

MICHAEL J. Vigliotta, City Attorney (SBN 207630)
Office of the City Attorney
2000 Main Street, P.O. Box 190
Huntington Beach, CA 92648
(714) 536-5555
MVigliotta@surfcity-hb.org

James K. Rogers
America First Legal Foundation
611 Pennsylvania Ave., SE #231
Washington, D.C. 20003
(202) 964-3721
James.Rogers@aflegal.org

Attorneys for Plaintiffs

CITY OF HUNTINGTON BEACH, a California Charter City, and Municipal Corporation, HUNTINGTON BEACH CITY COUNCIL, HUNTINGTON BEACH POLICE DEPARTMENT, the HUNTINGTON BEACH POLICE CHIEF, and RIVERSIDE COUNTY SHERIFF CHAD BIANCO

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

CITY OF HUNTINGTON BEACH, a California Charter City, HUNTINGTON BEACH CITY COUNCIL, HUNTINGTON BEACH POLICE DEPARTMENT, the HUNTINGTON BEACH POLICE CHIEF, in his official capacity as Chief of Police; and CHAD BIANCO in his official capacity as Sheriff, Coroner, and Public Administrator of Riverside County,

Plaintiffs,

v.

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 NATURALIZATION 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

1 The STATE OF CALIFORNIA,
2 GAVIN NEWSOM, in his official
3 capacity as Governor of the State
4 of California; ROBERT BONTA in
5 his official capacity as Attorney
6 General of the State of California;
7 and
8 DOES 1-50, inclusive,

9
10 Defendants.

IMMIGRATION LAWS – 18 U.S.C. §§
4, 371, 372, and 1512
6. VIOLATION OF CALIFORNIA PE-
NAL CODE §§ 31, 32
7. VIOLATION OF CALIFORNIA
CONSTITUTION – ARTICLE XX,
SECTION 3
8. VIOLATION OF THE FIRST
AMENDMENT
9. VIOLATION OF 42 U.S.C. § 1983
10. NON-STATUTORY CAUSE OF
ACTION FOR VIOLATION OF
FEDERAL LAW

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DEMAND FOR JURY TRIAL

COMPLAINT

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

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

1 thereby to violate California Penal Code §§ 31, 32, for Aiding and
2 Abetting and Accessory After the Fact in the Commission of Federal
3 crimes, and violations of City Officials' Oath of Office pursuant to
4 ARTICLE XX, SECTION 3 OF THE CALIFORNIA CONSTITUTION.

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

13 INTRODUCTION

14 As a matter of law, the State's "Sanctuary State Law" is unconsti-
15 tutional and violates Federal law; as a matter of enforcement policy, it is
16 a clear and present danger to the health, safety and welfare of the City of
17 Huntington Beach. According to the California Department of Justice,
18 violent crime has risen in California by over 15% between 2018 and
19 2023¹, and aggravated assaults, motor vehicle theft, robbery, and arson
20 throughout the State have increased since 2018.

21 The Nation has seen violent crime committed by illegal immigrants
22 including MS-13² and Tren de Aragua gang members including widely
23

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

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

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

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

12 Human trafficking, which also results in sex trafficking, hurts
13 women and children the most⁸ and over 320,000 immigrant children

14
15 ³ KFOX-TV, *Report: Tren De Aragua member arrested for sex trafficking*
16 *migrant. At Gateway Hotel* (Oct. 9, 2024), <https://perma.cc/SAF8-LM3N>;
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 have gone missing in the United States. According to the Federal Gov-
2 ernment, those lost children are now completely unaccounted for and un-
3 able to be protected.⁹ Lest it be forgotten, entering the United States ille-
4 gally in the first place is a Federal crime. 8 U.S.C. §§ 1325 and 1326.

5 Protecting the City’s 200,000 residents from crime and lawlessness
6 is of the greatest import to, and of the highest order for, Huntington
7 Beach’s City leaders and its Police Department. Huntington Beach is the
8 23rd largest of 482 cities in the State of California.

9 The State’s relatively new “Sanctuary State Law” directly conflicts
10 with U.S. Federal immigration, criminal, and civil rights laws, including
11 but not limited to 8 U.S.C. §§ 1324, 1373, and 1644; 18 U.S.C. §§ 4, 371,
12 372, and 1512; and 42 U.S.C. § 1983.

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

24 At the passage of California’s Sanctuary State Law in 2017, NPR
25 reported that the law “bans state and local agencies... from enforcing

26
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 ‘holds’ on people in custody. It blocks the deputization of police as immi-
2 gration agents and bars state and local law enforcement agencies from
3 inquiring into an individual’s immigration status.... It also prohibits new
4 or expanded contracts with Federal agencies to use California law en-
5 forcement facilities as detention centers, although it does not force the
6 termination of existing contracts. . . .”¹⁰ Politico reported that this new
7 law limits “local law enforcement officials’ ability to cooperate with fed-
8 eral immigration authorities. . . .”¹¹

9 Huntington Beach is a City in the County of Orange. As will be
10 presented in greater detail, *infra*, Sheriff Don Barnes reported that the
11 Orange County Sheriff’s Department (hereinafter “OCSD”) is prohibited
12 by State law from notifying U.S. Immigration and Customs Enforcement
13 (ICE) of the release of inmates with ICE detainers. In 2018, 1,106 in-
14 mates in Orange County who had ICE detainers but did not meet eligi-
15 bility for notifying ICE were released into the community. Out of those
16 1,106 inmates, 173 were rearrested “in Orange County for committing 58
17 different types of crimes, including attempted murder, assault and bat-
18 tery, child molestation, and robbery.” In 2023, 547 inmates with ICE de-
19 tainers were released from Orange County Jail. About 81 of those in-
20 mates eligible for notification and transfer to ICE’s custody were not
21 transferred but were released into the community. A total of 40 individ-
22 uals were rearrested for committing new crimes in Orange County. Being
23 prevented from coordinating with Federal agencies by the Sanctuary
24

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 State Law prevents effective law enforcement, puts the community at
2 risk, and as the data shows, leads to more crimes.

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

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

18 To put a fine point, as a Charter City, Huntington Beach's Police
19 Department does not belong to the State. Rather, the Huntington Beach
20 Police Department belongs to the City – and as such, the Police Depart-
21 ment should be free from State interference and control. The City and its
22 Police Department should be, therefore, entirely at liberty to employ *eve-*
23 *ry* lawful means to combat crime and promote public safety for the City's
24 200,000 residents.

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

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. Plaintiff CHAD BIANCO (the “Sheriff”) is the elected Sheriff,
18 Coroner, and Public Administrator of Riverside County (the “County”).
19 He was first elected in 2018 and was re-elected in 2022. His current term
20 is set to expire in 2028. Sheriff Bianco oversees the County’s five jail fa-
21 cilities, six court buildings, a civil bureau, the Coroner’s Bureau, the
22 Public Administrator’s Office, twelve patrol stations, seventeen contract
23 cities, 4,200 dedicated employees, and an operating budget of just over
24 one billion dollars.

25 6. Defendant STATE OF CALIFORNIA is the State of Califor-
26 nia.

27
28 ¹⁴ *Id.* at CHARTER ART. III § 300 (Oct. 15, 2024), <https://perma.cc/VQK6-J5QL>.

1 7. Defendant GAVIN NEWSOM (“Governor”) is and at all rele-
2 vant times was the Governor of the State of California. He is being sued
3 in his official capacity.

4 8. Defendant ROBERT BONTA (“Attorney General”) is and at
5 all relevant times was the Attorney General of the State of California. He
6 is being sued in his official capacity.

