. Code §§ 7282.5, 7282.4
8 7284.6, 7285.1, 7285.2.

9 35. California Government Code §§ 7282.4 and 7282.5 restrict co-
10 operation between local law enforcement agencies and the Federal Gov-
11 ernment, which is a violation of 8 U.S.C. §§ 1373 and 1644, which ex-
12 pressly preempt State and local laws and confer on local government offi-
13 cials the absolute right to communicate with DHS about “the citizenship
14 or immigration status, lawful or unlawful, of any individual.”

15 36. The Sanctuary State Law allows for smugglers to transport
16 individuals into the United States in violation of 8 U.S.C. § 1324 for fi-
17 nancial gain.

18 37. The Sanctuary State Law places aliens at risk of harm, in-
19 cluding by being trafficked because California Law Enforcement Agen-
20 cies cannot engage in the enforcement of 8 U.S.C. § 1324.

21 38. The Sanctuary State Law prohibits local law enforcement
22 agencies from asking employers about a person’s immigration status un-
23 der 8 U.S.C. § 1324(a)(3). *See* Cal. Gov. Code § 7284.6(a)(1)(A).

24 39. In recent years, Defendant Governor Gavin Newsom has tak-
25 en a series of substantial steps to incentivize the inflow of illegal immi-
26 gration into California, and to protect and harbor illegal immigrants, in-
27
28

1 cluding by implementing policies and laws to hire illegal immigrants in
2 jobs in State government.¹⁵

3 40. Defendant Governor Gavin Newsom also has a new program
4 to give illegal immigrants taxpayer funded downpayments of \$150,000 to
5 buy homes.¹⁶ Defendant Newsom is doing more than simply turning a
6 blind eye, he is aggressively pursuing policies with taxpayer funds to in-
7 centivize illegal immigrants to relocate to his Sanctuary State.

8 41. In 2024, Defendant Governor Gavin Newsom launched a pro-
9 gram for California to spend \$2.3 million of taxpayer money to support
10 relocating and settling illegal immigrants to rural areas of the State.¹⁷
11 Defendant Newsom is aggressively pursuing policies to commit taxpayer
12 funds to protecting illegal immigrants.

13 42. In August of 2024, Defendant Governor Gavin Newsom
14 launched another program to offer illegal immigrants home mortgage aid
15 to buy homes.¹⁸ Defendant Newsom is doing more than simply sitting on
16 the sidelines, he is aggressively pursuing policies with taxpayer funds to
17 incentivize illegal immigrants to relocate to his Sanctuary State.

20 ¹⁵ REFORM CALIFORNIA, *California to Give Illegal Immigrants Jobs in*
21 *State Government*, (June 3, 2024) <https://perma.cc/MDB9-DVCL>.

22 ¹⁶ Lee Ohanian, *California's One-Party State and Housing Subsidies for*
23 *Undocumented Migrants*, HOOVER INSTITUTION (Sept. 4, 2024),
24 <https://perma.cc/7EAX-V93A>.

25 ¹⁷ Willie Rudman, *Supporting California's Rural Communities: \$2.3 Mil-*
26 *lion in Grants to Further Expand Immigrant Integration in Rural Re-*
27 *gions*, CALIFORNIA BUSINESS AND ECONOMIC DEVELOPMENT (June 28,
28 2024), <https://perma.cc/N2ET-8GPB>.

¹⁸ Karen Garcia, *California lawmakers approve bill to extend home mort-*
gage aid to undocumented immigrants, LOS ANGELES TIMES (Aug. 29,
2024), <https://perma.cc/Y5MB-8P4M>.

1 43. Most recently, Defendant Governor Gavin Newsom estab-
2 lished a \$25 million taxpayer-funded legal defense fund for illegal immi-
3 grants to fight the Federal government’s announced crackdown on illegal
4 immigration, which seeks to combat the violent crimes committed
5 against U.S. citizens.¹⁹ Governor Newsom also established a fund of \$25
6 million of taxpayer money to fight the Trump Administration’s efforts to
7 enforce Federal immigration law.²⁰

8 44. In response to the November 5th election of Donald J. Trump
9 as President of the United States, and with his nomination of Tom
10 Homan as “Border Czar,” Defendant Governor Gavin Newsom convened
11 the State Legislature in a Special Session to develop an “Immigrant
12 Support Plan” designed to counter “Trump deportations.”²¹

13 45. It was widely reported that “Gavin Newsom’s administration
14 is drafting a potential plan to help undocumented immigrants who may
15 be threatened by . . . President Donald Trump’s mass deportation
16 threats.” *Id.*

17 46. According to Politico, a draft of Defendant Gavin Newsom’s
18 plan entitled “Immigrant Support Network Concept” proposes the “crea-
19 tion of an Immigrant Support Network comprised of regional ‘hubs’ to
20 connect at-risk individuals, their families, and communities with com-
21

22 ¹⁹ Ryan Mills, *California Governor Newsom Requests \$25 Million from*
23 *Legislature for Anti-Trump Litigation Fund*, NATIONAL REVIEW (Dec. 3,
24 2024), <https://perma.cc/A76Q-REJV>; Taryn Luna, *Newsom approves mil-*
25 *lions for immigrant aid and lawsuits against Trump*, LA TIMES (Feb. 3,
26 2025), <https://perma.cc/8JQS-GHHE>.

²⁰ *Id.*

27 ²¹ Lindsey Holden, *Newsom’s team mulls immigrant support plan to*
28 *counter Trump deportations*, POLITICO (Dec. 24, 2024),
<https://perma.cc/8NJW-S2FE>.

1 munity systems — such as legal services, schools, labor unions, **local**
2 **governments**, etc.” *Id.* (emphasis added). Clearly, Defendant Gavin
3 Newsom plans to further commandeer local governments to act in viola-
4 tion of U.S. Federal immigration laws in the near future.

5 47. In addition, on December 17, 2024, Defendant Attorney Gen-
6 eral Robert Bonta issued a Press Release advising illegal immigrants of
7 the ways in which his office, and the State, were going to assist in shield-
8 ing illegal immigrants from “threats of mass detention, arrests, and de-
9 portation”²² and thus from detection and detention by the Federal Gov-
10 ernment. In that Press Release, Robert Bonta directly advised that “[y]ou
11 have the right to apply for and secure housing without sharing your im-
12 migration status,” and “[y]ou have the right to an attorney.”

13 48. In that same Press Release, Defendant Robert Bonta stated,
14 “State and local law enforcement cannot ask for your immigration sta-
15 tus” and “State and local law enforcement cannot share your personal in-
16 formation” and “State and local law enforcement cannot assist ICE with
17 immigration enforcement.” Not only do the promises in the statement
18 constitute violations of U.S. Federal immigration law, but his statement
19 also reveals a systematic program by the State to shield illegal immi-
20 grants in response to “the President-elect making clear his intent to
21 move forward an inhumane and destructive immigration agenda once he
22 takes office.” Defendant Robert Bonta’s statements make clear that his
23 systematic program to protect illegal immigrants conflicts with the U.S.
24 Federal immigration laws and Federal Government operations.

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27 ²² CALIFORNIA ATTORNEY GENERAL’S OFFICE, Press Release, *Attorney Gen-*
28 *eral Bonta Reminds California Immigrants of Their Rights and Protec-*
tions Under the Law (Dec. 17, 2024), <https://perma.cc/74PF-N6WR>.

1 **C. Federal Authorities**

2 **1. U.S. Immigration Laws**

3 49. “The federal power to determine immigration policy is well
4 settled.” *Arizona v. United States*, 567 U.S. 387, 395 (2012).

5 50. Article I, Section 8, Clause 4 of the U.S. Constitution provides
6 Congress with the “power... To establish an uniform Rule of Naturaliza-
7 tion... throughout the United States.” U.S. Const. art. I, § 8, cl. 4.

8 51. In addition to conferring on Congress the power to determine
9 when foreign nationals may obtain U.S. citizenship, the Naturalization
10 Clause is sometimes viewed as contributing to Congress’s power over
11 immigration, including its power to set rules for when aliens may enter
12 or remain in the United States.

13 52. In *Arizona*, the Supreme Court confirmed that the Federal
14 Government’s “broad, undoubted power” over immigration was partially
15 based “on the national government’s constitutional power to ‘establish an
16 uniform Rule of Naturalization,’ and its inherent power as sovereign to
17 control and conduct relations with foreign nations.” 567 U.S. at 394–95
18 (quoting U.S. Const. art. I, § 8, cl. 4).

19 53. In *Harisiades v. Shaughnessy*, 342 U.S. 580 (1952), the Su-
20 preme Court observed that “[t]he power of Congress to exclude, admit, or
21 deport aliens flows from sovereignty itself and from the power “To estab-
22 lish an uniform Rule of Naturalization.” *Id.* at 599 (quoting U.S. Const.
23 art. I, § 8, cl. 4); *see also INS v. Chadha*, 462 U.S. 919, 940 (1983) (“The
24 plenary authority of Congress over aliens under Art. I, § 8, cl. 4 is not
25 open to question”); *Toll v. Moreno*, 458 U.S. 1, 10 (1982) (“Federal au-
26 thority to regulate the status of aliens derives from various sources, in-
27 cluding the Federal Government’s power ‘[to] establish [a] uniform Rule
28 of Naturalization’...”) (quoting U.S. Const. art. I, § 8, cl. 4); *Mathews v.*

1 *Diaz*, 426 U.S. 67, 79–80 (1976) (“In the exercise of its broad power over
2 naturalization and immigration, Congress regularly makes rules that
3 would be unacceptable if applied to citizens.”).

4 54. Apart from the Naturalization Clause, the Supreme Court
5 has cited Congress’s foreign commerce power as a basis for its immigra-
6 tion power. *See Toll*, 458 U.S. at 10 (observing that Congress’s immigra-
7 tion power also derives from “its power ‘[t]o regulate Commerce with for-
8 eign Nations,’ and its broad authority over foreign affairs”) (citing U.S.
9 Const. art. I, § 8, cl. 3); *United States ex rel. Turner v. Williams*, 194 U.S.
10 279, 290 (1904) (recognizing that an immigration statute was based in
11 part “on the power to regulate commerce with foreign nations, which in-
12 cludes the entrance of ships, the importation of goods, and the bringing
13 of persons into the ports of the United States”); *Edye v. Robertson*, 112
14 U.S. 580, 600 (1884) (“It is enough to say that, Congress having the pow-
15 er to pass a law regulating immigration as a part of the commerce of this
16 country with foreign nations, we see nothing in the statute by which it
17 has here exercised that power forbidden by any other part of the Consti-
18 tution.”).

19 55. Furthermore, the federal government’s power over immigra-
20 tion comes from its “inherent power as sovereign to control and conduct
21 relations with foreign nations.” *Arizona*, 567 U.S. at 394 (citation omit-
22 ted).

23 56. Conversely, “[u]nder the Constitution the states are granted
24 *no such powers*; they can neither add to nor take from the conditions law-
25 fully imposed by Congress upon admission, naturalization and residence
26 of aliens in the United States or the several states.” *DeCanas v. Bica*, 424
27 U.S. 351, 358 n.6 (1976) (quoting *Takahashi v. Fish & Game Comm’n*,
28 334 U.S. 410, 419 (1948) (emphasis added)).

1 57. The Immigration and Nationality Act (INA) specifically per-
2 mits state and local law enforcement officers to assist federal officials in
3 enforcing immigration law.²³ No federal law, however, allows state or lo-
4 cal officials to *subvert* or *ignore* the requirements of the INA. In fact, fed-
5 eral law imposes significant criminal and civil penalties on those who do
6 so.

7 58. The Sanctuary State Law violates Federal law, including the
8 INA.

9 59. In 1952, Congress enacted the INA. 8 U.S.C. §§ 1101-1537.
10 Section 274 of the INA, 8 U.S.C. § 1324, was enacted to combat human
11 smugglers and imposes criminal penalties on anyone who “brings to or
12 attempts to bring to the United States in any manner whatsoever [an al-
13 ien] ... at a place other than a designated port of entry”; on anyone who
14 “transports, or moves or attempts to transport or move ... [an illegal] al-
15 ien within the United States”; anyone who “conceals, harbors, or shields
16 from detection” an illegal alien, “or attempts to” do so; or anyone who

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19 ²³ See, e.g., 8 U.S.C. § 1324(c) (arrests for criminal violation of the INA’s
20 prohibitions against smuggling, transporting, or harboring aliens may be
21 made not only by federal immigration officers, but also by “all other offic-
22 ers whose duty it is to enforce criminal laws”); *id.* § 1252c (authorizing
23 state and local law enforcement to arrest unlawfully present aliens who
24 have been previously removed and convicted of a felony); *id.* §
25 1103(a)(10) (empowering DHS to authorize state and local law enforce-
26 ment officers, when an “actual or imminent mass influx of aliens . . . pre-
27 sents urgent circumstances requiring an immediate Federal response,” to
28 perform functions of federal immigration officers); and *id.* § 1357(g) (al-
lowing DHS to enter into written agreements with State or local gov-
ernments to assist in “investigation, apprehension, or detention of aliens
in the United States” and also specifically allowing such cooperation
even without written agreements).

1 “encourages or induces an alien” illegally “to come to, enter, or reside in
2 the United States.” 8 U.S.C. 1324(a)(1)(A)..

3 60. In part, 8 U.S.C. § 1324 makes it a Federal crime for any per-
4 son who, “knowing that a person is an alien, brings to or attempts to
5 bring to the United States in any manner whatsoever such person at a
6 place other than a designated port of entry or place other than as desig-
7 nated by the Commissioner, regardless of whether such alien has re-
8 ceived prior official authorization to come to, enter, or reside in the Unit-
9 ed States and regardless of any future official action which may be taken
10 with respect to such alien.” 8 U.S.C. § 1324(a)(1)(A)(i).

11 61. Section 1324 also makes it a Federal crime for any person to
12 “knowing or in reckless disregard of the fact that an alien has come to,
13 entered, or remains in the United States in violation of law, conceals,
14 harbors, or shields from detection, or attempts to conceal, harbor, or
15 shield from detection, such alien in any place, including any building or
16 any means of transportation.” 8 U.S.C. § 1324(a)(1)(A)(iii).

17 62. And, 8 U.S.C. § 1324 makes it a Federal crime for any person
18 to “knowingly hire[] for employment at least 10 individuals with actual
19 knowledge that the individuals are [illegal] aliens.” 8 U.S.C. § 1324(a)(3).

20 63. Federal law also provides that “[n]otwithstanding any other
21 provision of Federal, State, or local law, a Federal, State, or local gov-
22 ernment entity or official may not prohibit, or in any way restrict, any
23 government entity or official from sending to, or receiving from, [DHS]
24 information regarding the citizenship or immigration status, lawful or
25 unlawful, of any individual.” 8 U.S.C. § 1373(a).

26 64. Similarly, 8 U.S.C. § 1644 provides that “[n]otwithstanding
27 any other provision of Federal, State, or local law, no State or local gov-
28 ernment entity may be prohibited, or in any way restricted, from sending

1 to or receiving from [DHS] information regarding the immigration sta-
2 tus, lawful or unlawful, of an alien in the United States.”

3 65. Under 18 U.S.C. § 4, “[w]hoever, having knowledge of the ac-
4 tual commission of a felony cognizable by a court of the United States,
5 conceals and does not as soon as possible make known the same to some
6 judge or other person in civil or military authority under the United
7 States, shall be fined under this title or imprisoned not more than three
8 years, or both.” 18 U.S.C. § 4.