7 **POTENTIAL PARTIES**

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

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

22 **JURISDICTION AND VENUE**

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

27 12. This Court has authority to award Plaintiffs declaratory relief
28 pursuant to 28 U.S.C. § 2201, and injunctive relief under 28 U.S.C. §§

1 1343 and 2202, Rule 65 of the Federal Rules of Civil Procedure, and un-
2 der *Ex parte Young*, 209 U.S. 123 (1908).

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

6 **ALLEGATIONS**

7 **A. Charter City Authority**

8 14. The City of Huntington Beach is a Municipal Corporation
9 formed by the people of the City of Huntington Beach as a "Charter City"
10 pursuant to California Constitution Article XI §§ 3 and 5.

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

18 16. ***Charter Cities*** on the other hand, being formed by the peo-
19 ple of their city under the California Constitution (and *not* State law),
20 are *not political subdivisions of the State*. To that end, both the Califor-
21 nia Constitution and case law hold that Charter Cities possess independ-
22 ent authority over Municipal Affairs – so "independent" as to be free
23 from State Legislative interference and control. *See* Cal. Const. art. XI, §
24 5(a) (which expressly states, "***City charters adopted pursuant to this***
25 ***Constitution shall supersede any existing charter, and with re-***
26 ***spect to municipal affairs shall supersede all laws inconsistent***
27 ***therewith.***" (emphasis added)).
28

1 17. As the Court of Appeal recently stated, Charter Cities, like
2 Huntington Beach, “are distinct individual entities, and are not connect-
3 ed political subdivisions of the state.” *Haytasingsh v. City of San Diego*, 66
4 Cal.App.5th 429, 459 (2021). The Court of Appeal explained that “[i]t is
5 the free consent of the persons composing them that brings into existence
6 municipal corporations, and they are used for the promotion of their own
7 local and private advantage and convenience... *Cities, therefore, are dis-*
8 *tinct individual entities, and are not connected political subdivisions of*
9 *the state. As a matter of fact, municipalities, and particularly*
10 *charter cities, are in a sense independent political organizations*
11 *and do not pretend to exercise any functions of the state. They ex-*
12 *ist in the main for the purposes of local government.”* *Id.*, (empha-
13 sis added) (quoting *Otis v. City of Los Angeles*, 52 Cal.App.2d 605, 611-12
14 (1942)).

15 18. In 2020, the State Court of Appeal recognized that Charter
16 Cities, far from being creatures of the State, enjoy constitutionally rec-
17 ognized autonomy (Cal. Const. art. XI) and municipal authority over cer-
18 tain areas of governance that is “supreme and beyond the reach of legis-
19 lative enactment.” *City of Redondo Beach v. Padilla*, 46 Cal.App.5th. 902,
20 910 (2020) (relying on Cal. Const. art. XI).

21 19. After the California Constitution of 1879 was adopted, the
22 Supreme Court of California declared it was “manifestly the intent” of
23 the drafters “to emancipate municipal governments from the authority
24 and control formerly exercised over them by the Legislature.” *Johnson v.*
25 *Bradley*, 4 Cal.4th 389, 395 (1992) (quoting *People v. Hoge*, 55 Cal. 612,
26 618 (1880)).

27 20. Article XI, section 5 of the California Constitution provides in
28 full:

1 (a) It shall be competent in any city charter to provide
2 that the city governed thereunder may make and en-
3 force all ordinances and regulations in respect to munic-
4 ipal affairs, subject only to restrictions and limitations
5 provided in their several charters and in respect to other
6 matters they shall be subject to general laws. City char-
7 ters adopted pursuant to this Constitution shall super-
8 sede any existing charter, and with respect to municipal
9 affairs shall supersede all laws inconsistent therewith.

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

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

28 21. The California Supreme Court has explained that § 5(a) of Ar-
29 ticle XI of the California Constitution provides that a Charter City shall
30 not be governed by State law in respect to “Municipal Affairs.” Rather,
31 “so far as ‘Municipal Affairs’ are concerned,” Charter Cities’ laws are
32 “supreme and beyond the reach of [State] legislative enactment.” *Calif-*
33 *ornia Fed. Savings & Loan Assn. v. City of Los Angeles* 35 Cal.3d 1, 12
34 (1991).

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

4 23. The “Home Rule” provision of the California Constitution au-
5 thorizes a Charter City to exercise plenary authority over Municipal Af-
6 fairs, free from any constraint imposed by the general law and subject
7 only to constitutional limitations. *See* Cal. Const. art. XI, § 5(a); *Ex Parte*
8 *Braun*, 141 Cal. 204, 209 (1903); *Bishop v. City of San Jose*, 1 Cal. 3d 56,
9 61 (1969); *Comm. of Seven Thousand v. Super. Ct. (City of Irvine)*, 45
10 Cal.3d 491 (1988).

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

13 25. As a Charter City particularly, the City’s Police Department
14 does not belong to the State, rather, it belongs to the City – and as such,
15 is free from State interference and control. The City’s Police Department
16 engages in local arrests and investigations as Municipal Affairs.

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

23 27. The City of Huntington Beach has a duty to protect the
24 health, safety, and welfare of its residents. Part of that duty is to ensure
25 that police officers have the ability to investigate crimes before they oc-
26 cur, and arrest and detain individuals who committed those crimes, in-
27 cluding incidents involving unauthorized aliens. Part of that duty neces-
28

1 sarily involves coordinating with other agencies, whether County, State,
2 or Federal for full enforcement of the laws.

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

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

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

18 **B. The Constitutional Authority of California Sheriffs**

19 31. The elected office of sheriff is an independent office estab-
20 lished by the Constitution of California. Cal. Const. art. XI, §§ 1(b), 4(c).

21 32. California statute likewise affirms “the independent and con-
22 stitutionally and statutorily designated investigative and prosecutorial
23 functions of the sheriff.” Cal. Gov’t Code § 25303; *see also Cnty. of Los*
24 *Angeles v. Superior Ct.*, 68 Cal. App. 4th 1166, 1176 (1998) (noting “the
25 functional independence of sheriffs from control by county boards of su-
26 pervisors in performing their law enforcement functions”)

27 33. California law also confers on sheriffs the discretion and au-
28 thority to “sponsor, supervise, or participate in *any* project of crime pre-

1 vention ... or the suppression of delinquency” for the purpose of carrying
2 out their duty to “preserve peace.” Cal. Gov't Code § 26600 (emphasis
3 added).

4 34. California sheriffs have the legal authority to sue and be
5 sued. *Cf.* Cal. Gov't Code § 26685 (imposing requirements for suits
6 against sheriffs).

7 **C. The Sanctuary State Law**

8 35. In 2017, the State of California enacted the “Sanctuary State
9 Law,” presented then as the “California Values Act of 2017.” The Legisla-
10 tive Bill at the time was commonly known as “Senate Bill 54” or “Calif-
11 ornia’s Sanctuary State Law” (hereinafter “Sanctuary State Law”).

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

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

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

1 39. The Sanctuary State Law bars local jurisdictions from com-
2 plying with 8 U.S.C. § 1324 or participating in a joint task force that may
3 involve immigration enforcement. *See* Cal. Gov. Code §§ 7282.5, 7282.4
4 7284.6, 7285.1, 7285.2.

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

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

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

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

20 44. In recent years, Defendant Governor Gavin Newsom has tak-
21 en a series of substantial steps to incentivize the inflow of illegal immi-
22 gration into California, and to protect and harbor illegal immigrants, in-
23 cluding by implementing policies and laws to hire illegal immigrants in
24 jobs in State government.¹⁵

25 45. Defendant Governor Gavin Newsom also has a new program
26 to give illegal immigrants taxpayer funded downpayments of \$150,000 to
27

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

1 buy homes.¹⁶ Defendant Newsom is doing more than simply turning a
2 blind eye, he is aggressively pursuing policies with taxpayer funds to in-
3 centivize illegal immigrants to relocate to his Sanctuary State.

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

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

14 48. Most recently, Defendant Governor Gavin Newsom estab-
15 lished a \$25 million taxpayer-funded legal defense fund for illegal immi-
16 grants to fight the Federal government's announced crackdown on illegal
17 immigration, which seeks to combat the violent crimes committed
18 against U.S. citizens.¹⁹ Governor Newsom also established a fund of \$25

20
21 ¹⁶ Lee Ohanian, *California's One-Party State and Housing Subsidies for*
22 *Undocumented Migrants*, HOOVER INSTITUTION (Sept. 4, 2024),
<https://perma.cc/7EAX-V93A>.

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

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

28 ¹⁹ Ryan Mills, *California Governor Newsom Requests \$25 Million from*
Legislature for Anti-Trump Litigation Fund, NATIONAL REVIEW (Dec. 3,

1 million of taxpayer money to fight the Trump Administration’s efforts to
2 enforce Federal immigration law.²⁰

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

8 50. It was widely reported that “Gavin Newsom’s administration
9 is drafting a potential plan to help undocumented immigrants who may
10 be threatened by . . . President Donald Trump’s mass deportation
11 threats.” *Id.*

12 51. According to Politico, a draft of Defendant Gavin Newsom’s
13 plan entitled “Immigrant Support Network Concept” proposes the “crea-
14 tion of an Immigrant Support Network comprised of regional ‘hubs’ to
15 connect at-risk individuals, their families, and communities with com-
16 munity systems — such as legal services, schools, labor unions, **local**
17 **governments**, etc.” *Id.* (emphasis added). Clearly, Defendant Gavin
18 Newsom plans to further commandeer local governments to act in viola-
19 tion of U.S. Federal immigration laws in the near future.

20 52. In addition, on December 17, 2024, Defendant Attorney Gen-
21 eral Robert Bonta issued a Press Release advising illegal immigrants of
22 the ways in which his office, and the State, were going to assist in shield-

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26 2024), <https://perma.cc/A76Q-REJV>; Taryn Luna, *Newsom approves mil-*
27 *lions for immigrant aid and lawsuits against Trump*, LA TIMES (Feb. 3,
28 2025), <https://perma.cc/8JQS-GHHE>.

²⁰ *Id.*

1 ing illegal immigrants from “threats of mass detention, arrests, and de-
2 portation”²² and thus from detection and detention by the Federal Gov-
3 ernment. In that Press Release, Robert Bonta directly advised that “[y]ou
4 have the right to apply for and secure housing without sharing your im-
5 migration status,” and “[y]ou have the right to an attorney.”

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

18 **D. Federal Authorities**

19 **1. U.S. Immigration Laws**

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

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

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

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

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

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

15 58. In *Harisiades v. Shaughnessy*, 342 U.S. 580 (1952), the Su-
16 preme Court observed that “[t]he power of Congress to exclude, admit, or
17 deport aliens flows from sovereignty itself and from the power ‘To estab-
18 lish an uniform Rule of Naturalization.’” *Id.* at 599 (quoting U.S. Const.
19 art. I, § 8, cl. 4); *see also INS v. Chadha*, 462 U.S. 919, 940 (1983) (“The
20 plenary authority of Congress over aliens under Art. I, § 8, cl. 4 is not
21 open to question”); *Toll v. Moreno*, 458 U.S. 1, 10 (1982) (“Federal au-
22 thority to regulate the status of aliens derives from various sources, in-
23 cluding the Federal Government’s power ‘[to] establish [a] uniform Rule
24 of Naturalization’...” (quoting U.S. Const. art. I, § 8, cl. 4); *Mathews v.*
25 *Diaz*, 426 U.S. 67, 79–80 (1976) (“In the exercise of its broad power over
26 naturalization and immigration, Congress regularly makes rules that
27 would be unacceptable if applied to citizens.”).

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

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

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

26 62. The Immigration and Nationality Act (INA) specifically per-
27 mits state and local law enforcement officers to assist federal officials in
28

1 enforcing immigration law.²³ No federal law, however, allows state or lo-
2 cal officials to *subvert* or *ignore* the requirements of the INA. In fact, fed-
3 eral law imposes significant criminal and civil penalties on those who do
4 so.

5 63. The Sanctuary State Law violates Federal law, including the
6 INA.

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

17
18
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 65. In part, 8 U.S.C. § 1324 makes it a Federal crime for any per-
2 son who, “knowing that a person is an alien, brings to or attempts to
3 bring to the United States in any manner whatsoever such person at a
4 place other than a designated port of entry or place other than as desig-
5 nated by the Commissioner, regardless of whether such alien has re-
6 ceived prior official authorization to come to, enter, or reside in the Unit-
7 ed States and regardless of any future official action which may be taken
8 with respect to such alien.” 8 U.S.C. § 1324(a)(1)(A)(i).

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

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

18 68. Federal law also provides that “[n]otwithstanding 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.” 8 U.S.C. § 1373(a).

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

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

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

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

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

27 74. The Tenth Amendment of the U.S. Constitution holds that the
28 Federal Government may not commandeer State or local resources to

1 administer or enforce a Federal regulatory program against the will of
2 the State or local resources.

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

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

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

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

2. Supremacy Clause of the U.S. Constitution

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

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

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

82. The Constitution affords Congress the power to “establish an uniform Rule of Naturalization,” and to “dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.” U.S. Const. art. IV, § 3. The Constitution also affords the President of the United States the authority to “take Care that the Laws be faithfully executed.” U.S. Const. art. II, § 3. Additionally, the Federal Government has “inherent power as sovereign to control and conduct relations with foreign nations.” *Arizona*, 567 U.S. at 395.

83. The Federal Government has the preeminent role of regulating aliens entering the United States and within its borders. U.S. Const. art. I, § 8, cl. 4; U.S. Const. art. I § 8, cl. 3.

84. In *U.S. v. King County, Washington*, the Ninth Circuit wrote “In recognition of the Federal government’s independence from state control, the intergovernmental immunity doctrine prohibits states from ‘interfering 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 85. “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 86. 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 87. 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 enforcement
23 requires a cooperative effort between all levels of government.” *City of*
24 *New York v. United States*, 179 F.3d at 32-33.

25 88. “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 89. “[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 90. 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 91. 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 92. 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 93. In an opinion by the California Attorney General in 1992 ex-
2 amining 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 suprem-
6 acy clause of the United States Constitution, a city may not prohibit its
7 officers and employees from cooperating in their official capacities with
8 Immigration and Naturalization Service investigation, detention, or ar-
9 rest procedures relating to alleged violations of the civil provisions of the
10 federal immigration laws.” *Id.* at *1.

11 94. 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 95. 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 96. 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 97. 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 98. 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 99. 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.

5 100. 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.

14 101. 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

22 102. 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 **E. Obstruction Caused by the Sanctuary State Law**

9 103. 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.

15 104. 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).

24 105. 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*).

7 106. 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.

10 107. 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).

13 108. 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.”

21 109. “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 p.
26 1027 (quoting *GLAHR*, 691 F.3d at 1266).

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

als who are a threat to national security, public safety, or recently entered the United States unlawfully. In fact, California Attorney General Bonta has expressed support for DHS's enforcement priorities to arrest or remove individuals who pose a risk to public safety, are terrorists, or recently arrived.

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

112. The Orange County Sheriff, Don Barnes, is required to report annually to the Orange County Board of Supervisors on the county's compliance with California Government Code §§ 7283 and 7283.1 ("California's Transparent Review of Unjust Transfers and Holds ("TRUTH") Act).