9 66. Under 18 U.S.C. § 371, “[i]f two or more persons conspire ei-
10 ther to commit any offense against the United States, or to defraud the
11 United States, or any agency thereof in any manner or for any pur-
12 pose...each shall be fined under this title or imprisoned not more than
13 five years, or both.” 18 U.S.C. § 371.

14 67. Under 18 U.S.C. § 372, “[i]f two or more persons...conspire to
15 prevent, by force, intimidation, or threat, any person from accepting or
16 holding any office, trust, or place of confidence under the United
17 States...or impede him in the discharge of his official duties, each of such
18 persons shall be fined under this title or imprisoned not more than six
19 years, or both.” 18 U.S.C. § 372.

20 68. Additionally, it is a crime carrying a penalty of up to 20 years’
21 imprisonment for anyone who “knowingly ... engages in misleading con-
22 duct toward another person, with intent to ... cause or induce any person
23 to ... be absent from an official proceeding to which such person has been
24 summoned by legal process” or to “hinder, delay, or prevent the commu-
25 nication to a law enforcement officer or judge of the United States of in-
26 formation relating to the commission or possible commission of a Federal
27 offense or a violation of ... parole[] or release pending judicial proceed-
28 ings.” 18 U.S.C. § 1512(b)(2)(D) and (b)(3).

1 69. The Tenth Amendment of the U.S. Constitution holds that the
2 Federal Government may not commandeer State or local resources to
3 administer or enforce a Federal regulatory program against the will of
4 the State or local resources.

5 70. The Tenth Amendment, however, does not allow a State or its
6 officials or its resources to *violate* Federal laws, including U.S. Federal
7 immigration laws.

8 71. The Tenth Amendment also does not allow a State to direct a
9 city or its local officials or its resources to *violate* Federal laws, including
10 U.S. Federal immigration laws.

11 72. And while the Tenth Amendment holds that the Federal Gov-
12 ernment may not commandeer State and local resources against their
13 will to act at the Federal Government’s behest, there is nothing, includ-
14 ing the Tenth Amendment itself, that *prevents* State or local officials or
15 local resources from *voluntarily cooperating* with the Federal Govern-
16 ment in the administration or enforcement of a Federal regulatory pro-
17 gram, including U.S. Federal immigration laws. *See Cal. ex. Rel. Becerra*
18 *v. Sessions*, 284 F. Supp.3d at 1035 (“No cited authority holds that the
19 scope of state sovereignty includes the power to forbid state or local em-
20 ployees from voluntarily complying with a Federal program.”).

21 73. “Anti-commandeering” under the 10th Amendment is not a
22 barrier to a local jurisdiction’s voluntary cooperation with the Federal
23 Government in the administration or enforcement of a Federal regulato-
24 ry program, including U.S. Federal immigration laws. *See City of New*
25 *York v. United States*, 179 F.3d 29, 35 (2d Cir. 1999) (rejecting the city’s
26 argument to turn the 10th Amendment “into a sword allowing states and
27 localities to engage in passive resistance that frustrates Federal pro-
28 grams.”).

1 **2. Supremacy Clause of the U.S. Constitution**

2 74. Article VI, Clause 2 of the U.S. Constitution is known as the
3 “Supremacy Clause.” The Supremacy Clause holds that Federal law
4 prevails over any conflicting state laws, including immigration laws.

5 75. The Supremacy Clause mandates that “[t]his Constitution,
6 and the Laws of the United States which shall be made in Pursuance
7 thereof . . . shall be the supreme Law of the Land . . . any Thing in the
8 Constitution or Laws of any State to the Contrary notwithstanding.” U.S.
9 Const. art. VI, cl. 2.

10 76. The Supremacy Clause “prohibit[s] States from interfering
11 with or controlling the operations of the Federal Government.” *Geo*
12 *Group, Inc. v. Newsom*, 50 F.4th 745, 750 (9th Cir. 2022) (quoting *United*
13 *States v. Washington*, 142 S. Ct. 1976, 1984 (2022)).

14 77. The Constitution affords Congress the power to “establish an
15 uniform Rule of Naturalization,” and to “dispose of and make all needful
16 Rules and Regulations respecting the Territory or other Property belong-
17 ing to the United States.” U.S. Const. art. IV, § 3. The Constitution also
18 affords the President of the United States the authority to “take Care
19 that the Laws be faithfully executed.” U.S. Const. art. II, § 3. Additional-
20 ly, the Federal Government has “inherent power as sovereign to control
21 and conduct relations with foreign nations.” *Arizona*, 567 U.S. at 395.

22 78. The Federal Government has the preeminent role of regulat-
23 ing aliens entering the United States and within its borders. U.S. Const.
24 art. I, § 8, cl. 4; U.S. Const. art. I § 8, cl. 3.

25 79. In *U.S. v. King County, Washington*,, the Ninth Circuit wrote
26 “In recognition of the Federal government’s independence from state con-
27 trol, the intergovernmental immunity doctrine prohibits states from ‘in-
28 terfering with or controlling the operations of the Federal Government.’”

1 122 F.4th 740, 756 (9th Cir. 2024) (citation omitted).Recent California
2 legislation that sought to interfere with the Federal Government’s immi-
3 gration enforcement efforts was struck down as unconstitutional.
4 “Whether analyzed under intergovernmental immunity or preemption,
5 California cannot exert this level of control over the Federal govern-
6 ment’s detention operations. AB 32 therefore violates the Supremacy
7 Clause.” *Geo Group, Inc.*, 50 F.4th at 751.

8 80. “Any state regulation that purports to override the Federal
9 government’s decisions about who will carry out Federal functions runs
10 afoul of the Supremacy Clause.” *Geo Group, Inc.*, 50 F.4th at 750. By
11 purporting to prevent the City of Huntington Beach from voluntarily co-
12 operating with the Federal Government, and by purporting to prevent
13 the City of Huntington Beach from complying with Federal immigration
14 laws under 8 U.S.C §§ 1324, 1373, and 1644, California’s Sanctuary
15 State Law runs afoul of the Supremacy Clause.

16 81. A state enactment is unconstitutional if it is an “obstacle to
17 the accomplishment and execution of the full purposes and objectives of
18 Congress.” *Toll*, 458 U.S. at 36 (quoting *Hines v. Davidowitz*, 312 U.S.
19 52, 67 (1941)).

20 82. The United States Government has broad authority to estab-
21 lish immigration laws, which cannot be hindered or obstructed by state
22 law. *Arizona*, 567 U.S. at 394-95. “Effective immigration law enforce-
23 ment requires a cooperative effort between all levels of government.” *City*
24 *of New York v. United States*, 179 F.3d at 32-33.

25 83. “Power to regulate immigration is unquestionably exclusively
26 a Federal power.” *DeCanas*, 424 U.S. at 354 (superseded on other
27 grounds by statute as stated in *Kansas v. Garcia*, 589 U.S. 191, 195
28 (2020)).

1 84. “[T]he Executive [has] very broad discretion to determine
2 [immigration] enforcement priorities.” *Arizona Dream Act Coal. v. Brew-*
3 *er*, 855 F.3d 957, 967 (9th Cir. 2017). “Congress expressly charged the
4 Department of Homeland Security with the responsibility of
5 ‘[e]stablishing national immigration enforcement policies and priorities.’”
6 *Id.* at 967 (quoting 6 U.S.C § 202(5)). Under President Joe Biden’s Ad-
7 ministration, the Department of Homeland Security prioritized the ar-
8 rest and removal of aliens who pose threats to national security, threat
9 to public safety, and threat to border security “or who have unlawfully
10 entered the country only recently.” *United States v. Texas*, 599 U.S. 670,
11 673 (2023).²⁴

12 85. The U.S. Supreme Court held that Congress intended to
13 preempt the field of immigration. *Arizona*, 567 U.S. at 399. Field pre-
14 emption is the intent to displace state law that is so pervasive that Con-
15 gress left no room for the state to supplement it or that a Federal inter-
16 est is so dominant that it will be assumed that state enforcement is pre-
17 cluded. *Id.*

18 86. In *Valle Del Sol Inc. v. Whiting*, 732 F.3d 1006 (9th Cir. 2019),
19 the Ninth Circuit held that 8 U.S.C. § 1324 preempted state law and that
20 the Federal scheme “reserves prosecutorial power, and thus discretion,
21 over harboring violations to Federal prosecutors.” *Id.* at 1027.

22 87. There are explicit preemption clauses in 8 U.S.C. §§ 1373 and
23 1644, stating that “[n]otwithstanding any other provision of Federal,
24 State, or local law,” States may not prohibit local government authorities
25 from communicating with DHS “regarding the citizenship or immigra-
26 tion status, lawful or unlawful, of any individual.”

27 _____
28 ²⁴ See also, Alejandro N. Mayorkas, *Guidelines for the Enforcement of Civil Immigration Law* (Sept. 30, 2021), <https://perma.cc/H9TU-Y3M5>.

1 88. In an opinion by the California Attorney General in 1992 ex-
2 aminating a California city’s local sanctuary ordinance, the Attorney Gen-
3 eral stated that such sanctuary laws are preempted by 8 U.S.C. § 1324.
4 CA Attorney General Opinions, 75 Ops. Cal. Atty. Gen. 270 (Nov. 19,
5 1992).²⁵ The California Attorney General concluded, “Due to the su-
6 premacy clause of the United States Constitution, a city may not prohibit
7 its officers and employees from cooperating in their official capacities
8 with Immigration and Naturalization Service investigation, detention, or
9 arrest procedures relating to alleged violations of the civil provisions of
10 the federal immigration laws.” *Id.* at *1.

11 89. The Attorney General further stated that “[w]hen a peace of-
12 ficer lawfully comes across information in the course of investigating a
13 crime which reasonably leads to the belief that the person arrested is il-
14 legally present in this country, neither the state nor Federal Constitu-
15 tion prevents the officer from advising the INS of such information.” *Id.*
16 (citing *Gates v. Superior Court*, 193 Cal.App.3d 205, 219 (1987)).

17 90. The California Attorney General concluded that the sanctu-
18 ary city ordinance conflicted with Federal law because it would “under-
19 mine the deterrent effect of the criminal or civil penalties contained in
20 the [Immigration and Naturalization] Act.” CA Attorney General Opin-
21 ions, 75 Ops. Cal. Atty. Gen. at *2; see *Gates v. Superior Court*, 193
22 Cal.App.3d at 219 (“Where otherwise warranted investigation by local of-
23 ficers leads to evidence of a Federal civil or criminal violation, the local
24 authority has the right to exchange information with Federal authori-
25 ties; to deny such an exchange is not reasonable and rewards those Fed-
26

27
28 ²⁵ 75 Ops. Cal. Att’y Gen. 270 (Nov. 19, 1992), <https://perma.cc/MFH9-46F6>.

1 eral violators fortunate enough to be arrested by local, rather than Fed-
2 eral, officials.”).

3 91. The California Attorney General also stated, “The Immigra-
4 tion and Naturalization Act is the law of this land and it is the ‘act of re-
5 sponsible citizenship’ and the ‘duty’ and the right of every citizen to as-
6 sist in prosecuting and securing punishment for its breach by giving
7 whatever information he or she may have in that regard to aid those who
8 enforce it.” CA Attorney General Opinions, 75 Ops. Cal. Atty. Gen. at *2
9 (quoting 67 Ops. Cal. Atty. Gen. 331, *12-13 (July 24, 1984)).²⁶

10 92. Additionally, the California Attorney General concluded in a
11 1984 opinion that, while local authorities are under no legally enforcea-
12 ble duty to report to the INS information about persons who entered the
13 country in violation of 8 U.S.C § 1324, they may do so “as a matter of
14 comity and good citizenship.” See 67 Ops. Cal. Atty. Gen. at *3.²⁷

15 93. The California Attorney General further stated that “Con-
16 gress surely did not intend that state and local governments would un-
17 dermine the deterrent effect of the criminal or civil penalties contained
18 in the [Immigration Control Act]. By giving the impression that illegal
19 aliens may obtain refuge from such penalties in a particular locale, the
20 ordinance creates localized immigration policy and dissipates enforce-
21 ment of Federal laws.” CA Attorney General Opinions, 75 Ops. Cal. Atty.
22 Gen. at *5.

23 94. The California Attorney General determined that a sanctuary
24 city ordinance “concerns a subject matter, immigration, wherein Federal
25 power to regulate is exclusive.” CA Attorney General Opinions, 75 Ops.

26
27 ²⁶ *Id.* at 264.

28 ²⁷ 67 Ops. Cal. Att’y. Gen. 333 (1984), <https://perma.cc/B552-3J94>.

1 Cal. Atty. Gen. at *3 (citing *De Canas v. Bica*, 424 U.S. 351, 354-55
2 (1975)). Federal preemption occurs when the local enactment “stands as
3 an obstacle to the accomplishment and execution of the full purposes and
4 objectives of Congress.” *Hines v. Davidowitz*, 312 U.S. at 67.

5 95. The California Attorney General further determined “[T]hat
6 Congress has placed great importance on the immigration detection ef-
7 fort is evidenced by the criminal penalties which have been established
8 for those who assist illegal aliens in escaping detection.” CA Attorney
9 General Opinions, 75 Ops. Cal. Atty. Gen. at *5 (citing 8 U.S.C § 1324);
10 *see United States v. Rubio-Gonzales* (5th Cir. 1982) 674 F.2d 1067, 1073;
11 *United States v. Cantu* (5th Cir. 1977) 557 F.2d 1173, 1180; *United*
12 *States v. Lopez* (2d Cir. 1975) 521 F.2d 437, 444; 67 Ops. Cal. Atty. Gen.
13 at *10, n. 16.

14 96. The California Attorney General found the local sanctuary
15 ordinance to be “an obstacle to the accomplishment and execution of the
16 full purposes and objectives of Congress.” CA Attorney General Opin-
17 ions, 75 Ops. Cal. Atty. Gen. at *6 (quoting *Hines v. Davidowitz*, 312 U.S.
18 at 67). “A *direct* conflict with a Federal or state statute or regulation pre-
19 sents a separate and distinct basis for the preemption of a local ordi-
20 nance.” (CA Attorney General Opinions, 75 Ops. Cal. Atty. Gen. at *6, n.
21 9 (citations omitted)).²⁸

22 97. The Sanctuary State Law is no different than the city ordi-
23 nances discussed in the Attorney General’s opinions. The Attorney Gen-
24 eral correctly concluded that Federal law preempted the local sanctuary
25 ordinances, and that conclusion also applies to the State Sanctuary Law.
26 Congress intended to preempt state law over criminal immigration en-
27

28 ²⁸ 75 Ops. Cal. Att’y. Gen. 268, (1992), <https://perma.cc/MFH9-46F6>.

1 enforcement because it “surely did not intend that state and local govern-
2 ments would undermine the deterrent effect of the criminal or civil pen-
3 alties contained in the [Immigration Control Act]. By giving the impres-
4 sion that illegal aliens may obtain refuge from such penalties in a par-
5 ticular locale, [the Sanctuary State Law] creates localized immigration
6 policy and dissipates enforcement of Federal laws.” CA Attorney General
7 Opinions, 75 Ops. Cal. Atty. Gen. at *5.²⁹

8 **D. Obstruction Caused by the Sanctuary State Law**

9 98. Among many things, the Sanctuary State Law’s interference
10 with the City’s coordination with the Federal Government in order to
11 “protect” illegal immigrants from the Federal Government’s enforcement
12 of the U.S. Federal immigration laws as Defendants Governor Newsom
13 and Attorney General Robert Bonta explain, amounts to “harboring” of
14 illegal aliens by the State of California.