113. Sheriff Barnes stated that OCSD is prohibited by State law from notifying ICE of the release of inmates with ICE detainers. In 2018, 1,106 inmates who had ICE detainers but did not meet eligibility for notifying ICE were released into the community. Of those 1,106 inmates, 173 were rearrested "in Orange County for committing 58 different types of crimes, including attempted murder, assault and battery, child molestation, and robbery." (Exhibit "A.")

114. In 2019, OCSD released 1,015 inmates with ICE detainers into the community without notifying ICE of their release because they did not meet state law requirement for notification. "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." (Exhibit "B.")

1 115. 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.")

5 116. 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.")

12 117. 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.")

16 118. 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.")

22 119. 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.")

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

1 eligible for notification and transfer to ICE's custody were not trans-
2 ferred and were instead released into the community. A total of 40 of
3 those individuals were rearrested for committing new crimes in Orange
4 County. (Exhibit "F.")

5 121. 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)

11 122. 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 facility,
20 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

1 123. The Sheriff and Riverside County Sheriff's Deputies suffer the
2 same problem. They cannot comply with both State and Federal laws
3 while carrying out their duty.

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

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

15 126. The Sheriff and Riverside County Sheriff's Deputies suffer the
16 same problem. They cannot comply, cooperate, detain, or investigate
17 whether there is a potential for human trafficking.

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

21 128. The Sheriff and Riverside County Sheriff's Deputies suffer the
22 same problem. They cannot ask about the immigration status of aliens
23 working for an employer.

24 **F. Harm to the Plaintiffs Caused by the Sanctuary State**
25 **Law**

26 129. The Sanctuary State Law harms the Plaintiffs.

27 130. It incentivizes increased illegal immigration and the presence
28 of higher numbers of illegal aliens within the City and the County.

1 131. The City of Huntington Beach has proprietary interests that
2 are harmed by the presence of increased numbers of illegal aliens.

3 132. The Sheriff has proprietary interests that are harmed by the
4 presence of increased numbers of illegal aliens.

5 133. For example, the City has proprietary economic interests that
6 are harmed by the increased number of illegal aliens in the City caused
7 by the Sanctuary State Law. These harms include, among other things,
8 1) decreased revenue caused by illegal alien residents and workers who
9 do not pay taxes; and 2) lower property tax revenue from decreased prop-
10 erty values.

11 134. Illegal aliens also harm the City's proprietary interests by in-
12 creasing the City's expenditures for, among other things, the following:
13 1) criminal enforcement; 2) enforcement of labor and health laws and
14 regulations; 3) traffic and parking enforcement; 4) increased expendi-
15 ture of public funds to provide public services to illegal aliens; and 5) op-
16 erating the City's jail facilities..

17 135. Illegal aliens harm the Sheriff's proprietary interests by in-
18 creasing his department's expenditures for, among other things, the fol-
19 lowing: 1) criminal enforcement; 2) traffic enforcement; and 3) operating
20 the County's jail facilities.

21 136. The Sanctuary State Law also harms the City and the Sheriff
22 by interfering with their proprietary interests in regulating within their
23 jurisdictions, including by conducting law enforcement activities in con-
24 formity with the requirements of Federal law.

25 137. The Sanctuary State Law also harms the City, each of the in-
26 dividually City Plaintiffs, and the Sheriff by subjecting the Sheriff and
27 his subordinates, the individual City Plaintiffs, and the City's officers
28 and employees to a genuine risk of prosecution under State law for en-

gaging in conduct that is required by, or protected by, Federal law and the U.S. Constitution.

138. The genuine risk of prosecution under the Sanctuary State Law also harms the City's and the Sheriff's propriety interests because of the fiscal cost of those prosecutions, which will cause the City and the Sheriff to expend resources and incur significant costs for defending itself and its officers and employees.

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

140. The Sanctuary State Law also harms the individual Plaintiffs by restricting them from engaging in conduct that is protected under federal law, such as under 8 U.S.C. §§ 1373 and 1644.

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

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

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

143. The Supremacy Clause mandates that "[t]his Constitution, and the Laws of the United States which shall be made in Pursuance

1 thereof . . . shall be the supreme Law of the Land . . . any Thing in the
2 Constitution or Laws of any State to the Contrary notwithstanding.” U.S.
3 Const. art. VI, cl. 2.

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

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

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

18 147. City officials, including Huntington Beach Police personnel,
19 and the Sheriff and his subordinates, are unable to fulfill their duty to
20 investigate or detain individuals having committed crimes without vio-
21 lating the Sanctuary State Law. *See* Cal. Gov. Code §§ 7282.5, 7284.4,
22 7284.6, 7285.1, 7285.2.)

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

1 149. 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.

4 150. 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.)

7 151. The Sanctuary State Law’s interference with the City’s and
8 the Sheriff’s coordination with the Federal Government in order to “pro-
9 tect” illegal immigrants from the Federal Government’s enforcement of
10 the U.S. Federal immigration laws as Defendants Governor Newsom and
11 Attorney General Robert Bonta stated, amounts to “harboring” of illegal
12 aliens by the State of California.

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

18 153. The Sanctuary State Law is an obstacle to the City’s and the
19 Sheriff’s ability to comply with U.S. Federal immigration laws. It pre-
20 vents City officials, including Huntington Beach Police personnel, and
21 the Sheriff and his subordinates, from full, effective law enforcement and
22 obstructs the City’s and the Sheriff’s ability to coordinate and cooperate
23 with Federal law enforcement agencies. As U.S. Federal immigration
24 law, according to the Supremacy Clause, is supreme, the Sanctuary State
25 Law is an unconstitutional barrier to the City’s effective law enforcement
26 efforts.

27 154. Governor Newsom and Attorney General Bonta have publicly
28 expressed on multiple occasions their intent to enforce the Sanctuary

1 State Laws and they have a direct connection to such enforcement by vir-
2 tue of the offices that they hold. Governor Newsom's and Attorney Gen-
3 eral Bonta's violations of the Supremacy Clause are ongoing. Their en-
4 forcement of the Sanctuary State Law causes ongoing harm to the Plain-
5 tiffs, and prospective injunctive relief will redress that harm.

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

9 **SECOND CAUSE OF ACTION**

10 **VIOLATION OF THE NATURALIZATION CLAUSE**

11 **ARTICLE I, SECTION 8, CLAUSE 4 OF THE U.S. CONSTITUTION**
12 **8 U.S.C. § 1324**

13 **(Against All Defendants)**

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

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

20 158. Article I, Section 8, Clause 4 of the U.S. Constitution provides
21 Congress with the "power... To establish an uniform Rule of Naturaliza-
22 tion... throughout the United States." U.S. Const. art. I, § 8, cl. 4.

23 159. In addition to conferring Congress with power to determine
24 when foreign nationals may obtain U.S. citizenship, the Naturalization
25 Clause is viewed as contributing to Congress's power over immigration,
26 including its power to set rules for when aliens may enter or remain in
27 the United States.
28

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

7 161. The Sanctuary State Law violates the City’s right to fully con-
8 trol its own Police Department and the Sheriff’s right to control his de-
9 partment and for the City and Sheriff to fully and effectively engage in
10 law enforcement. Moreover, neither the State, nor its laws, may prevent
11 the City of Huntington Beach or the Sheriff from honoring, following,
12 and/or complying with State and all Federal laws, including Federal laws
13 on immigration, which is the supreme law of the land on immigration.

14 162. The Sanctuary State Law violates the City’s right to fully con-
15 trol its own Police Department and the Sheriff to control his own de-
16 partment and for the City and Sheriff to fully and effectively engage in
17 law enforcement. Specifically, California Government Code §§ 7282.5,
18 7284.4, 7284.6, 7285.1, and 7285.2 prohibit local law enforcement officers
19 from cooperating with the Federal Government in criminal immigration
20 investigation.