15 99. The Ninth Circuit has joined the Third, Fourth, and Eleventh
16 Circuit in concluding that the Federal scheme on harboring under 8
17 U.S.C. § 1324 is comprehensive and field preemptive. *Valle Del Sol Inc.*,
18 732 F.3d at 1025-26; *see Lozano v. City of Hazleton*, 724 F.3d 297, 315-16
19 (3rd Cir. 2013) (joining the Eleventh Circuit in finding that state law
20 proscribing harboring or sheltering aliens infringes upon a “comprehen-
21 sive statutory scheme”) (citing *United States v. Alabama*, 691 F.3d 1269,
22 1285-87 (11th Cir. 2012)); *United States v. South Carolina*, 906 F. Supp.
23 2d 463, 468 (D.S.C. 2012), *aff’d*, 720 F.3d 518 (11th Cir. July 23, 2013).

24 100. The “INA provides a comprehensive framework to penalize
25 the transportation, concealment, and inducement of unlawfully present
26 aliens.” Under this statutory scheme (8 U.S.C. § 1324(a)(1)(A)(ii)-(iv)),
27

28 ²⁹ *Id.* at 267.

1 the “Federal government has clearly expressed more than a ‘peripheral
2 concern’ with the entry, movement, and residence of aliens within the
3 United States and the breadth of these laws illustrates an overwhelm-
4 ingly dominant Federal interest in the field. *Georgia Latina Alliance for*
5 *Human Rights v. Governor of GA*, 691 F.3d 1250, 1263-64 (11th Cir.
6 2012) (*GLAHR*).

7 101. The Sanctuary State Law prohibits the cooperation between
8 City officials, including the Huntington Beach Police personnel, and the
9 Federal Government on Federal immigration law enforcement.

10 102. Under the Supremacy Clause, any state law “which interferes
11 with or is contrary to Federal law, must yield.” *Gade v. National Solid*
12 *Wastes Management Association*, 505 U.S. 88, 108 (1992).

13 103. Similar to Arizona’s statute in *Valle Del Sol*, the Sanctuary
14 State Law is preempted because it prohibits Huntington Beach police of-
15 ficers from notifying Federal authorities of any unauthorized aliens in its
16 custody, which violates 8 U.S.C. §§ 1373 and 1644, and it violates 8
17 U.S.C. § 1324(a)(1)(iii) by requiring Huntington Beach police officers to
18 “knowing[ly] or in reckless disregard” “conceal[], harbor[], or shield[]
19 from detection” aliens in Huntington Beach’s City Jail or “any means of
20 transportation.”

21 104. “Given the Federal primacy in the field of enforcing prohibi-
22 tions on the transportation, harboring, and inducement of unlawfully
23 present aliens, the prospect of fifty individual attempts to regulate im-
24 migration-related matters cautions against permitting states to intrude
25 into this area of dominant Federal concern.” *Valle Del Sol*, 732 F. 3d at
26 p. 1027 (quoting *GLAHR*, 691 F.3d at 1266).

27 105. The Sanctuary State Law frustrates the Department of
28 Homeland Security’s enforcement priorities to arrest or remove individu-

1 als who are a threat to national security, public safety, or recently en-
2 tered the United States unlawfully. In fact, California Attorney General
3 Bonta has expressed support for DHS’s enforcement priorities to arrest
4 or remove individuals who pose a risk to public safety, are terrorists, or
5 recently arrived.

6 106. City officials, including Huntington Beach Police personnel,
7 cannot obey the Sanctuary State Law without violating 8 U.S.C, §
8 1324(a)(1)(iii) when they have knowledge or in reckless disregard that an
9 individual in their custody is in violation of law and are prohibited from
10 sharing the information with the Federal authorities.

11 107. The Orange County Sheriff, Don Barnes, is required to report
12 annually to the Orange County Board of Supervisors on the county’s
13 compliance with California Government Code §§ 7283 and 7283.1 (“Cali-
14 fornia’s Transparent Review of Unjust Transfers and Holds (“TRUTH”)
15 Act).

16 108. Sheriff Barnes stated that OCSD is prohibited by State law
17 from notifying ICE of the release of inmates with ICE detainers. In 2018,
18 1,106 inmates who had ICE detainers but did not meet eligibility for no-
19 tifying ICE were released into the community. Of those 1,106 inmates,
20 173 were rearrested “in Orange County for committing 58 different types
21 of crimes, including attempted murder, assault and battery, child moles-
22 tation, and robbery.” (Exhibit “A.”)

23 109. In 2019, OCSD released 1,015 inmates with ICE detainers in-
24 to the community without notifying ICE of their release because they did
25 not meet state law requirement for notification. “Of the 1,015 inmates
26 with ICE detainers who were released back into the community, 238
27 have been rearrested in Orange County for committing new crimes, in-
28 cluding assault and battery, rape, and robbery.” (Exhibit “B.”)

1 110. In 2020, OCSD released 168 inmates who had ICE detainers
2 but did not meet the state law's requirement for notifying ICE were re-
3 leased into the community. Out of the 168 inmates, 36 were rearrested
4 for new crimes in Orange County. (Exhibit "C.")

5 111. In 2021, OCSD released 199 inmates who had ICE detainers.
6 In compliance with state law, 143 of these 199 inmates met the state's
7 requirement for transfer to ICE's custody. Only 73 out of the 143 indi-
8 viduals were transferred to ICE's custody. The 70 individuals who were
9 eligible for transfer to ICE, but were not, were released into the commu-
10 nity. A total of 24 out of the 70 individuals were re-arrested for commit-
11 ting new crimes in Orange County. (Exhibit "D.")

12 112. In 2021, there were 56 inmates who had ICE detainers but
13 did not meet state law requirements for notifying ICE of their release. Of
14 the 56 released into the community, three were rearrested for commit-
15 ting new crimes in Orange County. (Exhibit "D.")

16 113. In 2022, 272 inmates were released from Orange County jail
17 with ICE detainers. OCSD notified ICE of the inmates who were eligible
18 for transfer to ICE's custody. Of the 155 individuals who met the eligibil-
19 ity, only 17 were transferred to ICE's custody. The other 138 individuals
20 were released into the community. A total of 20 of these individuals were
21 rearrested for committing new crimes in Orange County. (Exhibit "E.")

22 114. In 2022, there were 117 inmates who had ICE detainers, but
23 state law prohibited OCSD from notifying ICE. They were released into
24 the community. A total of 13 were rearrested for new crimes in Orange
25 County. (Exhibit "E.")

26 115. In 2023, 547 inmates with ICE detainers were released from
27 Orange County Jail. OCSD notified ICE of the inmates who were eligi-
28 ble for transfer to ICE's custody under state law. About 81 of those in-

1 mates eligible for notification and transfer to ICE’s custody were not
2 transferred and were instead released into the community. A total of 40
3 of those individuals were rearrested for committing new crimes in Or-
4 ange County. (Exhibit “F.”)

5 116. In 2023, there were 245 inmates with ICE detainers who were
6 not eligible for notifying ICE and were released into the community. Out
7 of them, 27 were rearrested for new crimes in Orange County. These
8 crimes were robbery, carjacking, kidnapping, parole or probation viola-
9 tion, sales or transport of narcotics, domestic violence, assault with a
10 deadly weapon, and felony driving under the influence. (Exhibit “F.”³⁰)

11 117. Huntington Beach police officers cannot comply with both
12 State and Federal laws while carrying out their duty. For example, for
13 an unauthorized alien arrested for allegedly committing petty theft and
14 placed in city jail, the Sanctuary State Law prohibits Huntington Beach
15 Police officers from sharing information with ICE. Even if ICE requests
16 information about the individual, Huntington Beach cannot provide in-
17 formation about the individual, and thus, the City would be concealing,
18 harboring or shielding from detection an unauthorized alien in its “build-
19 ing” under 8 U.S.C. § 1324(a)(1)(iii). And if ICE arrives at the jail facili-
20 ty, Huntington Beach authority must refuse assumption of custody, as
21 mandated by the Sanctuary State Law. The Sanctuary State Law puts
22 Huntington Beach in violation of 8 U.S.C. § 1324(a)(1)(iii).

23

24

25 ³⁰ During his presentation to the Orange County Board of Supervisors,
26 Sheriff Barnes reported that 27 inmates who were released into the
27 community committed new crimes. Sheriff Barnes specified the types of
28 crimes that these 27 individuals committed. However, these crimes were
not specified in the staff report (Exhibit “F”). See https://ocgov.granicus.com/player/clip/5109?view_id=8&redirect=true

1 118. Compliance with 8 U.S.C. § 1324(a)(1)(ii) is vital to stopping
2 human smuggling. The Sanctuary State Law mandates that law en-
3 forcement not cooperate with Federal authorities over immigration mat-
4 ters, including joining a task force.

5 119. Huntington Beach City officials, including Huntington Beach
6 Police Department personnel, are prohibited from cooperating, detaining,
7 or investigating whether there is a potential for human trafficking. City
8 officials, including Huntington Beach Police Department personnel, are
9 prohibited from informing the Federal Government about an alien en-
10 gaged in smuggling individuals into the United States, if that alien is not
11 otherwise engaged in human trafficking for forced labor or sex services.

12 120. Under the Sanctuary State Law, Huntington Beach Police Of-
13 ficers are prohibited from asking about the immigration status of aliens
14 working for an employer. Cal. Gov. Code § 7284.6 (a)(1)(A).

15 **E. Harm to the Plaintiffs Caused by the Sanctuary State**
16 **Law**

17 121. The Sanctuary State Law harms the Plaintiffs.

18 122. It incentivizes increased illegal immigration and the presence
19 of higher numbers of illegal aliens within the City.

20 123. The City of Huntington Beach has proprietary interests that
21 are harmed by the presence of increased numbers of illegal aliens.

22 124. For example, the City has proprietary economic interests that
23 are harmed by the increased number of illegal aliens in the City caused
24 by the Sanctuary State Law. These harms include, among other things,
25 1) decreased revenue caused by illegal alien residents and workers who
26 do not pay taxes; and 2) lower property tax revenue from decreased prop-
27 erty values.

28

1 125. Illegal aliens also harm the City’s proprietary interests by in-
2 creasing the City’s expenditures for, among other things, the following:
3 1) criminal enforcement; 2) enforcement of labor and health laws and
4 regulations; and 3) increased expenditure of public funds to provide pub-
5 lic services to illegal aliens.

6 126. The Sanctuary State Law also harms the City by interfering
7 with its proprietary interest in regulating within its jurisdiction, includ-
8 ing by conducting law enforcement activities in conformity with the re-
9 quirements of Federal law.

10 127. The Sanctuary State Law also harms the City and each of the
11 individually named Plaintiffs by subjecting the City’s officers and em-
12 ployees, including the named individual Plaintiffs, to a genuine risk of
13 prosecution under State law for engaging in conduct that is required by,
14 or protected by, Federal law and the U.S. Constitution.

15 128. The genuine risk of prosecution under the Sanctuary State
16 Law also harms the City’s propriety interests because of the fiscal cost of
17 those prosecutions, which will cause the City to incur significant costs for
18 defending itself and its officers and employees.

19 129. The Sanctuary State Law also harms the individual Plaintiffs
20 by infringing their Free Speech rights under the First Amendment to the
21 U.S. Constitution for speech that is specifically protected by 8 U.S.C. §§
22 1373 and 1644.

23 130. The Sanctuary State Law also harms the individual Plaintiffs
24 by restricting them from engaging in conduct that is protected under fed-
25 eral law, such as under 8 U.S.C. §§ 1373 and 1644.

26
27
28

1 **FIRST CAUSE OF ACTION**
2 **VIOLATION OF THE SUPREMECY CLAUSE**
3 **ARTICLE VI, CLAUSE 2 OF THE U.S. CONSTITUTION**
4 **8 U.S.C. §§ 1324, 1373, and 1644**
5 **(Against All Defendants)**

6 131. Plaintiffs hereby incorporate the allegations made in each
7 preceding paragraph of this Complaint as if fully set forth herein.

8 132. The Sanctuary State Law is unconstitutional. *See* U.S. Const.
9 art. VI, cl. 2; U.S. Const. art. I, § 8, cl. 4; U.S. Const. amend. I; 8 U.S.C.
10 §§ 1324, 1325, 1373, and 1644; 18 U.S.C. §§ 4, 371, 372, and 1512; *see al-*
11 *so* Cal. Const. art. XI, § 5; Cal. Const. art. XX, § 3.

12 133. The Supremacy Clause mandates that “[t]his Constitution,
13 and the Laws of the United States which shall be made in Pursuance
14 thereof . . . shall be the supreme Law of the Land . . . any Thing in the
15 Constitution or Laws of any State to the Contrary notwithstanding.” U.S.
16 Const. art. VI, cl. 2.

17 134. The Supremacy Clause “prohibit[s] States from interfering
18 with or controlling the operations of the Federal Government.” *Geo*
19 *Group, Inc.*, 50 F.4th at 750 (quoting *United States v. Washington*, 142 S.
20 Ct. at 1984).

21 135. The Sanctuary State Law violates the Supremacy Clause pre-
22 cisely because it interferes with, in fact it obstructs, the Federal Gov-
23 ernment’s efforts to coordinate to enforce U.S. Federal immigration laws,
24 including but not limited to 8 U.S.C. §§ 1324, 1373, and 1644. *See* Cal.
25 Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

26 136. Under the Sanctuary State Law, City officials, including Hun-
27 tington Beach Police personnel, are mandated to “conceal, harbor, or
28 shield from detection” any alien in their custody in violation of 8 U.S.C. §

1 1324(a)(1)(iii). *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1,
2 7285.2.

3 137. City officials, including Huntington Beach Police personnel,
4 are unable to fulfill their duty to investigate or detain individuals having
5 committed crimes without violating the Sanctuary State Law. *See* Cal.
6 Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.)

7 138. The Sanctuary State Law prohibits local law enforcement of-
8 ficers from cooperating with the Federal Government in criminal immi-
9 gration investigation. *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6,
10 7285.1, 7285.2.

11 139. The Sanctuary State Law bars local jurisdictions from com-
12 plying with 8 U.S.C. §§ 1324, 1373, and 1644, or participating in a joint
13 task force. *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

14 140. The Sanctuary State Law restricts cooperation between local
15 law enforcement agencies and the Federal Government. *See* Cal. Gov.
16 Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.)

17 141. The Sanctuary State Law’s interference with the City’s coor-
18 dination with the Federal Government in order to “protect” illegal immi-
19 grants from the Federal Government’s enforcement of the U.S. Federal
20 immigration laws as Defendants Governor Newsom and Attorney Gen-
21 eral Robert Bonta stated, amounts to “harboring” of illegal aliens by the
22 State of California.

23 142. City officials, including Huntington Beach Police personnel,
24 are unable to stop crime before it occurs. Instead, they must sit idly by
25 and wait for a human smuggling incident to become a human trafficking
26 situation in order to intervene and comply with California Government
27 Code §§ 7282.5, 7284.4, 7284.6.

28

1 143. The Sanctuary State Law is an obstacle to the City’s ability to
2 comply with U.S. Federal immigration laws. It prevents City officials,
3 including Huntington Beach Police personnel, from full, effective law en-
4 forcement and obstructs the City’s ability to coordinate and cooperate
5 with Federal law enforcement agencies. As U.S. Federal immigration
6 law, according to the Supremacy Clause, is supreme, the Sanctuary State
7 Law is an unconstitutional barrier to the City’s effective law enforcement
8 efforts.

9 144. Governor Newsom and Attorney General Bonta have publicly
10 expressed on multiple occasions their intent to enforce the Sanctuary
11 State Laws and they have a direct connection to such enforcement by vir-
12 tue of the offices that they hold. Governor Newsom’s and Attorney Gen-
13 eral Bonta’s violations of the Supremacy Clause are ongoing. Their en-
14 forcement of the Sanctuary State Law causes ongoing harm to the Plain-
15 tiffs, and prospective injunctive relief will redress that harm.

16 145. Plaintiffs have no adequate remedy at law. Absent relief, De-
17 fendants’ actions continue to harm and threaten to harm Plaintiffs by
18 impairing enjoyment of this right.

19 **SECOND CAUSE OF ACTION**
20 **VIOLATION OF THE NATURALIZATION CLAUSE**
21 **ARTICLE I, SECTION 8, CLAUSE 4 OF THE U.S. CONSTITUTION**
22 **8 U.S.C. § 1324**
23 **(Against All Defendants)**

24 146. Plaintiffs hereby incorporate the allegations made in each
25 preceding paragraph of this Complaint as if fully set forth herein.

26 147. The Sanctuary State Law is unconstitutional. *See* U.S. Const.
27 art. VI, cl. 2; U.S. Const. art. I, § 8, cl. 4; U.S. Const. amend. I; 8 U.S.C.
28

1 §§ 1324, 1325, 1373, and 1644; 18 U.S.C. §§ 4, 371, 372, and 1512; *see al-*
2 *so* Cal. Const. art. XI, § 5; Cal. Const. art. XX, § 3.

3 148. Article I, Section 8, Clause 4 of the U.S. Constitution provides
4 Congress with the “power... To establish an uniform Rule of Naturaliza-
5 tion... throughout the United States.” U.S. Const. art. I, § 8, cl. 4.

6 149. In addition to conferring Congress with power to determine
7 when foreign nationals may obtain U.S. citizenship, the Naturalization
8 Clause is viewed as contributing to Congress’s power over immigration,
9 including its power to set rules for when aliens may enter or remain in
10 the United States.

11 150. In *Arizona v. United States*, 567 U.S. at 387, the Supreme
12 Court declared that the Federal Government’s “broad, undoubted power”
13 over immigration was partially based “on the national government’s con-
14 stitutional power to ‘establish an uniform Rule of Naturalization,’ and its
15 inherent power as sovereign to control and conduct relations with foreign
16 nations.” *Id.* at 394–95 (quoting U.S. Const. art. I, § 8, cl. 4).

17 151. The Sanctuary State Law violates the City’s right to fully con-
18 trol its own Police Department and fully and effectively engage in law
19 enforcement. Moreover, neither the State, nor its laws, may prevent the
20 City of Huntington Beach from honoring, following, and/or complying
21 with State and all Federal laws, including Federal laws on immigration,
22 which is the supreme law of the land on immigration.

23 152. The Sanctuary State Law violates the City’s right to fully con-
24 trol its own Police Department and fully and effectively engage in law
25 enforcement. Specifically, California Government Code §§ 7282.5, 7284.4,
26 7284.6, 7285.1, and 7285.2 prohibit local law enforcement officers from
27 cooperating with the Federal Government in criminal immigration inves-
28 tigation.

1 153. Under the Sanctuary State Law, City officials, including Hun-
2 tington Beach Police personnel, are mandated to “conceal, harbor, or
3 shield from detection” any alien in their custody in violation of 8 U.S.C. §
4 1324(a)(1)(iii). *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1,
5 7285.2.

6 154. The Sanctuary State Law bars local jurisdiction from comply-
7 ing with 8 U.S.C. §§ 1324, 1373, and 1644 or participating in a joint task
8 force. *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

9 155. California Government Code §§ 7284.4 and 7282.5 restrict co-
10 operation between local law enforcement agencies and the Federal Gov-
11 ernment.

12 156. The Sanctuary State Law allows for smugglers to transport
13 individuals into the United States in violation of 8 U.S.C. § 1324 for fi-
14 nancial gain.

15 157. The Sanctuary State Law places aliens at risk of harm or be-
16 ing trafficked because California Law Enforcement Agencies cannot en-
17 gage in the enforcement of 8 U.S.C. § 1324.

18 158. The Sanctuary State Law prohibits local law enforcement
19 agencies from asking employers about a person’s immigration status un-
20 der 8 U.S.C. § 1324(a)(3). Cal. Gov. Code § 7284.6(a)(1)(A).

21 159. In recent years, Defendant Governor Gavin Newsom has tak-
22 en a series of substantial steps to incentivize the inflow of illegal immi-
23 gration into California, and to protect and harbor illegal immigrants, in-
24 cluding by implementing policies and laws to: hire illegal immigrants in
25 jobs in State government, give illegal immigrants taxpayer funded
26 downpayments of \$150,000 to buy homes, spend \$2.3 million of taxpayer
27 money to support the relocating and settling of illegal immigrants in ru-
28 ral areas of the State, give illegal immigrants home mortgage aid to buy

1 homes, newly allocating \$25 million in taxpayer-funded legal defense
2 fund for illegal immigrants to fight the Federal government’s announced
3 crackdown on illegal immigration, which seeks to combat the violent
4 crimes committed against U.S. citizens, and the list goes on.

5 160. In addition, on December 17, 2024, Defendant Attorney Gen-
6 eral Robert Bonta issued a Press Release advising illegal immigrants on
7 the ways in which his office, and the State, were going to assist in shield-
8 ing illegal immigrants from “threats of mass detention, arrests, and de-
9 portation” and thus from detection and detention by the Federal Gov-
10 ernment. In that press release, Robert Bonta directly advised that “[y]ou
11 have the right to apply for and secure housing without sharing your im-
12 migration status,” and “[y]ou have the right to an attorney.”

13 161. Defendant Robert Bonta has stated, “State and local law en-
14 forcement cannot ask for your immigration status” and “State and local
15 law enforcement cannot share your personal information” and “State and
16 local law enforcement cannot assist ICE with immigration enforcement.”
17 Not only do the promises in his statement constitute violations of Feder-
18 al immigration law, his statement also reveals a systematic program by
19 the State to shield illegal immigrants in response to “the President-elect
20 making clear his intent to move forward an inhumane and destructive
21 immigration agenda once he takes office.” Defendant Robert Bonta’s
22 statements make clear that his systematic program to protect illegal
23 immigrants conflicts with U.S. Federal immigration laws and Federal
24 Government operations.

25 162. “Effective immigration law enforcement requires a coopera-
26 tive effort between all levels of government.” *City of New York v. United*
27 *States*, 179 F.3d at 32-33.

28

1 163. The Sanctuary State Law violates Article I, Section 8, Clause
2 4 of the U.S. Constitution by actively obstructing the authority of the
3 Federal Government and obstructing the City’s ability to employ all laws
4 available, including U.S. Federal immigration laws, to combat crime and
5 ensure public safety by coordinating with the Federal Government to
6 deal with certain individuals committing crimes and who are subject to
7 U.S. Federal immigration laws.

8 164. Governor Newsom and Attorney General Bonta have publicly
9 expressed on multiple occasions their intent to enforce the Sanctuary
10 State Laws and they have a direct connection to such enforcement by vir-
11 tue of the offices that they hold. Governor Newsom’s and Attorney Gen-
12 eral Bonta’s violations of the Naturalization Clause are ongoing. Their
13 enforcement of the Sanctuary State Law causes ongoing harm to the
14 Plaintiffs, and prospective injunctive relief will redress that harm.

15 165. Plaintiffs have no adequate remedy at law. Absent relief, De-
16 fendants’ actions continue to harm and threaten to harm Plaintiffs by
17 impairing enjoyment of this right.

18 **THIRD CAUSE OF ACTION**

19 **VIOLATION OF U.S. FEDERAL IMMIGRATION LAWS**

20 **8 U.S.C. § 1324**

21 **(Against All Defendants)**

22 166. Plaintiffs hereby incorporate the allegations made in each
23 preceding paragraph of this Complaint as if fully set forth herein.

24 167. The Sanctuary State Law is unconstitutional. *See* U.S. Const.
25 art. VI, cl. 2; U.S. Const. art. I, § 8, cl. 4; U.S. Const. amend. I; 8 U.S.C.
26 §§ 1324, 1325, 1373, and 1644; 18 U.S.C. §§ 4, 371, 372, and 1512; *see al-*
27 *so* Cal. Const. art. XI, § 5; Cal. Const. art. XX, § 3.

28

1 168. In 1952, Congress enacted the INA. 8 U.S.C. §§ 1101-1537.
2 Section 274 of the INA, 8 U.S.C. § 1324, was enacted to combat human
3 smugglers and imposes criminal penalties on anyone who “brings to or
4 attempts to bring to the United States in any manner whatsoever [an al-
5 ien] ... at a place other than a designated port of entry”; on anyone who
6 “transports, or moves or attempts to transport or move ... [an illegal] al-
7 ien within the United States”; anyone who “conceals, harbors, or shields
8 from detection” an illegal alien, “or attempts to” do so; or anyone who
9 “encourages or induces an alien” illegally “to come to, enter, or reside in
10 the United States.” 8 U.S.C. 1324(a)(1)(A).

11 169. And, 8 U.S.C. § 1324 makes it a Federal crime for any person
12 to “knowingly hire[] for employment at least 10 individuals with actual
13 knowledge that the individuals are aliens described in subparagraph
14 (B).” 8 U.S.C. § 1324(a)(3)(A).

15 170. Under the Sanctuary State Law, City officials, including Hun-
16 tington Beach Police personnel, are mandated to “conceal, harbor, or
17 shield from detection” any alien in their custody in violation of 8 U.S.C. §
18 1324(a)(1)(iii). *See* Cal. Gov. Code §§ 7284.4, 7282.5, 7284.6, 7285.1,
19 7285.2.

20 171. City officials, including Huntington Beach Police personnel,
21 are unable to fulfill their duty to investigate or detain individuals having
22 committed crimes without violating the Sanctuary State Law. *See* Cal.
23 Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

24 172. The Sanctuary State Law prohibits local law enforcement of-
25 ficers from cooperating with the Federal Government in criminal immi-
26 gration investigations. *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6,
27 7285.1, 7285.2.

28

1 173. The Sanctuary State Law bars local jurisdictions from com-
2 plying with 8 U.S.C. §§ 1324, 1373, and 1644 or participating in a joint
3 task force. *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

4 174. The Sanctuary State Law restricts cooperation between local
5 law enforcement agencies and the Federal Government. *See* Cal. Gov.
6 Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

7 175. The Sanctuary State Law’s interference with the City’s coor-
8 dination with the Federal Government in order to “protect” illegal immi-
9 grants from the Federal Government’s enforcement of the U.S. Federal
10 immigration laws, as Defendants Governor Newsom and Attorney Gen-
11 eral Robert Bonta have declared, is “harboring” of illegal aliens by the
12 State of California.

13 176. City officials, including Huntington Beach Police personnel,
14 are unable to stop crime before it occurs. Instead, they must sit idly by
15 and wait for a human smuggling incident to become a human trafficking
16 situation in order to intervene and comply with California Government
17 Code §§ 7282.5, 7284.4, 7284.6.

18 177. The Sanctuary State Law is an obstacle to the City’s ability to
19 comply with U.S. Federal immigration laws. It prevents City officials,
20 including Huntington Beach Police personnel, from full, effective law en-
21 forcement and obstructs the City’s ability to coordinate and cooperate
22 with Federal law enforcement agencies. Pursuant to the Supremacy
23 Clause, U.S. Federal immigration law is supreme, and the Sanctuary
24 State Law is an unconstitutional barrier to the City’s effective law en-
25 forcement efforts.

26 178. Governor Newsom and Attorney General Bonta have publicly
27 expressed on multiple occasions their intent to enforce the Sanctuary
28 State Laws and they have a direct connection to such enforcement by vir-

1 tue of the offices that they hold. Governor Newsom’s and Attorney Gen-
2 eral Bonta’s violations of 8 U.S.C. § 1324 are ongoing. Their enforcement
3 of the Sanctuary State Law causes ongoing harm to the Plaintiffs, and
4 prospective injunctive relief will redress that harm.

5 179. Plaintiffs have no adequate remedy at law. Absent relief, De-
6 fendants’ actions continue to harm and threaten to harm Plaintiffs by
7 impairing enjoyment of this right.

8 **FOURTH CAUSE OF ACTION**

9 **VIOLATION OF U.S. FEDERAL IMMIGRATION LAWS**

10 **8 U.S.C. §§ 1373 and 1644**

11 **(Against All Defendants)**

12 180. Plaintiffs hereby incorporate the allegations made in each
13 preceding paragraph of this Complaint as if fully set forth herein.

14 181. The Sanctuary State Law is unconstitutional. *See* U.S. Const.
15 art. VI, cl. 2; U.S. Const. art. I, § 8, cl. 4; U.S. Const. amend. I; 8 U.S.C.
16 §§ 1324, 1325, 1373, and 1644; 18 U.S.C. §§ 4, 371, 372, and 1512; *see al-*
17 *so* Cal. Const. art. XI, § 5; Cal. Const. art. XX, § 3.

18 182. Title 8, U.S.C. § 1373(a) provides, “Notwithstanding any other
19 provision of Federal, State, or local law, a Federal, State, or local gov-
20 ernment entity or official may not prohibit, or in any way restrict, any
21 government entity or official from sending to, or receiving from, ... [DHS]
22 information regarding the citizenship or immigration status, lawful or
23 unlawful, of any individual.”

24 183. Similarly, 8 U.S.C. § 1644 states that “Notwithstanding any
25 other provision of Federal, State, or local law, no State or local govern-
26 ment entity may be prohibited, or in any way restricted, from sending to
27 or receiving from ... [DHS] information regarding the immigration sta-
28 tus, lawful or unlawful, of an alien in the United States.”

1 184. The Sanctuary State Law “prohibit[s]” and “restrict[s]” the
2 Plaintiffs and the City’s employees “from sending to, or receiving from,”
3 DHS “information regarding the immigration status” of aliens. 8 U.S.C. §
4 1373 and 1644. The Sanctuary State Law, therefore, violates federal
5 statutes containing specific preemption clauses.

6 185. Under the Sanctuary State Law, City officials, including Hun-
7 tington Beach Police personnel, are mandated to “conceal, harbor, or
8 shield from detection” any alien in their custody in violation of 8 U.S.C. §
9 1324(a)(1)(iii). *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1,
10 7285.2.

11 186. The Sanctuary State Law prohibits local law enforcement of-
12 ficers from cooperating with the Federal Government in criminal immi-
13 gration investigation. *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6,
14 7285.1, 7285.2.

15 187. The Sanctuary State Law’s interference with the City’s coor-
16 dination with the Federal Government in order to “protect” illegal immi-
17 grants from the Federal Government’s enforcement of the Federal immi-
18 gration laws, as Defendants Governor Newsom and Attorney General
19 Robert Bonta have declared, is “harboring” of illegal aliens by the State
20 of California.