21 163. Under the Sanctuary State Law, City officials, including Hun-
22 tington Beach Police personnel, and the Sheriff and his subordinates, are
23 mandated to “conceal, harbor, or shield from detection” any alien in their
24 custody in violation of 8 U.S.C. § 1324(a)(1)(iii). *See* Cal. Gov. Code §§
25 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

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

1 165. California Government Code §§ 7284.4 and 7282.5 restrict co-
2 operation between local law enforcement agencies and the Federal Gov-
3 ernment.

4 166. The Sanctuary State Law allows for smugglers to transport
5 individuals into the United States in violation of 8 U.S.C. § 1324 for fi-
6 nancial gain.

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

10 168. The Sanctuary State Law prohibits local law enforcement
11 agencies from asking employers about a person's immigration status un-
12 der 8 U.S.C. § 1324(a)(3). Cal. Gov. Code § 7284.6(a)(1)(A).

13 169. In recent years, Defendant Governor Gavin Newsom has tak-
14 en a series of substantial steps to incentivize the inflow of illegal immi-
15 gration into California, and to protect and harbor illegal immigrants, in-
16 cluding by implementing policies and laws to: hire illegal immigrants in
17 jobs in State government, give illegal immigrants taxpayer funded
18 downpayments of \$150,000 to buy homes, spend \$2.3 million of taxpayer
19 money to support the relocating and settling of illegal immigrants in ru-
20 ral areas of the State, give illegal immigrants home mortgage aid to buy
21 homes, newly allocating \$25 million in taxpayer-funded legal defense
22 fund for illegal immigrants to fight the Federal government's announced
23 crackdown on illegal immigration, which seeks to combat the violent
24 crimes committed against U.S. citizens, and the list goes on.

25 170. In addition, on December 17, 2024, Defendant Attorney Gen-
26 eral Robert Bonta issued a Press Release advising illegal immigrants on
27 the ways in which his office, and the State, were going to assist in shield-
28 ing illegal immigrants from "threats of mass detention, arrests, and de-

1 portation” and thus from detection and detention by the Federal Gov-
2 ernment. In that press release, Robert Bonta directly advised that “[y]ou
3 have the right to apply for and secure housing without sharing your im-
4 migration status,” and “[y]ou have the right to an attorney.”

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

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

20 173. The Sanctuary State Law violates Article I, Section 8, Clause
21 4 of the U.S. Constitution by actively obstructing the authority of the
22 Federal Government and obstructing the City’s and the Sheriff’s ability
23 to employ all laws available, including U.S. Federal immigration laws, to
24 combat crime and ensure public safety by coordinating with the Federal
25 Government to deal with certain individuals committing crimes and who
26 are subject to U.S. Federal immigration laws.

27 174. Governor Newsom and Attorney General Bonta have publicly
28 expressed on multiple occasions their intent to enforce the Sanctuary

1 State Laws and they have a direct connection to such enforcement by vir-
2 tue of the offices that they hold. Governor Newsom’s and Attorney Gen-
3 eral Bonta’s violations of the Naturalization Clause are ongoing. Their
4 enforcement of the Sanctuary State Law causes ongoing harm to the
5 Plaintiffs, and prospective injunctive relief will redress that harm.

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

9 **THIRD CAUSE OF ACTION**

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

11 **8 U.S.C. § 1324**

12 **(Against All Defendants)**

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

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

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

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

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

10 181. City officials, including Huntington Beach Police personnel,
11 and the Sheriff and his subordinates, are unable to fulfill their duty to
12 investigate or detain individuals having committed crimes without vio-
13 lating the Sanctuary State Law. *See* Cal. Gov. Code §§ 7282.5, 7284.4,
14 7284.6, 7285.1, 7285.2.

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

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

22 184. 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.

25 185. The Sanctuary State Law’s interference with the City’s and
26 the Sheriff’s coordination with the Federal Government in order to “pro-
27 tect” illegal immigrants from the Federal Government’s enforcement of
28 the U.S. Federal immigration laws, as Defendants Governor Newsom

1 and Attorney General Robert Bonta have declared, is “harboring” of ille-
2 gal aliens by the State of California.

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

8 187. The Sanctuary State Law is an obstacle to the City’s and the
9 Sheriff’s ability to comply with U.S. Federal immigration laws. It pre-
10 vents City officials, including Huntington Beach Police personnel, and
11 the Sheriff and his subordinates, from full, effective law enforcement and
12 obstructs the City’s ability to coordinate and cooperate with Federal law
13 enforcement agencies. Pursuant to the Supremacy Clause, U.S. Federal
14 immigration law is supreme, and the Sanctuary State Law is an uncon-
15 stitutional barrier to the City’s effective law enforcement efforts.

16 188. Governor Newsom and Attorney General Bonta have publicly
17 expressed on multiple occasions their intent to enforce the Sanctuary
18 State Laws and they have a direct connection to such enforcement by vir-
19 tue of the offices that they hold. Governor Newsom’s and Attorney Gen-
20 eral Bonta’s violations of 8 U.S.C. § 1324 are ongoing. Their enforcement
21 of the Sanctuary State Law causes ongoing harm to the Plaintiffs, and
22 prospective injunctive relief will redress that harm.

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

FOURTH CAUSE OF ACTION
VIOLATION OF U.S. FEDERAL IMMIGRATION LAWS
8 U.S.C. §§ 1373 and 1644
(Against All Defendants)

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

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

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

193. Similarly, 8 U.S.C. § 1644 states that “Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from ... [DHS] information regarding the immigration status, lawful or unlawful, of an alien in the United States.”

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

195. Under the Sanctuary State Law, City officials, including Huntington Beach Police personnel, and the Sheriff and his subordinates, are

1 mandated to “conceal, harbor, or shield from detection” any alien in their
2 custody in violation of 8 U.S.C. § 1324(a)(1)(iii). *See* Cal. Gov. Code §§
3 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

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

8 197. The Sanctuary State Law’s interference with the City’s and
9 the Sheriff’s coordination with the Federal Government in order to “pro-
10 tect” illegal immigrants from the Federal Government’s enforcement of
11 the Federal immigration laws, as Defendants Governor Newsom and At-
12 torney General Robert Bonta have declared, is “harboring” of illegal al-
13 iens by the State of California.

14 198. The Sanctuary State Law is an obstacle to the City’s and the
15 Sheriff’s ability to comply with U.S. Federal immigration laws. It pre-
16 vents City officials, including Huntington Beach Police personnel, and
17 the Sheriff and his subordinates, from full, effective law enforcement and
18 obstructs the City’s and the Sheriff’s ability to coordinate and cooperate
19 with Federal law enforcement agencies. Pursuant to the Supremacy
20 Clause, U.S. Federal immigration law is supreme, and the Sanctuary
21 State Law is an unconstitutional barrier to the City’s and the Sheriff’s
22 effective law enforcement efforts.

23 199. Governor Newsom and Attorney General Bonta have publicly
24 expressed on multiple occasions their intent to enforce the Sanctuary
25 State Laws and they have a direct connection to such enforcement by vir-
26 tue of the offices that they hold. Governor Newsom’s and Attorney Gen-
27 eral Bonta’s violations of 8 U.S.C. §§ 1373 and 1644 are ongoing. Their
28

1 enforcement of the Sanctuary State Law causes ongoing harm to the
2 Plaintiffs, and prospective injunctive relief will redress that harm.

3 200. 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 **FIFTH CAUSE OF ACTION**
7 **VIOLATION OF U.S. FEDERAL CRIMINAL LAWS**
8 **18 U.S.C. §§ 4, 371, 372, and 1512**
9 **(Against All Defendants)**

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

12 202. 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.