21 188. The Sanctuary State Law is an obstacle to the City’s ability to
22 comply with U.S. Federal immigration laws. It prevents City officials,
23 including Huntington Beach Police personnel, from full, effective law en-
24 forcement and obstructs the City’s ability to coordinate and cooperate
25 with Federal law enforcement agencies. Pursuant to the Supremacy
26 Clause, U.S. Federal immigration law is supreme, and the Sanctuary
27 State Law is an unconstitutional barrier to the City’s effective law en-
28 forcement efforts.

1 189. Governor Newsom and Attorney General Bonta have publicly
2 expressed on multiple occasions their intent to enforce the Sanctuary
3 State Laws and they have a direct connection to such enforcement by vir-
4 tue of the offices that they hold. Governor Newsom’s and Attorney Gen-
5 eral Bonta’s violations of 8 U.S.C. §§ 1373 and 1644 are ongoing. Their
6 enforcement of the Sanctuary State Law causes ongoing harm to the
7 Plaintiffs, and prospective injunctive relief will redress that harm.

8 190. Plaintiffs have no adequate remedy at law. Absent relief, De-
9 fendants’ actions continue to harm and threaten to harm Plaintiffs by
10 impairing enjoyment of this right.

11 **FIFTH CAUSE OF ACTION**
12 **VIOLATION OF U.S. FEDERAL CRIMINAL LAWS**
13 **18 U.S.C. §§ 4, 371, 372, and 1512**
14 **(Against All Defendants)**

15 191. Plaintiffs hereby incorporate the allegations made in each
16 preceding paragraph of this Complaint as if fully set forth herein.

17 192. The Sanctuary State Law is unconstitutional. *See* U.S. Const.
18 art. VI, cl. 2; U.S. Const. art. I, § 8, cl. 4; U.S. Const. amend. I; 8 U.S.C.
19 §§ 1324, 1325, 1373, and 1644; 18 U.S.C. §§ 4, 371, 372, and 1512; *see al-*
20 *so* Cal. Const. art. XI, § 5; Cal. Const. art. XX, § 3.

21 193. The Sanctuary State Law requires the Plaintiffs to commit
22 federal crimes under 18 U.S.C. § 4, which provides that “[w]hoever, hav-
23 ing knowledge of the actual commission of a felony cognizable by a court
24 of the United States, conceals and does not as soon as possible make
25 known the same to some judge or other person in civil or military author-
26 ity under the United States, shall be fined under this title or imprisoned
27 not more than three years, or both.” 18 U.S.C. § 4.
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1 194. The Sanctuary State Law requires the plaintiffs to commit
2 federal crimes under 18 U.S.C. § 4 because it forbids the Plaintiffs from
3 disclosing immigration-related felonies committed by aliens to federal
4 authorities. Some examples of such felonies include: 1) improper entry
5 and re-entry into the United States, 8 U.S.C. §§ 1325(a) and 1326; estab-
6 lishing “a commercial enterprise for the purpose of evading any provision
7 of the immigration laws,” 8 U.S.C. § 1325(d); and bringing in and harbor-
8 ing aliens, 8 U.S.C. § 1324.

9 195. The Sanctuary State Law also requires the Plaintiffs to com-
10 mit federal crimes under 8 U.S.C. § 371, which provides that “[i]f two or
11 more persons conspire either to commit any offense against the United
12 States, or to defraud the United States, or any agency thereof in any
13 manner or for any purpose...each shall be fined under this title or im-
14 prisoned not more than five years, or both.” *See United States v. Tuohey*,
15 867 F.2d 534, 536 (9th Cir. 1989) (“conspiracy to defraud the United
16 States is not limited to common-law fraud, but reaches ‘any conspiracy
17 for the purpose of impairing, obstructing or defeating the lawful function
18 of any department of government.’ (citation omitted)”).

19 196. As explained in this Complaint, the Sanctuary State Laws re-
20 quire the Plaintiffs and City employees to commit a number of offenses
21 against the United States, including under 8 U.S.C. 1324 and 18 U.S.C.
22 §§ 4, 372, and 1512.

23 197. The Sanctuary State Law also requires the Plaintiffs to com-
24 mit federal crimes under 8 U.S.C. § 372, which provides that “[i]f two or
25 more persons...conspire to prevent, by force, intimidation, or threat, any
26 person from accepting or holding any office, trust, or place of confidence
27 under the United States...or impede him in the discharge of his official
28

1 duties, each of such persons shall be fined under this title or imprisoned
2 not more than six years, or both.”

3 198. Federal immigration officials hold offices under the United
4 States. The Sanctuary State Law requires the Plaintiffs and City em-
5 ployees to impede federal immigration officials from discharging their of-
6 ficial duties. The Sanctuary State Law, therefore, requires the Plaintiffs
7 and City employees to violate 18 U.S.C. § 372.

8 199. The Sanctuary State Law also requires the Plaintiffs to com-
9 mit federal crimes under 18 U.S.C. § 1512(b)(2)(D) and (b)(3)18 U.S.C. §
10 4, which make it a crime carrying a penalty of up to 20 years’ imprison-
11 ment for anyone who “knowingly ... engages in misleading conduct to-
12 ward another person, with intent to ... cause or induce any person to ...
13 be absent from an official proceeding to which such person has been
14 summoned by legal process” or to “hinder, delay, or prevent the commu-
15 nication to a law enforcement officer or judge of the United States of in-
16 formation relating to the commission or possible commission of a Federal
17 offense or a violation of ... parole[] or release pending judicial proceed-
18 ings.”

19 200. The Sanctuary State Law requires the Plaintiffs and City
20 employees to engage in misleading conduct to help aliens absent them-
21 selves from administrative immigration court proceedings, which are of-
22 ficial proceedings to which aliens are summoned. The Sanctuary State
23 laws also require the Plaintiffs and City employees to hinder, delay, or
24 prevent communications between DHS law enforcement officers and al-
25 iens related to the aliens’ violations of Federal law. The Sanctuary State
26 Law, therefore, requires the Plaintiffs and City employees to violate 18
27 U.S.C. § 1512.

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1 201. Additionally, by enforcing the Sanctuary State Law, Governor
2 Newsom and Attorney General Bonta are violating 18 U.S.C. §§ 4, 371,
3 372, and 1512.

4 202. Under the Sanctuary State Law, City officials, including Hun-
5 tington Beach Police personnel, are mandated to “conceal, harbor, or
6 shield from detection” any alien in their custody in violation of 8 U.S.C. §
7 1324(a)(1)(iii). *See* Cal. Gov. Code §§ 7282.5, 7284.6, 7284.4, 7285.1,
8 7285.2.

9 203. City officials, including Huntington Beach Police personnel,
10 are unable to fulfill their duty to investigate or detain individuals having
11 committed crimes without violating the Sanctuary State Law. *See* Cal.
12 Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

13 204. The Sanctuary State Law prohibits local law enforcement of-
14 ficers from cooperating with the Federal Government in a criminal im-
15 migration investigation. *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6,
16 7285.1, 7285.2.

17 205. The Sanctuary State Law bars local jurisdictions from com-
18 plying with 8 U.S. Code, Section 1324 or participate in a joint task force.
19 *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

20 206. The Sanctuary State Law restricts cooperation between local
21 law enforcement agencies and the Federal Government. *See* Cal. Gov.
22 Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

23 207. The Sanctuary State Law’s interference with the Plaintiffs’
24 coordination with the Federal Government in order to “protect” illegal
25 immigrants from the Federal Government’s enforcement of the U.S. Fed-
26 eral immigration laws as Defendants Governor Newsom and Attorney
27 General Robert Bonta have declared is tantamount to “harboring” of ille-
28 gal aliens by the State of California.

1 208. City officials, including Huntington Beach Police personnel,
2 are unable to stop crime before it occurs. Instead, they must sit idly by
3 and wait for a human smuggling incident to become a human trafficking
4 situation in order to intervene and comply with California Government
5 Code §§ 7282.5, 7284.4, 7284.6.

6 209. The Sanctuary State Law is an obstacle to the City’s ability to
7 comply with U.S. Federal immigration laws. It prevents City officials,
8 including Huntington Beach Police personnel, from full, effective law en-
9 forcement and obstructs the City’s ability to coordinate and cooperate
10 with Federal law enforcement agencies. Pursuant to the Supremacy
11 Clause, U.S. Federal immigration law is supreme, and the Sanctuary
12 State Law is an unconstitutional barrier to the City’s effective law en-
13 forcement efforts.

14 210. Governor Newsom and Attorney General Bonta have publicly
15 expressed on multiple occasions their intent to enforce the Sanctuary
16 State Laws and they have a direct connection to such enforcement by vir-
17 tue of the offices that they hold. Governor Newsom’s and Attorney Gen-
18 eral Bonta’s violations of 18 U.S.C. §§ 4, 371, 372, and 1512 are ongoing.
19 Their enforcement of the Sanctuary State Law causes ongoing harm to
20 the Plaintiffs, and prospective injunctive relief will redress that harm.

21 211. Plaintiffs have no adequate remedy at law. Absent relief, De-
22 fendants’ actions continue to harm and threaten to harm Plaintiffs by
23 impairing enjoyment of this right.

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SIXTH CAUSE OF ACTION
AIDING AND ABETTING, ACCESSORY AFTER THE FACT
VIOLATION OF CALIFORNIA PENAL CODE §§ 31, 32
(Against All Defendants)

212. Plaintiffs hereby incorporate the allegations made in each preceding paragraph of this Complaint as if fully set forth herein.

213. California Penal Code § 31 provides, “All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense, or aid and abet in its commission, or, not being present, have advised and encouraged its commission, and all persons counseling, advising, or encouraging children under the age of fourteen years, or persons who are mentally incapacitated, to commit any crime, or who, by fraud, contrivance, or force, occasion the drunkenness of another for the purpose of causing him to commit any crime, or who, by threats, menaces, command, or coercion, compel another to commit any crime, are principals in any crime so committed.”

214. California Penal Code § 32 provides: “Every person who, after a felony has been committed, harbors, conceals or aids a principal in such felony, with the intent that said principal may avoid or escape from arrest, trial, conviction or punishment, having knowledge that said principal has committed such felony or has been charged with such felony or convicted thereof, is an accessory to such felony.”

215. Under the Sanctuary State Law, City officials, including Huntington Beach Police personnel, are mandated to “conceal, harbor, or shield from detection” any alien in their custody in violation of 8 U.S.C. §1324(a)(1)(iii). See Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

1 216. Additionally, the Sanctuary State Law requires the Plaintiffs
2 and City employees to encourage and conceal the commission of felonies
3 by aliens, including under 8 U.S.C. §§ 1325(a), (d) and 1326.

4 217. City officials, including Huntington Beach Police personnel,
5 are unable to fulfill their duty to investigate or detain individuals having
6 committed crimes without violating the Sanctuary State Law. *See* Cal.
7 Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

8 218. The Sanctuary State Law prohibits local law enforcement of-
9 ficers from cooperating with the Federal Government in criminal immi-
10 gration investigation. *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6,
11 7285.1, 7285.2.

12 219. The Sanctuary State Law bars local jurisdictions from com-
13 plying with 8 U.S.C. § 1324 or participate in a joint task force. *See* Cal.
14 Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

15 220. The Sanctuary State Law restricts cooperation between local
16 law enforcement agencies and the Federal Government. *See* Cal. Gov.
17 Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

18 221. The Sanctuary State Law’s interference with the City’s coor-
19 dination with the Federal Government in order to “protect” illegal immi-
20 grants from the Federal Government’s enforcement of the U.S. Federal
21 immigration laws as Defendants Governor Newsom and Attorney Gen-
22 eral Robert Bonta have declared is “harboring” of illegal aliens by the
23 State of California and amounts to a violation of California Penal Code
24 §§ 31 and 32.

25 222. The Sanctuary State Law causes City officials, including
26 Huntington Beach Police personnel, to violate California Penal Code §§
27 31 and 32 by aiding and abetting the commission of a crime and access-
28 ory after the fact in the commission of a crime, i.e., the violation of U.S.

1 Federal immigration laws, including but not limited to 8 U.S.C. §§ 1324,
2 1325, and 1326.

3 223. Plaintiffs have no adequate remedy at law. Absent relief, De-
4 fendants' actions continue to harm and threaten to harm Plaintiffs by
5 impairing enjoyment of this right.

6 **SEVENTH CAUSE OF ACTION**
7 **VIOLATION OF OATH OF OFFICE**
8 **ARTICLE XX, § 3 OF THE CALIFORNIA CONSTITUTION**
9 **(Against All Defendants)**

10 224. Plaintiffs hereby incorporate the allegations made in each
11 preceding paragraph of this Complaint as if fully set forth herein.

12 225. The Sanctuary State Law is unconstitutional. *See* U.S. Const.
13 art. VI, cl. 2; U.S. Const. art. I, § 8, cl. 4; U.S. Const. amend. I; 8 U.S.C.
14 §§ 1324, 1325, 1373, and 1644; 18 U.S.C. §§ 4, 371, 372, and 1512; *see al-*
15 *so* Cal. Const. art. XI, § 5; Cal. Const. art. XX, § 3.

16 226. Article XX, § 3 of the California Constitution provides the
17 Oath of Office that certain City officials, including elected officials and
18 police officers, are required to take in order to be fully vested with au-
19 thority for the office they are to assume. Cal. Const. art. XX, § 3.

20 227. The Constitutionally required Oath of Office states “I,,
21 do solemnly swear (or affirm) that I will support and defend the Consti-
22 tution of the United States and the Constitution of the State of Califor-
23 nia against all enemies, foreign and domestic; that I will bear true faith
24 and allegiance to the Constitution of the United States and the Constitu-
25 tion of the State of California; that I take this obligation freely, without
26 any mental reservation or purpose of evasion; and that I will well and
27 faithfully discharge the duties upon which I am about to enter.”
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1 228. The Sanctuary State Law forces the City’s officials, including
2 Huntington Beach Police personnel, to violate their legal obligations and
3 their Oaths of Office to the U.S Constitution, the California Constitution,
4 and U.S. Federal immigration laws in violation of the California Consti-
5 tution’s Oath of Office.

6 229. Under the Sanctuary State Law, City officials, including Hun-
7 tington Beach Police personnel, are mandated to “conceal, harbor, or
8 shield from detection” any alien in their custody in violation of 8 U.S.C. §
9 1324(a)(1)(iii). *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1,
10 7285.2.

11 230. City officials, including Huntington Beach Police personnel,
12 are unable to fulfill their duty to investigate or detain individuals having
13 committed crimes without violating the Sanctuary State Law. *See* Cal.
14 Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

15 231. The Sanctuary State Law prohibits local law enforcement of-
16 ficers from cooperating with the Federal Government in criminal immi-
17 gration investigation. *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6,
18 7285.1, 7285.2.

19 232. The Sanctuary State Law bars local jurisdictions from com-
20 plying with 8 U.S.C. § 1324 or participate in a joint task force. *See* Cal.
21 Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

22 233. The Sanctuary State Law restricts cooperation between local
23 law enforcement agencies and the Federal Government. *See* Cal. Gov.
24 Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

25 234. The Sanctuary State Law’s interference with the City’s coor-
26 dination with the Federal Government in order to “protect” illegal immi-
27 grants from the Federal Government’s enforcement of the U.S. Federal
28 immigration laws causes City officials, including Huntington Beach Po-

1 lice personnel, to violate the terms of their Oath of Office required by the
2 California Constitution, i.e., that they swear to “support and defend the
3 Constitution of the United States and the Constitution of the State of
4 California against all enemies, foreign and domestic; that [they] will bear
5 true faith and allegiance to the Constitution of the United States and the
6 Constitution of the State of California; that [they] take this obligation
7 freely, without any mental reservation or purpose of evasion; and that
8 [they] will well and faithfully discharge the duties upon which [they]
9 a[re] about to enter,” causing violations of U.S. Federal immigration
10 laws, including but not limited to 8 U.S.C. §§ 1324 and 1325.

11 235. Plaintiffs have no adequate remedy at law. Absent relief, De-
12 fendants’ actions continue to harm and threaten to harm Plaintiffs by
13 impairing enjoyment of this right.

14 **EIGHTH CAUSE OF ACTION**
15 **VIOLATION OF CIVIL RIGHTS**
16 **42 U.S.C. § 1983**

17 **(Against Defendants Governor Newsom and Attorney General**
18 **Bonta)**

19 236. Plaintiffs hereby incorporate the allegations made in each
20 preceding paragraph of this Complaint as if fully set forth herein.

21 237. Under 42 U.S.C. § 1983, “Every person who, under color of
22 any statute, ordinance, regulation, custom, or usage, of any State ... sub-
23 jects, or causes to be subjected, any citizen of the United States ... to the
24 deprivation of any rights, privileges, or immunities secured by the Con-
25 stitution and laws, shall be liable to the party injured in an action at law,
26 suit in equity, or other proper proceeding for redress....”

27 238. The Sanctuary State Law compels the speech of the Plaintiffs
28 and the City’s employees. *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6,

1 7285.1, 7285.2. This deprives the Plaintiffs of their free speech rights
2 under the First Amendment of the Constitution.

3 239. The Sanctuary State Law restricts the Plaintiffs and the
4 City’s employees, who are “government entit[ies] or official[s],” “from
5 sending to, or receiving from, ... [DHS] information regarding the citizen-
6 ship or immigration status, lawful or unlawful, of any individual.” 8
7 U.S.C. §§ 1373 and 1644; *see also* Cal. Gov. Code §§ 7282.5, 7284.4,
8 7284.6, 7285.1, 7285.2.

9 240. Because Federal law protects the Plaintiffs’ right and privi-
10 lege of communicating with DHS regarding the immigration status of al-
11 iens, the Sanctuary State Law deprives the Plaintiffs of their rights and
12 privileges under Sections 1373 and 1644.

13 241. Governor Newsom and Attorney General Bonta have publicly
14 expressed on multiple occasions their intent to enforce the Sanctuary
15 State Laws and they have a direct connection to such enforcement by vir-
16 tue of the offices that they hold. Governor Newsom’s and Attorney Gen-
17 eral Bonta’s violations of the First Amendment and 8 U.S.C. §§ 1373 and
18 1644 are ongoing. Their enforcement of the Sanctuary State Law causes
19 ongoing harm to the Plaintiffs by depriving them of their rights and privi-
20 leges under the U.S. Constitution and Federal law. Prospective injunc-
21 tive relief will redress that harm.

22 242. The Plaintiffs have no adequate remedy at law. Absent relief,
23 Defendants’ actions continue to harm and threaten to harm Plaintiffs by
24 impairing enjoyment of this right.

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NINTH CAUSE OF ACTION
NON-STATUTORY CAUSE OF ACTION FOR VIOLATION OF
FEDERAL LAW
(Against Defendants Governor Newsom and Attorney General
Bonta)

243. Plaintiffs hereby incorporate the allegations made in each preceding paragraph of this Complaint as if fully set forth herein.

244. The *Ex Parte Young* doctrine allows for suits against state officials in their official capacity for prospective injunctive relief to prevent ongoing violations of federal law. *Ex parte Young*, 209 U.S. 123 (1908).

245. Claims for relief One through Five catalog the numerous ways that Governor Newsom and Attorney General Bonta are violating Federal law. The Plaintiffs, therefore, have a cause of action under *Ex Parte Young* against Governor Newsom and Attorney General Bonta.

246. Governor Newsom and Attorney General Bonta have publicly expressed on multiple occasions their intent to enforce the Sanctuary State Laws and they have a direct connection to such enforcement by virtue of the offices that they hold. Governor Newsom’s and Attorney General Bonta’s violations of the U.S. Constitution and Federal law. Their enforcement of the Sanctuary State Law causes ongoing harm to the Plaintiffs by depriving them of their rights and privileges under the U.S. Constitution and Federal law. Prospective injunctive relief will redress that harm.

247. The Plaintiffs have no adequate remedy at law. Absent relief, Defendants’ actions continue to harm and threaten to harm Plaintiffs by impairing enjoyment of this right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief as follows:

1. Preliminary and permanent injunctive relief preventing Defendants from enforcing the Sanctuary State Law, or, alternatively, from enforcing the California statutes and constitutional provisions upon which the Sanctuary State Law is based to the extent those statutes and provisions violate the Supremacy Clause, the aforementioned U.S. Federal immigration, criminal, and civil rights laws, the aforementioned California Penal Code(s), and other provisions of the U.S. Constitution and California Constitution;

2. An order and judgment declaring that the Sanctuary State Law, or, alternatively, the California statutes and constitutional provisions upon which the Sanctuary State Law is based, violate the Supremacy Clause, the aforementioned U.S. Federal immigration, criminal, and civil rights laws, the aforementioned California Penal Code(s), and other provisions of the U.S. Constitution and California Constitution;

3. An order and judgment declaring that the Sanctuary State Law provides no obstacle to Huntington Beach’s cooperation with the Federal Government and acts to comply with all U.S. Federal immigration laws, or, alternatively, the California statutes and constitutional provisions upon which AB 1955 is based, violate the Supremacy Clause, the aforementioned U.S. Federal immigration, criminal, and civil rights laws, the aforementioned California Penal Code(s), and other provisions of the U.S. Constitution and California Constitution;

1 4. Reasonable attorneys' fees and costs pursuant to 42 U.S.C. §
2 1988 and other applicable laws; and

3 5. Such other and further relief as the Court may deem just and
4 proper.

5
6 DATED: March 5, 2025 MICHAEL J. Vigliotta, City Attorney

7
8 By: /s/ Michael J. Vigliotta (with permission)
9 Michael J. Vigliotta
10 City Attorney
11 City of Huntington Beach

12 By: /s/ James Rogers
13 James K. Rogers
14 Senior Counsel
15 America First Legal Foundation

16 Attorneys for Plaintiffs
17 CITY OF HUNTINGTON BEACH,
18 HUNTINGTON BEACH CITY COUN-
19 CIL, HUNTINGTON BEACH POLICE
20 DEPARTMENT, and the HUNTING-
21 TON BEACH POLICE CHIEF
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1 **DEMAND FOR JURY TRIAL**

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Plaintiffs, CITY OF HUNTINGTON BEACH, HUNTINGTON BEACH CITY COUNCIL, HUNTINGTON BEACH POLICE DEPARTMENT, and the HUNTINGTON BEACH POLICE CHIEF hereby demand trial by jury in the above-entitled action pursuant to Federal Rules of Civil Procedure 38(b) and Local Rule 38-1.

DATED: March 5, 2025 MICHAEL J. Vigliotta, City Attorney

By: /s/ Michael J. Vigliotta (with permission)
Michael J. Vigliotta, City Attorney
Attorneys for Plaintiffs

By: /s/ James Rogers
James K. Rogers
Senior Counsel
America First Legal Foundation

CITY OF HUNTINGTON BEACH,
HUNTINGTON BEACH CITY COUNCIL,
HUNTINGTON BEACH POLICE DEPARTMENT, and the HUNTINGTON BEACH POLICE CHIEF

Exhibit A

ORANGE COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

April 23, 2019

Submitting Agency/Department: County Counsel

Pursuant to Government Code Section 7283.1, conduct public hearing regarding Transparent Review of Unjust Transfers and Holds (TRUTH) Act and receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement's access to individuals in 2018 - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

Unanimous (1) DO: Y (2) STEEL: Y (3) WAGNER: Y (4) CHAFFEE: Y (5) BARTLETT: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. S49C

Special Notes:

Copies sent to:

CoCo – Nicole Sims

4/25/19



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Robin Stieler, Clerk of the Board

By:
Deputy



County Executive Office

Memorandum

April 16, 2019

To: Clerk of the Board of Supervisors
From: Frank Kim, County Executive Officer
Subject: Exception to Rule 21

Handwritten signature of Frank Kim

RECEIVED stamp: 2019 APR 18 PM 2:26 CLERK OF THE BOARD OF SUPERVISORS ORANGE COUNTY

Handwritten number: 549C

The County Executive Office is requesting a Supplemental Agenda Staff Report (ASR) for the April 23, 2019, Board Hearing Meeting.

Agency: County Counsel
Subject: Transparent Review of Unjust Transfers and Holds (TRUTH) Act Community Forum
Districts: All Districts

Reason for supplemental: Conducting the public hearing and receiving and filing information regarding access to individuals that has been provided to Immigration and Customs Enforcement by County law enforcement departments during 2018 will meet the requirements of California's Transparent Review of Unjust Transfers and Holds (TRUTH) Act, Government Code sections 7283 and 7283.1.

Concur: [Signature]
Chairwoman Lisa Bartlett, Supervisor, Fifth District

cc: Board of Supervisors
County Executive Office
County Counsel

Agenda Item 549C
Clerk's Use Only



SUPPLEMENTAL AGENDA ITEM AGENDA STAFF REPORT

MEETING DATE: 4/23/19

LEGAL ENTITY TAKING ACTION: Board of Supervisors

BOARD OF SUPERVISORS DISTRICT(S): All Districts

SUBMITTING AGENCY/DEPARTMENT: County Counsel

DEPARTMENT HEAD REVIEW: *Leon Page*
Department Head Signature

DEPARTMENT CONTACT PERSON(S): Leon J. Page (714) 834-3300
Nicole A. Sims (714) 834-3319

RECEIVED
 2019 APR 18 PM 2:26
 CLERK OF THE BOARD
 ORANGE COUNTY
 BOARD OF SUPERVISORS

SUBJECT: Transparent Review of Unjust Transfers and Holds (TRUTH) Act Community Forum

<p>CEO CONCUR</p> <p><i>[Signature]</i></p> <p><small>CEO Signature</small></p>	<p>COUNTY COUNSEL REVIEW</p> <p><i>no legal objection</i></p> <p><small>Action</small></p> <p><i>[Signature]</i></p> <p><small>County Counsel Signature</small></p>	<p>CLERK OF THE BOARD</p> <p>Public Hearing</p> <p>3 Votes Board Majority</p>
---	---	---

Budgeted: N/A **Current Year Cost:** N/A **Annual Cost:** N/A

Staffing Impact: N/A **# of Positions:** **Sole Source:** N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A **County Audit in last 3 years:** N/A

Prior Board Action: 12/04/2018 #S40A

RECOMMENDED ACTION(S)

1. Pursuant to Government Code section 7283.1, conduct public hearing regarding access to individuals that has been provided to Immigration and Customs Enforcement by County law enforcement departments during 2018.
2. Receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement's access to individuals in 2018.

SUMMARY:

California's Transparent Review of Unjust Transfers and Holds (TRUTH) Act (Government Code sections 7283 and 7283.1) requires that a Community Forum be held each year, to provide the public with information about what access to individuals had been provided to Immigration and Customs Enforcement by County law enforcement departments during the preceding year.

BACKGROUND INFORMATION:

Government Code section 7283, subdivision (d), defines "ICE access" as follows:

- "ICE access" means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:
- (1) Responding to an ICE hold, notification, or transfer request.
 - (2) Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
 - (3) Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
 - (4) Allowing ICE to interview an individual.
 - (5) Providing ICE information regarding dates and times of probation or parole check-ins.

Sheriff's Department

Following the enactment of state laws limiting law enforcement agencies' cooperation with ICE except as provided, the Sheriff's Department (OCSD) implemented a jail policy and created forms to meet the laws' requirements. OCSD's jail policy 1206 (Attachment D) prohibits any transfer of an inmate to ICE's custody unless in accordance with state law. Following the enactment of the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, OCSD created forms by which OCSD requests an inmate's written consent to be interviewed by ICE ("TRUTH Act Interview Consent Form") and also notifies an inmate if the inmate qualifies to be transferred to ICE's custody following the inmate's release from OCSD's custody ("TRUTH Act Notification Form") (Attachment E).

OCSD provided the following information:

- In 2018, a total of 1,823 inmates in the Orange County Jail had ICE detainers, meaning ICE requested that OCSD notify them when the inmates were being released and transfer the inmates to ICE's custody. The OCSD transferred 717 inmates to ICE upon completion of their time in local custody from January 1 to December 31, 2018. Those transferred were all individuals whose criminal convictions met the state law's requirement for transfer to ICE's custody.
- State law prohibited OCSD from notifying ICE of the release of 1,106 inmates who had ICE detainers. Of the 1,106 inmates with ICE detainers who were released back into the community, 173 have been rearrested in Orange County for committing 58 different types of crimes, including attempted murder, assault and battery, child molestation, and robbery.

Probation Department

The Probation Department does not permit ICE to have access to any juvenile in Probation's custody or under Probation's supervision. This is in accord with Welfare and Institutions Code section 831, which prohibits disclosure of juvenile information to federal officials absent a court order from the Juvenile Court.

The Probation Department has briefed its Probation Officers about the legal requirements for ICE access to adults. The Probation Department has not had a situation where it has allowed ICE access to an adult in Probation's custody or under Probation's supervision in 2018.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

Sheriff's Department
Probation Department

ATTACHMENT(S):

Attachment A – Government Code section 7283
Attachment B – Government Code section 7283.1
Attachment C – Welfare and Institutions Code section 831
Attachment D – OCSD's Jail Policy Section 1206 (Immigration)
Attachment E – OCSD's Inmate Interview Consent Form and Notification Form

Exhibit B

**ORANGE COUNTY BOARD OF SUPERVISORS
MINUTE ORDER
December 08, 2020**

Submitting Agency/Department: County Counsel

Pursuant to Government Codes Section 7283.1 conduct public hearing regarding Transparent Review of Unjust Transfers and Holds (TRUTH) Act and receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement's access to individuals in 2019 - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

Unanimous (1) DO: Y (2) STEEL: Y (3) WAGNER: Y (4) CHAFFEE: Y (5) BARTLETT: Y
Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. S34A

Special Notes:

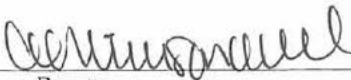
Copies sent to:

CoCo – Leon Page

12/11/20



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Robin Stieler, Clerk of the Board

By: 
Deputy



County Executive Office

Memorandum

November 30, 2020

To: Clerk of the Board of Supervisors

From: Frank Kim, County Executive Officer

Subject: Exception to Rule 21

Handwritten notes and stamps in blue ink, including "S34A" and a date stamp "NOV 30 11:18:55".

The County Executive Office is requesting a Supplemental Agenda Staff Report (ASR) for the December 8, 2020, Board Hearing Meeting.

Agency: County Counsel

Subject: TRUTH Act Community Forum

Districts: All Districts

Reason for supplemental: Conducting the public hearing and receiving and filing information regarding access to individuals that has been provided to Immigration and Customs Enforcement by County law enforcement departments during 2019 will meet the requirements of California's Transparent Review of Unjust Transfers and Holds (TRUTH) Act, Government Code sections 7283 and 7283.1.