16 203. The Sanctuary State Law requires the Plaintiffs to commit
17 federal crimes under 18 U.S.C. § 4, which provides that “[w]hoever, hav-
18 ing knowledge of the actual commission of a felony cognizable by a court
19 of the United States, conceals and does not as soon as possible make
20 known the same to some judge or other person in civil or military author-
21 ity under the United States, shall be fined under this title or imprisoned
22 not more than three years, or both.” 18 U.S.C. § 4.

23 204. The Sanctuary State Law requires the Plaintiffs to commit
24 federal crimes under 18 U.S.C. § 4 because it forbids the Plaintiffs from
25 disclosing immigration-related felonies committed by aliens to federal
26 authorities. Some examples of such felonies include: 1) improper entry
27 and re-entry into the United States, 8 U.S.C. §§ 1325(a) and 1326; estab-
28 lishing “a commercial enterprise for the purpose of evading any provision

1 of the immigration laws,” 8 U.S.C. § 1325(d); and bringing in and harbor-
2 ing aliens, 8 U.S.C. § 1324.

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

13 206. As explained in this Complaint, the Sanctuary State Laws re-
14 quire the Plaintiffs, City employees, and the Sheriff’s subordinates to
15 commit a number of offenses against the United States, including under
16 8 U.S.C. 1324 and 18 U.S.C. §§ 4, 372, and 1512.

17 207. The Sanctuary State Law also requires the Plaintiffs to com-
18 mit federal crimes under 8 U.S.C. § 372, which provides that “[i]f two or
19 more persons...conspire to prevent, by force, intimidation, or threat, any
20 person from accepting or holding any office, trust, or place of confidence
21 under the United States...or impede him in the discharge of his official
22 duties, each of such persons shall be fined under this title or imprisoned
23 not more than six years, or both.”

24 208. Federal immigration officials hold offices under the United
25 States. The Sanctuary State Law requires the Plaintiffs, City employees,
26 and the Sheriff’s subordinates to impede federal immigration officials
27 from discharging their official duties. The Sanctuary State Law, there-
28

1 fore, requires the Plaintiffs, City employees, and the Sheriff's subordi-
2 nates to violate 18 U.S.C. § 372.

3 209. The Sanctuary State Law also requires the Plaintiffs to com-
4 mit federal crimes under 18 U.S.C. § 1512(b)(2)(D) and (b)(3) 18 U.S.C. §
5 4, which make it a crime carrying a penalty of up to 20 years' imprison-
6 ment for anyone who "knowingly ... engages in misleading conduct to-
7 ward another person, with intent to ... cause or induce any person to ...
8 be absent from an official proceeding to which such person has been
9 summoned by legal process" or to "hinder, delay, or prevent the commu-
10 nication to a law enforcement officer or judge of the United States of in-
11 formation relating to the commission or possible commission of a Federal
12 offense or a violation of ... parole[] or release pending judicial proceed-
13 ings."

14 210. The Sanctuary State Law requires the Plaintiffs, City em-
15 ployees, and the Sheriff's subordinates to engage in misleading conduct
16 to help aliens absent themselves from administrative immigration court
17 proceedings, which are official proceedings to which aliens are sum-
18 moned. The Sanctuary State laws also require the Plaintiffs, City em-
19 ployees, and the Sheriff's subordinates to hinder, delay, or prevent com-
20 munications between DHS law enforcement officers and aliens related to
21 the aliens' violations of Federal law. The Sanctuary State Law, therefore,
22 requires the Plaintiffs and City employees to violate 18 U.S.C. § 1512.

23 211. Additionally, by enforcing the Sanctuary State Law, Governor
24 Newsom and Attorney General Bonta are violating 18 U.S.C. §§ 4, 371,
25 372, and 1512.

26 212. Under the Sanctuary State Law, City officials, including Hun-
27 tington Beach Police personnel, and the Sheriff and his subordinates, are
28 mandated to "conceal, harbor, or shield from detection" any alien in their

1 custody in violation of 8 U.S.C. § 1324(a)(1)(iii). *See* Cal. Gov. Code §§
2 7282.5, 7284.6, 7284.4, 7285.1, 7285.2.

3 213. City officials, including Huntington Beach Police personnel,
4 and the Sheriff and his subordinates, are unable to fulfill their duty to
5 investigate or detain individuals having committed crimes without vio-
6 lating the Sanctuary State Law. *See* Cal. Gov. Code §§ 7282.5, 7284.4,
7 7284.6, 7285.1, 7285.2.

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

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

15 216. 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.

18 217. The Sanctuary State Law's interference with the Plaintiffs'
19 coordination with the Federal Government in order to "protect" illegal
20 immigrants from the Federal Government's enforcement of the U.S. Fed-
21 eral immigration laws as Defendants Governor Newsom and Attorney
22 General Robert Bonta have declared is tantamount to "harboring" of ille-
23 gal aliens by the State of California.

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

1 219. The Sanctuary State Law is an obstacle to the City's and the
2 Sheriff's ability to comply with U.S. Federal immigration laws. It pre-
3 vents City officials, including Huntington Beach Police personnel, and
4 the Sheriff and his subordinates, from full, effective law enforcement and
5 obstructs the City's ability to coordinate and cooperate with Federal law
6 enforcement agencies. Pursuant to the Supremacy Clause, U.S. Federal
7 immigration law is supreme, and the Sanctuary State Law is an uncon-
8 stitutional barrier to the City's and the Sheriff's effective law enforce-
9 ment efforts.

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

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

20 **SIXTH CAUSE OF ACTION**

21 **AIDING AND ABETTING, ACCESSORY AFTER THE FACT**

22 **VIOLATION OF CALIFORNIA PENAL CODE §§ 31, 32**

23 **(Against All Defendants)**

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

26 223. California Penal Code § 31 provides, "All persons concerned in
27 the commission of a crime, whether it be felony or misdemeanor, and
28 whether they directly commit the act constituting the offense, or aid and

1 abet in its commission, or, not being present, have advised and encour-
2 aged its commission, and all persons counseling, advising, or encourag-
3 ing children under the age of fourteen years, or persons who are mentally
4 incapacitated, to commit any crime, or who, by fraud, contrivance, or
5 force, occasion the drunkenness of another for the purpose of causing him
6 to commit any crime, or who, by threats, menaces, command, or coercion,
7 compel another to commit any crime, are principals in any crime so
8 committed.”

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

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

20 226. Additionally, the Sanctuary State Law requires the Plaintiffs
21 and City employees, and the Sheriff and his subordinates, to encourage
22 and conceal the commission of felonies by aliens, including under 8
23 U.S.C. §§ 1325(a), (d) and 1326.

24 227. City officials, including Huntington Beach Police personnel,
25 and the Sheriff and his subordinates, are unable to fulfill their duty to
26 investigate or detain individuals having committed crimes without vio-
27 lating the Sanctuary State Law. *See* Cal. Gov. Code §§ 7282.5, 7284.4,
28 7284.6, 7285.1, 7285.2.

1 228. The Sanctuary State Law prohibits local law enforcement of-
2 ficers from cooperating with the Federal Government in criminal immi-
3 gration investigation. *See* Cal. Gov. Code §§ 7282.5, 7284.4, 7284.6,
4 7285.1, 7285.2.

5 229. The Sanctuary State Law bars local jurisdictions from com-
6 plying with 8 U.S.C. § 1324 or participating in a joint task force. *See* Cal.
7 Gov. Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

8 230. The Sanctuary State Law restricts cooperation between local
9 law enforcement agencies and the Federal Government. *See* Cal. Gov.
10 Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2.

11 231. The Sanctuary State Law’s interference with the City’s and
12 the Sheriff’s coordination with the Federal Government in order to “pro-
13 tect” illegal immigrants from the Federal Government’s enforcement of
14 the U.S. Federal immigration laws as Defendants Governor Newsom and
15 Attorney General Robert Bonta have declared is “harboring” of illegal al-
16 iens by the State of California and amounts to a violation of California
17 Penal Code §§ 31 and 32.

18 232. The Sanctuary State Law causes City officials, including
19 Huntington Beach Police personnel, and the Sheriff and his subordi-
20 nates, to violate California Penal Code §§ 31 and 32 by aiding and abet-
21 ting the commission of a crime and accessory after the fact in the com-
22 mission of a crime, i.e., the violation of U.S. Federal immigration laws,
23 including but not limited to 8 U.S.C. §§ 1324, 1325, and 1326.

24 233. Plaintiffs have no adequate remedy at law. Absent relief, De-
25 fendants’ actions continue to harm and threaten to harm Plaintiffs by
26 impairing enjoyment of this right.

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

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

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

236. Article XX, § 3 of the California Constitution provides the Oath of Office that certain public officials, including elected City officials and police officers, and the Sheriff and his subordinates, are required to take in order to be fully vested with authority for the office they are to assume. Cal. Const. art. XX, § 3.

237. The Constitutionally required Oath of Office states “I,, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.”

238. The Sanctuary State Law forces the City’s officials, including Huntington Beach Police personnel, and the Sheriff and his subordinates, to violate their legal obligations and their Oaths of Office to the U.S Constitution, the California Constitution, and U.S. Federal immigration laws in violation of the California Constitution’s Oath of Office.

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

6 240. City officials, including Huntington Beach Police personnel,
7 and the Sheriff and his subordinates, are unable to fulfill their duty to
8 investigate or detain individuals having committed crimes without vio-
9 lating the Sanctuary State Law. *See* Cal. Gov. Code §§ 7282.5, 7284.4,
10 7284.6, 7285.1, 7285.2.

11 241. 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.

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

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

21 244. The Sanctuary State Law’s interference with the City’s and
22 the Sheriff’s coordination with the Federal Government in order to “pro-
23 tect” illegal immigrants from the Federal Government’s enforcement of
24 the U.S. Federal immigration laws causes and the Sheriff and his subor-
25 dinates and City officials, including Huntington Beach Police personnel,
26 to violate the terms of their Oath of Office required by the California
27 Constitution, i.e., that they swear to “support and defend the Constitu-
28 tion of the United States and the Constitution of the State of California

1 against all enemies, foreign and domestic; that [they] will bear true faith
2 and allegiance to the Constitution of the United States and the Constitu-
3 tion of the State of California; that [they] take this obligation freely,
4 without any mental reservation or purpose of evasion; and that [they]
5 will well and faithfully discharge the duties upon which [they] a[re]
6 about to enter,” causing violations of U.S. Federal immigration laws, in-
7 cluding but not limited to 8 U.S.C. §§ 1324 and 1325.

8 245. 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 **EIGHTH CAUSE OF ACTION**
12 **VIOLATION OF THE FIRST AMENDMENT**
13 **First Amendment of the U.S. Constitution**
14 **(Against Defendants Governor Newsom and Attorney General**
15 **Bonta)**

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

18 247. The Sanctuary State Law has a chilling effect on the Plain-
19 tiffs’ speech.

20 248. The Plaintiffs’ communications with federal officials about
21 immigration matters are an activity protected by the Constitution, in-
22 cluding the First Amendment, and by federal statute.

23 249. The Defendants’ actions in implementing the Sanctuary Law,
24 including by enforcing and threatening to enforce it against the Plain-
25 tiffs, would chill a person of ordinary firmness from continuing to engage
26 in the protected activity.

27 250. The Plaintiffs’ protected activity was and is a substantial or
28 motivating factor in the Defendants’ conduct.

1 251. The Sanctuary State Law constitutes an unconstitutional con-
2 tent-based prior restraint on the Plaintiffs' speech.

3 252. The Sanctuary State Law's prior restraint is not narrowly tai-
4 lored and does not serve a compelling governmental interest.

5 253. The Sanctuary State Law is unconstitutional and unlawful
6 both facially and as-applied.

7 254. Governor Newsom and Attorney General Bonta have publicly
8 expressed on multiple occasions their intent to enforce the Sanctuary
9 State Laws and they have a direct connection to such enforcement by vir-
10 tue of the offices that they hold. Governor Newsom's and Attorney Gen-
11 eral Bonta's violations of the First Amendment and 8 U.S.C. §§ 1373 and
12 1644 are ongoing. Their enforcement of the Sanctuary State Law causes
13 ongoing harm to the Plaintiffs by depriving them of their rights and priv-
14 ileges under the U.S. Constitution and Federal law. Prospective injunc-
15 tive relief will redress that harm.

16 255. The Plaintiffs have no adequate remedy at law. Absent relief,
17 Defendants' actions continue to harm and threaten to harm Plaintiffs by
18 impairing enjoyment of this right.

19 **NINTH CAUSE OF ACTION**
20 **VIOLATION OF CIVIL RIGHTS**

21 **42 U.S.C. § 1983**

22 **(Against Defendants Governor Newsom and Attorney General**
23 **Bonta)**

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

26 257. Under 42 U.S.C. § 1983, "Every person who, under color of
27 any statute, ordinance, regulation, custom, or usage, of any State ... sub-
28 jects, or causes to be subjected, any citizen of the United States ... to the

1 deprivation of any rights, privileges, or immunities secured by the Con-
2 stitution and laws, shall be liable to the party injured in an action at law,
3 suit in equity, or other proper proceeding for redress....”

4 258. The Sanctuary State Law compels the speech of the Plaintiffs
5 and the City’s employees and the Sheriff’s subordinates. *See* Cal. Gov.
6 Code §§ 7282.5, 7284.4, 7284.6, 7285.1, 7285.2. This deprives the Plain-
7 tiffs of their free speech rights under the First Amendment of the Consti-
8 tution as explained above in Count Eight.

9 259. The Sanctuary State Law restricts the Plaintiffs and the
10 City’s employees, who are “government entit[ies] or official[s],” “from
11 sending to, or receiving from, ... [DHS] information regarding the citizen-
12 ship or immigration status, lawful or unlawful, of any individual.” 8
13 U.S.C. §§ 1373 and 1644; *see also* Cal. Gov. Code §§ 7282.5, 7284.4,
14 7284.6, 7285.1, 7285.2.

15 260. Because Federal law protects the Plaintiffs’ right and privi-
16 lege of communicating with DHS regarding the immigration status of al-
17 iens, the Sanctuary State Law deprives the Plaintiffs of their rights and
18 privileges under Sections 1373 and 1644.

19 261. Governor Newsom and Attorney General Bonta have publicly
20 expressed on multiple occasions their intent to enforce the Sanctuary
21 State Laws and they have a direct connection to such enforcement by vir-
22 tue of the offices that they hold. Governor Newsom’s and Attorney Gen-
23 eral Bonta’s violations of the First Amendment and 8 U.S.C. §§ 1373 and
24 1644 are ongoing. Their enforcement of the Sanctuary State Law causes
25 ongoing harm to the Plaintiffs by depriving them of their rights and priv-
26 ileges under the U.S. Constitution and Federal law. Prospective injunc-
27 tive relief will redress that harm.

1 262. The Plaintiffs have no adequate remedy at law. Absent relief,
2 Defendants' actions continue to harm and threaten to harm Plaintiffs by
3 impairing enjoyment of this right.