Concur:

Chairwoman Michelle Steel, Supervisor, Second District

cc: Board of Supervisors
County Executive Office
County Counsel

Agenda Item S341A
Clerk's Use Only



SUPPLEMENTAL AGENDA ITEM AGENDA STAFF REPORT

2025 DEC - 1 PM 1:00:55
COUNTY CLERK'S OFFICE

MEETING DATE: 12/08/20
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Counsel
DEPARTMENT HEAD REVIEW: Leon Page
Department Head Signature
DEPARTMENT CONTACT PERSON(S): Leon J. Page (714) 834-3300
Nicole A. Sims (714) 834-3319

SUBJECT: Transparent Review of Unjust Transfers and Holds (TRUTH) Act Community Forum

CEO CONCUR

[Signature]

CEO Signature

COUNTY COUNSEL REVIEW

No legal objection
Action

[Signature]

County Counsel Signature

CLERK OF THE BOARD

Public Hearing

3 Votes Board Majority

Budgeted: N/A

Current Year Cost: N/A

Annual Cost: N/A

Staffing Impact: N/A

of Positions:

Sole Source: N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A

County Audit in last 3 years: N/A

Prior Board Action: N/A

RECOMMENDED ACTION(S)

1. Pursuant to Government Code section 7283.1, conduct public hearing regarding access to individuals that has been provided to Immigration and Customs Enforcement by County law enforcement departments during 2019.
2. Receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement's access to individuals in 2019.

SUMMARY:

California's Transparent Review of Unjust Transfers and Holds (TRUTH) Act (Government Code sections 7283 and 7283.1) requires that a Community Forum be held each year, to provide the public with

information about what access to individuals had been provided to Immigration and Customs Enforcement (ICE) by County law enforcement departments during the preceding year.

BACKGROUND INFORMATION:

Government Code section 7283, subdivision (d), defines “ICE access” as follows:

“ICE access” means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:

- (1) Responding to an ICE hold, notification, or transfer request.
- (2) Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
- (3) Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
- (4) Allowing ICE to interview an individual.
- (5) Providing ICE information regarding dates and times of probation or parole check-ins.

Sheriff-Coroner Department

Following the enactment of state laws limiting law enforcement agencies’ cooperation with ICE except as provided, the Sheriff-Coroner Department (OCSD) implemented a jail policy and created forms to meet the laws’ requirements. OCSD’s jail policy 1206 (Attachment B) prohibits any transfer of an inmate to ICE’s custody unless in accordance with state law. Following the enactment of the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, OCSD created forms by which OCSD requests an inmate’s written consent to be interviewed by ICE (TRUTH Act Interview Consent Form) and also notifies an inmate if the inmate qualifies to be transferred to ICE’s custody following the inmate’s release from OCSD’s custody (TRUTH Act Notification Form) (Attachment C).

OCSD provided the following information for 2019:

- In 2019, a total of 1,507 inmates in the Orange County Jail had ICE detainers, meaning ICE requested that OCSD notify them when the inmates were being released and transfer the inmates to ICE’s custody. OCSD transferred 492 inmates to ICE upon completion of their time in local custody from January 1, 2019, to December 31, 2019. Those transferred were all individuals whose criminal convictions met the state law’s requirement for transfer to ICE’s custody.
- State law prohibited OCSD from notifying ICE of the release of 1,015 inmates who had ICE detainers. Of the 1,015 inmates with ICE detainers who were released back into the community, 238 have been rearrested in Orange County for committing new crimes, including assault and battery, rape and robbery.

Probation Department

The Probation Department (Probation) does not permit ICE to have access to any juvenile in Probation's custody or under Probation's supervision. This is in accord with Welfare and Institutions Code section 831, which prohibits disclosure of juvenile information to federal officials absent a court order from the Juvenile Court.

Probation has briefed its Probation Officers about the legal requirements for ICE access to adults. Probation has not had a situation where it has allowed ICE access to an adult in Probation's custody or under Probation's supervision in 2019.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

Sheriff-Coroner Department
Probation Department

ATTACHMENT(S):

Attachment A – Government Code sections 7283, 7283.1 & Welfare and Institutions Code section 831
Attachment B – OCSD's Jail Policy Section 1206 (Immigration)
Attachment C – OCSD's Inmate Interview Consent Form and Notification Form

Exhibit C

ORANGE COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

February 23, 2021

Submitting Agency/Department: County Counsel

Pursuant to Government Code Section 7283.1, conduct public hearing regarding Transparent Review of Unjust Transfers and Holds (TRUTH) Act and receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement's access to individuals in 2020 - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

RECEIVED AND FILED

Unanimous (1) DO: (2) VACANT: (3) WAGNER: (4) CHAFFEE: (5) BARTLETT:

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. S15C

Special Notes:

Copies sent to:

CoCo – Nicole Sims

2/26/21



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Robin Stieler, Clerk of the Board

By: *Robin Stieler*
Deputy



County Executive Office

Memorandum

915C

2021 FEB 17 PM 4:17
BOARD OF SUPERVISORS

February 17, 2021

To: Clerk of the Board of Supervisors
From: Frank Kim, County Executive Officer
Subject: Exception to Rule 21

Michelle Aguirre

Digitally signed by Michelle Aguirre
DN: cn=Michelle Aguirre, o=County Executive Office, ou=Chief Financial Officer, email=Michelle.Aguirre@coorange.ca.gov, c=US
Date: 2021.02.17 15:51:45 -0800

The County Executive Office is requesting a Supplemental Agenda Staff Report (ASR) for the February 23, 2021, Board Hearing Meeting.

Agency: County Counsel
Subject: Transparent Review of Unjust Transfers and Holds (TRUTH) Act
Community Forum
Districts: All Districts

Reason for supplemental: Conducting the public hearing and receiving and filing information regarding access to individuals that has been provided to Immigration and Customs Enforcement by County law enforcement departments during 2020 will meet the requirements of California's Transparent Review of Unjust Transfers and Holds (TRUTH) Act, Government Code sections 7283 and 7283.1.


Concur: 
Chairman Andrew Do, Supervisor, First District

cc: Board of Supervisors
County Executive Office
County Counsel

Agenda Item 315C
 Clerk's Use Only



**SUPPLEMENTAL AGENDA ITEM
 AGENDA STAFF REPORT**

MEETING DATE: 02/23/21
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Counsel
DEPARTMENT HEAD REVIEW: 
Department Head Signature
DEPARTMENT CONTACT PERSON(S): Leon J. Page (714) 834-3300
 Nicole A. Sims (714) 834-3319

RECEIVED
 BOARD OF SUPERVISORS
 FEB 17 PM 4:17
 COUNTY OF ORANGE

SUBJECT: Transparent Review of Unjust Transfers and Holds (TRUTH) Act Community Forum

<p>CEO CONCUR Michelle Aguirre <small>Digitally signed by Michelle Aguirre DN: cn=Michelle Aguirre, o=County Executive Office, ou=Chief Financial Officer, email=Michelle.Aguirre@ocgov.com, c=US Date: 2021.02.17 13:51:06 -0800</small> <i>CEO Signature</i></p>	<p>COUNTY COUNSEL REVIEW <i>No legal objection</i> Action  <i>County Counsel Signature</i></p>	<p>CLERK OF THE BOARD Public Hearing 3 Votes Board Majority</p>
--	---	--

Budgeted: N/A **Current Year Cost:** N/A **Annual Cost:** N/A
Staffing Impact: N/A **# of Positions:** **Sole Source:** N/A
Current Fiscal Year Revenue: N/A
Funding Source: N/A **County Audit in last 3 years:** N/A

Prior Board Action: 12/08/2020 #S34A, 04/23/2019 #S49C, 12/04/2018 #S40A

RECOMMENDED ACTION(S)

1. Pursuant to Government Code Section 7283.1, conduct public hearing regarding access to individuals that has been provided to Immigration and Customs Enforcement by County law enforcement departments during 2020.
2. Receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement's access to individuals in 2020.

SUMMARY:

California's Transparent Review of Unjust Transfers and Holds Act (Government Code sections 7283 and 7283.1) requires that a Community Forum be held each year, to provide the public with information about what access to individuals has been provided to Immigration and Customs Enforcement by County law enforcement departments during the preceding year.

BACKGROUND INFORMATION:

Government Code section 7283, subdivision (d), defines Immigration and Customs Enforcement (ICE) access as follows:

- “ICE access” means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:
- (1) Responding to an ICE hold, notification, or transfer request.
 - (2) Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
 - (3) Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
 - (4) Allowing ICE to interview an individual.
 - (5) Providing ICE information regarding dates and times of probation or parole check-ins.

Sheriff-Coroner Department (OCSD)

Following the enactment of state laws limiting law enforcement agencies’ cooperation with ICE except as provided, OCSD implemented a jail policy and created forms to meet the laws’ requirements. OCSD’s Jail Policy 1206 (Attachment B) prohibits any transfer of an inmate to ICE’s custody unless in accordance with state law. Following the enactment of the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, OCSD created forms by which OCSD requests an inmate’s written consent to be interviewed by ICE (TRUTH Act Interview Consent Form) and also notifies an inmate if the inmate qualifies to be transferred to ICE’s custody following the inmate’s release from OCSD’s custody (TRUTH Act Notification Form) (Attachment C).

OCSD provided the following information for 2020 (see Attachment D):

- In calendar year 2020, a total of 393 inmates released from the Orange County Jail had ICE detainers, meaning ICE requested that OCSD notify them when the inmates were being released and transfer the inmates to ICE’s custody. In 2020, OCSD released 225 of those 393 inmates to ICE upon completion of their time in local custody. Those transferred were all individuals whose criminal convictions met the state law’s requirement for transfer to ICE’s custody.
- State law prohibited OCSD from notifying ICE of the release of 168 inmates who had ICE detainers. Of the 168 inmates with ICE detainers who were released back into the community, 36 were re-arrested for new crimes in Orange County.
- The 2020 statistics are significantly lower than previous years. The difference in numbers is largely due to factors associated with the pandemic. The total Orange County Jail population was 5,303 on March 7, 2020. Efforts to reduce the population to mitigate against the spread of COVID-19 occurred through much of 2020. By December 31, 2020, the jail population was 3,407. A temporary order suspending bail, court-ordered jail releases and the release of certain low-level offenders done through the Sheriff’s discretion all resulted in a lower jail population. Additionally, litigation that limited capacity at ICE facilities has also been a factor in the reduced numbers.

Probation Department (Probation)

Probation does not permit ICE to have access to any juvenile in Probation's custody or under Probation's supervision. This is in accord with Welfare and Institutions Code section 831, which prohibits disclosure of juvenile information to federal officials absent a court order from the Juvenile Court.

Probation has briefed its Probation Officers about the legal requirements for ICE access to adults. Probation has not had a situation where it has allowed ICE access to an adult in Probation's custody or under Probation's supervision in 2020.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

Sheriff-Coroner Department
Probation Department

ATTACHMENT(S):

- Attachment A – Government Code Sections 7283 and 7283.1; Welfare & Institutions Code Section 831
- Attachment B – OCSD's Jail Policy Section 1206 (Immigration)
- Attachment C – OCSD's Inmate Interview Consent Form and Notification Form
- Attachment D – Orange County Jail – Immigration Detainer Data – 2020

Exhibit D

ORANGE COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

March 22, 2022

Submitting Agency/Department: County Counsel

Pursuant to Government Code Section 7283.1, conduct public hearing regarding Transparent Review of Unjust Transfers and Holds (TRUTH) Act and receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement's access to individuals in 2021 - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

RECEIVED AND FILED

Unanimous (1) DO: (2) FOLEY: (3) WAGNER: (4) CHAFFEE: (5) BARTLETT:

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. S46A

Special Notes:

Copies sent to:

CoCo – Nicole Sims

3/28/22



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Robin Stieler, Clerk of the Board

By: *Robin Stieler*
Deputy



County Executive Office

Memorandum

March 15, 2022

To: Clerk of the Board of Supervisors
From: Frank Kim, County Executive Officer
Subject: Exception to Rule 21

Digitally signed by Frank Kim
DN: cn=Frank Kim, o=County of Orange, ou=CEO, email=frank.kim@ocgov.com, c=US
Date: 2022.03.15 08:43:13 -0700

RECEIVED
2022 MAR 15 PM 4:01
CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

S46A

The County Executive Office is requesting a Supplemental Agenda Staff Report for the March 22, 2022, Board Hearing.

Agency: County Counsel
Subject: TRUTH Act Community Forum
Districts: All Districts

Reason Item is Supplemental: This item is a supplemental item to allow the Sheriff's Department time to gather data about the access to individuals provided to Immigration and Customs Enforcement (ICE) during 2021 and to accommodate the Sheriff's schedule.

Justification: This item must be heard on March 22, 2022, because the 30-day public notice required by Government Code Section 7283.1 specified that date. If it is continued, the 30-day public notice must be given anew. This Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Concur:

Doug Chaffee, Chairman of the Board of Supervisors

cc: Board of Supervisors
County Executive Office
County Counsel

Agenda Item S46A
Clerk's Use Only




**SUPPLEMENTAL AGENDA ITEM
AGENDA STAFF REPORT**

RECEIVED
 2022 MAR 15 PM 4:02
 CLERK OF THE BOARD
 ORANGE COUNTY
 BOARD OF SUPERVISORS

MEETING DATE: 03/22/22
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Counsel
DEPARTEMENT HEAD REVIEW: Leon J. Page
Digitally signed by Leon J. Page
DN: cn=Leon J. Page, o=County of Orange, ou=County
Counsel, email=leon.j.page@ocgov.com, c=US
Date: 2022.03.15 08:32:46 -0700
Department Head Signature
DEPARTMENT CONTACT PERSON(S): Leon J. Page (714) 834-3300
 Nicole A. Sims (714) 834-3319

SUBJECT: Transparent Review of Unjust Transfers and Holds (TRUTH) Act Community Forum

CEO CONCUR	COUNTY COUNSEL REVIEW	CLERK OF THE BOARD
 <small>Digitally signed by Frank Kim DN: cn=Frank Kim, o=County of Orange, ou=CEO, email=frank.kim@ocgov.com, c=US Date: 2022.03.15 08:32:46 -0700</small>	<i>No legal objections</i> Action  County Counsel Signature	Public Hearing 3 Votes Board Majority
CEO Signature	County Counsel Signature	

Budgeted: N/A **Current Year Cost:** N/A **Annual Cost:** N/A

Staffing Impact: N/A **# of Positions:** **Sole Source:** N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A **County Audit in last 3 years:** N/A

Prior Board Action: 4/23/2019, Item #S49C, 12/08/2020, Item #S34A, 02/23/2021, Item #S15C

RECOMMENDED ACTION(S)

1. Pursuant to Government Code section 7283.1, conduct public hearing regarding access to individuals that has been provided to Immigration and Customs Enforcement by County law enforcement departments during 2021.
2. Receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement's access to individuals in 2021.

SUMMARY:

California's Transparent Review of Unjust Transfers and Holds (TRUTH) Act (Government Code sections 7283 and 7283.1) requires that a Community Forum be held each year, to provide the public with information about what access to individuals had been provided to Immigration and Customs Enforcement (ICE) by County law enforcement departments during the preceding year.

BACKGROUND INFORMATION:

In accord with Government Code sections 7283, subdivision (a) and 7283.1, subdivision (d), the Board has held a public hearing at its meetings on April 23, 2019, December 8, 2020, and February 23, 2021, to provide the public with information about what access to individuals had been provided to ICE by County law enforcement departments during the preceding year.