4 **TENTH CAUSE OF ACTION**
5 **NON-STATUTORY CAUSE OF ACTION FOR VIOLATION OF**
6 **FEDERAL LAW**
7 **(Against Defendants Governor Newsom and Attorney General**
8 **Bonta)**

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

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

14 265. Claims for relief One through Five and Eight through Nine
15 catalog the numerous ways that Governor Newsom and Attorney General
16 Bonta are violating Federal law and the Constitution. The Plaintiffs,
17 therefore, have a cause of action under *Ex Parte Young* against Governor
18 Newsom and Attorney General Bonta.

19 266. Governor Newsom and Attorney General Bonta have publicly
20 expressed on multiple occasions their intent to enforce the Sanctuary
21 State Laws and they have a direct connection to such enforcement by vir-
22 tue of the offices that they hold. Governor Newsom's and Attorney Gen-
23 eral Bonta's actions violate the U.S. Constitution and Federal law. Their
24 enforcement of the Sanctuary State Law causes ongoing harm to the
25 Plaintiffs by depriving them of their rights and privileges under the U.S.
26 Constitution and Federal law. Prospective injunctive relief will redress
27 that harm.
28

1 267. The Plaintiffs have no adequate remedy at law. Absent relief,
2 Defendants' actions continue to harm and threaten to harm Plaintiffs by
3 impairing enjoyment of this right.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs pray for relief as follows:

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

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

21 3. An order and judgment declaring that the Sanctuary State
22 Law provides no obstacle to Huntington Beach's or the Sheriff's and his
23 subordinates' cooperation with the Federal Government and acts to
24 comply with all U.S. Federal immigration laws, or, alternatively, the
25 California statutes and constitutional provisions upon which AB 1955 is
26 based, violate the Supremacy Clause, the aforementioned U.S. Federal
27 immigration, criminal, and civil rights laws, the aforementioned
28

1 California Penal Code(s), and other provisions of the U.S. Constitution
2 and California Constitution;

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

5 5. Such other and further relief as the Court may deem just and
6 proper.
7

8 DATED: April 30, 2025

MICHAEL J. Vigliotta, City Attorney

10 By: /s/ Michael J. Vigliotta (with permission)

11 Michael J. Vigliotta

12 City Attorney

13 City of Huntington Beach

14 By: /s/ James Rogers

15 James K. Rogers

16 Senior Counsel

17 America First Legal Foundation

18 Attorneys for Plaintiffs

19 CITY OF HUNTINGTON BEACH,
20 HUNTINGTON BEACH CITY COUN-
21 CIL, HUNTINGTON BEACH POLICE
22 DEPARTMENT, the HUNTINGTON
23 BEACH POLICE CHIEF, and RIVER-
24 SIDE COUNTY SHERIFF CHAD
25 BIANCO
26
27
28

DEMAND FOR JURY TRIAL

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: April 30, 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, the HUNTINGTON BEACH POLICE CHIEF, and RIVERSIDE COUNTY SHERIFF CHAD BIANCO

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:

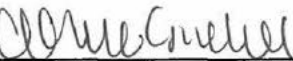
Copies sent to:

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

A handwritten signature in black ink, appearing to read "Frank Kim", is written over the "From:" line.

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

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:

A handwritten signature in black ink, appearing to read "Lisa Bartlett", is written over a horizontal line.

Chairwoman Lisa Bartlett, Supervisor, Fifth District

cc: Board of Supervisors
County Executive Office
County Counsel

Agenda Item
Clerk's Use Only 549C



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 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

CEO CONCUR

CEO Signature

COUNTY COUNSEL REVIEW

no legal objection

Action

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: 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 *Frank Kim*

Subject: Exception to Rule 21

DO NOT WRITE IN THESE SPACES
11/12/20 11:12:55
S34A

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:

Michelle Steel
Chairwoman Michelle Steel, Supervisor, Second District


cc: Board of Supervisors
County Executive Office
County Counsel

Agenda Item
Clerk's Use Only

S341A



SUPPLEMENTAL AGENDA ITEM AGENDA STAFF REPORT

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: 
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



CEO Signature

COUNTY COUNSEL REVIEW

No legal objection
Action


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

February 17, 2021

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

Michelle
Aguirre

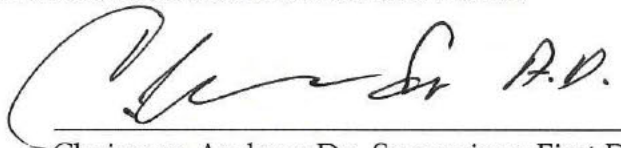
Digitally signed by Michelle Aguirre
DN: cn=Michelle Aguirre, o=County
Executive Office, ou=Chief Financial
Officer,
email=Michelle.Aguirre@coorange.ca.gov,
c=US
Date: 2021.02.17 15:51:45 -0800

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
Clerk's Use Only

315C



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

RECEIVED
FEB 17 PM 4:17
CLERK OF SUPERVISORS

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

CEO CONCUR

Michelle
Aguirre

Digitally signed by Michelle Aguirre
DN: cn=Michelle Aguirre, o=County
Executive Office, ou=Chief Financial
Officer,
e=Michelle.Aguirre@ocgov.com,
c=US
Date: 2021.02.17 15:51:06 -0800

CEO Signature

COUNTY COUNSEL REVIEW

No legal objection
Action



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: 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

546A

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
Clerk's Use Only

S46A



SUPPLEMENTAL AGENDA ITEM AGENDA STAFF REPORT

MEETING DATE: 03/22/22
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
DEPARTMENT CONTACT PERSON(S): Leon J. Page (714) 834-3300
Nicole A. Sims (714) 834-3319

Digitally signed by Leon J. Page
DN: cn=Leon J. Page, o=County of Orange, ou=County
Counsel, email=leon.j.page@coorange.ca.us, c=US
Date: 2022.03.24 14:33:06 -0700

Department Head Signature

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

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

CEO CONCUR

Frank Kim

Digitally signed by Frank Kim
DN: cn=Frank Kim, o=County of
Orange, ou=CEO,
email=frank.kim@coorange.ca.us,
c=US
Date: 2022.03.15 08:32:48 -0700

CEO Signature

COUNTY COUNSEL REVIEW

No legal objection
Action
Nicole A. Sims

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: 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: _____

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'

S386

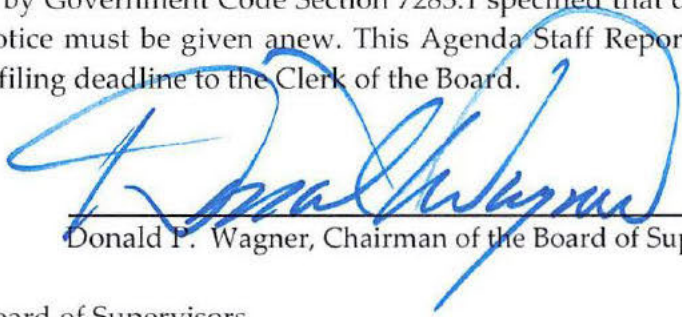
The County Executive Office is requesting a Supplemental Agenda Staff Report for the March 14, 2023, Board Hearing.

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
Clerk's Use Only

S38G



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 15:46:17 -0800

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

RECEIVED
 2023 MAR -9 PM 12:50
 CLERK OF THE BOARD
 COUNTY OF ORANGE

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

CEO CONCUR

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

CEO Signature

COUNTY COUNSEL REVIEW

No Legal Objection

Action

Leon J. Page

County Counsel Signature

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 15:52:40 -0800

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: 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 DocuSigned by: 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	COUNTY COUNSEL REVIEW	CLERK OF THE BOARD
Concur	No Legal Objection	Public Hearing 3 Votes Board Majority

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