Government Code section 7283, subdivision (d), defines “ICE access” as follows:

“ICE access” means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:

- (1) Responding to an ICE hold, notification, or transfer request.
- (2) Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
- (3) Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
- (4) Allowing ICE to interview an individual.
- (5) Providing ICE information regarding dates and times of probation or parole check-ins.

Sheriff's Department (OCSD)

Following the enactment of state laws limiting law enforcement agencies' cooperation with ICE except as provided, OCSD implemented a jail policy and created forms to meet the laws' requirements. OCSD's jail policy 1206 (Attachment B) prohibits any transfer of an inmate to ICE's custody unless in accordance with state law. Following the enactment of the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, OCSD created forms by which OCSD requests an inmate's written consent to be interviewed by ICE (“TRUTH Act Interview Consent Form”) and also notifies an inmate if the inmate qualifies to be transferred to ICE's custody following the inmate's release from OCSD's custody (“TRUTH Act Notification Form”) (Attachment C).

OCSD provided the following information for 2021 (see Attachments D and E):

- In calendar year 2021, a total of 199 inmates released from the Orange County Jail had ICE detainers, meaning ICE requested that OCSD notify them when the inmates were being released and transfer the inmates to ICE's custody. OCSD notified ICE about 143 of those 199 inmates upon the inmates' completion of their time in local custody. Those inmates were all individuals whose criminal convictions met the state law's requirement for transfer to ICE's custody. Of the 143 individuals, only 73 or 51 percent were transferred to ICE's custody. With respect to the other 70 individuals who, under state law, were eligible for transfer to ICE, ICE took no action and these individuals were released back into the community. A total of 24 of these individuals were re-arrested for new crimes in Orange County.
- State law prohibited OCSD from notifying ICE of the release of 56 inmates who had ICE detainers. Of the 56 inmates with ICE detainers who were released back into the community, 3 were re-arrested for new crimes in Orange County.

Probation Department (Probation)

Probation does not permit ICE to have access to any juvenile in Probation's custody or under Probation's supervision. This is in accord with Welfare and Institutions Code section 831, which prohibits disclosure of juvenile information to federal officials absent a court order from the Juvenile Court.

Probation has briefed its officers about the legal requirements for ICE access to adults. Probation has not had a situation where it has allowed ICE access to an adult in Probation's custody or under Probation's supervision in 2021.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

Sheriff's Department
Probation Department

ATTACHMENT(S):

- Attachment A – Government Code sections 7283 and 7283.1; Welfare & Institutions Code section 831
- Attachment B – OCSD's Jail Policy Section 1206 (Immigration)
- Attachment C – OCSD's Inmate Interview Consent Form and Notification Form
- Attachment D – Orange County Jail – Immigration Detainer Data – 2021
- Attachment E – Inmates with Immigration Detainers – 2021

Exhibit E

ORANGE COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

March 14, 2023

Submitting Agency/Department: County Counsel

Pursuant to Government Code Section 7283.1 conduct public hearing regarding Transparent Review of Unjust Transfers and Holds (TRUTH) Act and receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement's access to individuals in 2022 - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

RECEIVED AND FILED

Unanimous (1) DO: (2) SARMIENTO: (3) WAGNER: (4) CHAFFEE: (5) FOLEY:

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. S38G

Special Notes:

Copies sent to:

CoCo – Nicole Sims

3/17/23



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors , Orange County, State of California.
Robin Stieler, Clerk of the Board

By: *Robin Stieler*
Deputy



County Executive Office

Memorandum

March 8, 2023

To: Clerk of the Board of Supervisors
From: Frank Kim, County Executive Officer
Subject: Exception to Rule 21

Digitally signed by Frank Kim
DN: cn=Frank Kim, o=County of Orange, ou=CEO, email=frank.kim@ocgov.com, c=US
Date: 2023.03.08 16:42:06 -08'00'

2023 MAR 9 PM 12:50
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF ORANGE, CALIFORNIA

RECEIVED

S386

The County Executive Office is requesting a Supplemental Agenda Staff Report for the March 14, 2023, Board Hearing.

Agency: County Counsel
Subject: Transparent Review of Unjust Transfers and Holds (TRUTH) Act Community Forum
Districts: All

Reason Item is Supplemental: This item is a supplemental item to allow the Sheriff's Department time to gather data about the access to individuals provided to Immigration and Customs Enforcement (ICE) during 2022 and to accommodate the Sheriff's schedule.

Justification: This item must be heard on March 14, 2023, because the 30-day public notice required by Government Code Section 7283.1 specified that date. If it is continued, the 30-day public notice must be given anew. This Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Concur:
Donald P. Wagner, Chairman of the Board of Supervisors

cc: Board of Supervisors
County Executive Office
County Counsel

Agenda Item S38G
Clerk's Use Only




**SUPPLEMENTAL AGENDA ITEM
AGENDA STAFF REPORT**

MEETING DATE: 03/14/23
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Counsel
DEPARTMENT HEAD REVIEW: Leon J. Page
Digitally signed by Leon J. Page
DN: cn=Leon J. Page, ou=County of Orange, ou=County Counsel, email=leon.j.page@co-orange.ca.us, c=US, Date: 2023.03.08 15:46:11 -0800
DEPARTMENT CONTACT PERSON(S): Leon J. Page (714) 834-3300
 Nicole A. Sims (714) 834-3319

RECEIVED
 CLERK OF THE BOARD
 CHANCELLERY
 BOARD OF SUPERVISORS
 2023 MAR -9 PM 12:50

SUBJECT: Transparent Review of Unjust Transfers and Holds (TRUTH) Act Community Forum

<p>CEO CONCUR</p>  <p><small>Digitally signed by Frank Kim DN: cn=Frank Kim, ou=County of Orange, ou=CEO, email=frank.kim@ocgov.com, c=US Date: 2023.03.08 16:44:06 -0800</small></p> <p>CEO Signature</p>	<p>COUNTY COUNSEL REVIEW</p> <p>No Legal Objection</p> <p><i>Action</i></p> <p><u>Leon J. Page</u></p> <p><small>Digitally signed by Leon J. Page DN: cn=Leon J. Page, ou=County of Orange, ou=County Counsel, email=leon.j.page@co-orange.ca.us, c=US, Date: 2023.03.08 15:53:40 -0800</small></p> <p>County Counsel Signature</p>	<p>CLERK OF THE BOARD</p> <p>Public Hearing</p> <p>3 Votes Board Majority</p>
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Budgeted: N/A **Current Year Cost:** N/A **Annual Cost:** N/A

Staffing Impact: N/A **# of Positions:** **Sole Source:** N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A **County Audit in last 3 years:** N/A

Prior Board Action: 12/8/2020, Item #S34A, 2/23/2021, Item #S15C, 3/22/22, Item #S46A

RECOMMENDED ACTION(S)

1. Pursuant to Government Code section 7283.1, conduct public hearing regarding access to individuals that has been provided to Immigration and Customs Enforcement by County law enforcement departments during 2022.
2. Receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement's access to individuals in 2022.

SUMMARY:

California's Transparent Review of Unjust Transfers and Holds (TRUTH) Act (Government Code sections 7283 and 7283.1) requires that a Community Forum be held each year, to provide the public with information about what access to individuals had been provided to Immigration and Customs Enforcement (ICE) by County law enforcement departments during the preceding year.

BACKGROUND INFORMATION:

In accord with Government Code sections 7283, subdivision (a) and 7283.1, subdivision (d), the Board has held a public hearing at its meetings on December 8, 2020, February 23, 2021, and March 22, 2022, to provide the public with information about what access to individuals had been provided to ICE by County law enforcement departments during the preceding year.

Government Code section 7283, subdivision (d), defines “ICE access” as follows:

“ICE access” means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:

- (1) Responding to an ICE hold, notification, or transfer request.
- (2) Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
- (3) Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
- (4) Allowing ICE to interview an individual.
- (5) Providing ICE information regarding dates and times of probation or parole check-ins.

Sheriff's Department (OCSD)

Following the enactment of state laws limiting law enforcement agencies' cooperation with ICE except as provided, OCSD implemented a jail policy and created forms to meet the laws' requirements. OCSD's jail policy 1206 (Attachment B) prohibits any transfer of an inmate to ICE's custody unless in accordance with state law. Following the enactment of the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, OCSD created forms by which OCSD requests an inmate's written consent to be interviewed by ICE (“TRUTH Act Interview Consent Form”) and also notifies an inmate if the inmate qualifies to be transferred to ICE's custody following the inmate's release from OCSD's custody (“TRUTH Act Notification Form”) (Attachment C).

OCSD provided the following information for 2022 (see Attachments D and E):

- In calendar year 2022, a total of 272 inmates released from the Orange County Jail had ICE detainers, meaning ICE requested that OCSD notify them when the inmates were being released from OCSD's custody. OCSD notified ICE about 155 of those 272 inmates upon the inmates' completion of their time in local custody. Those inmates were all individuals whose criminal convictions met the state law's requirement for transfer to ICE's custody. Of the 155 individuals, only 17 or 10.9 percent were transferred to ICE's custody. With respect to the other 138 individuals who, under state law, were eligible for transfer to ICE, ICE took no action and these individuals were released back into the community. A total of 20 of these individuals were re-arrested for new crimes in Orange County.
- State law prohibited OCSD from notifying ICE of the release of 117 inmates who had ICE detainers. Of the 117 inmates with ICE detainers who were released back into the community, 13 were re-arrested for new crimes in Orange County.

Probation Department (Probation)

Probation does not permit ICE to have access to any juvenile in Probation's custody or under Probation's supervision. This is in accord with Welfare and Institutions Code section 831, which prohibits disclosure of juvenile information to federal officials absent a court order from the Juvenile Court.

Probation has briefed its officers about the legal requirements for ICE access to adults. Probation has not had a situation where it has allowed ICE access to an adult in Probation's custody or under Probation's supervision in 2022.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

Sheriff's Department
Probation Department

ATTACHMENT(S):

- Attachment A – Government Code sections 7283 and 7283.1; Welfare & Institutions Code section 831
- Attachment B – OCSD's Jail Policy Section 1206 (Immigration)
- Attachment C – OCSD's Inmate Interview Consent Form and Notification Form
- Attachment D – Orange County Jail – Immigration Detainer Data – 2022
- Attachment E – Inmates with Immigration Detainers – 2022

Exhibit F

ORANGE COUNTY BOARD OF SUPERVISORS
MINUTE ORDER
March 26, 2024

Submitting Agency/Department: County Counsel

Pursuant to Government Code Section 7283.1 conduct public hearing regarding Transparent Review of Unjust Transfers and Holds (TRUTH) Act; and receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement's access to individuals in 2023 - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

RECEIVED AND FILED

Unanimous (1) DO: (2) SARMIENTO: (3) WAGNER: (4) CHAFFEE: (5) FOLEY:

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. 38

Special Notes:

Copies sent to:

County Counsel

4/1/24



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors , Orange County, State of California.
Robin Stieler, Clerk of the Board

By: Alessandra Esquivel
Deputy B3412D28E08E475...

Agenda Item



AGENDA STAFF REPORT

ASR Control 24-000182

MEETING DATE: 03/26/24
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Counsel (Approved)
DEPARTMENT CONTACT PERSON(S): Leon J. Page (714) 834-3300
 Nicole A. Sims (714) 834-3300

SUBJECT: Transparent Review of Unjust Transfers and Holds (TRUTH) Act Community Forum

CEO CONCUR Concur	COUNTY COUNSEL REVIEW No Legal Objection	CLERK OF THE BOARD Public Hearing 3 Votes Board Majority
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Budgeted: N/A **Current Year Cost:** N/A **Annual Cost:** N/A

Staffing Impact: No **# of Positions:** **Sole Source:** N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A **County Audit in last 3 years:** No

Levine Act Review Completed: N/A

Prior Board Action: 3/14/2023 #S38C, 3/22/2022 #S46A, 2/23/2021 #S15C

RECOMMENDED ACTION(S):

1. Pursuant to Government Code section 7283.1, conduct public hearing regarding access to individuals that has been provided to Immigration and Customs Enforcement by County law enforcement departments during 2023.
2. Receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement’s access to individuals in 2023.

SUMMARY:

California’s Transparent Review of Unjust Transfers and Holds (TRUTH) Act (Government Code sections 7283 and 7283.1) requires that a Community Forum be held each year, to provide the public with information about what access to individuals had been provided to Immigration and Customs Enforcement by County law enforcement departments during the preceding year.

BACKGROUND INFORMATION:

In accord with Government Code sections 7283, subdivision (a) and 7283.1, subdivision (d), the Board has held a public hearing at its meetings on February 23, 2021, March 22, 2022, and March 14, 2023, to provide the public with information about what access to individuals had been provided to Immigration and Customs Enforcement (ICE) by County law enforcement departments during the preceding year.

Government Code section 7283, subdivision (d), defines “ICE access” as follows:

“ICE access” means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:

- (1) Responding to an ICE hold, notification, or transfer request.
- (2) Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
- (3) Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
- (4) Allowing ICE to interview an individual.
- (5) Providing ICE information regarding dates and times of probation or parole check-ins.

Sheriff's Department (OCSD)

Following the enactment of state laws limiting law enforcement agencies' cooperation with ICE except as provided, OCSD implemented a jail policy and created forms to meet the laws' requirements. OCSD's jail policy 1206 (Attachment B) prohibits any transfer of an inmate to ICE's custody unless in accordance with state law. As required by the TRUTH Act, OCSD uses forms by which OCSD requests an inmate's written consent to be interviewed by ICE (“TRUTH Act Interview Consent Form”) and also notifies an inmate if the inmate qualifies to be transferred to ICE's custody following the inmate's release from OCSD's custody (“TRUTH Act Notification Form”) (Attachment C).

OCSD provided the following information for 2023 (also see Attachment D):

- In calendar year 2023, a total of 547 inmates released from the Orange County Jail had ICE detainers, meaning ICE requested that OCSD notify them when the inmates were being released from local custody. The purpose of this notification is for ICE to meet their responsibility to take the released inmate into their custody. OCSD notified ICE about 302 of those 547 inmates upon the inmates' completion of their time in local custody. Those inmates were all individuals whose criminal convictions met the state law's requirement for transfer to ICE's custody. Of the individuals eligible for notification, 221 were transferred to ICE's custody. With respect to the other 81 individuals who, under state law, were eligible for transfer to ICE, ICE took no action and these individuals were released back into the community. A total of 40 of these individuals were re-arrested for new crimes in Orange County.

- State law prohibited OCSD from notifying ICE of the release of 245 inmates who had ICE detainers. Of the 245 inmates with ICE detainers who were released back into the community, 27 were re-arrested for new crimes in Orange County.

Probation Department (Probation)

Probation does not permit ICE to have access to any juvenile in Probation's custody or under Probation's supervision. This is in accord with Welfare and Institutions Code section 831, which prohibits disclosure of juvenile information to federal officials absent a court order from the Juvenile Court.

Probation has briefed its officers about the legal requirements for ICE access to adults. Probation has not had a situation where it has allowed ICE access to an adult in Probation's custody or under Probation's supervision in 2023.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

Orange County Sheriff's Department
Orange County Probation Department

ATTACHMENT(S):

Attachment A – Government Code sections 7283 and 7283.1; Welfare & Institutions Code section 831
Attachment B – OCSD's Jail Policy Section 1206 (Immigration)
Attachment C – OCSD's Inmate Interview Consent Form and Notification Form
Attachment D – Orange County Jail – Immigration Detainer Data – 2023