

# CLIENT NEWS BRIEF

## Law Enforcement's Role in the New Sanctuary State

On October 5, 2017, California Governor Jerry Brown signed Senate Bill (SB) 54, known as the California Values Act, which sharply limits how state and local law enforcement authorities cooperate and coordinate with federal immigration officials. SB 54 seeks to protect the estimated 2.3 million undocumented immigrants in California in the face of the Trump Administration's calls for deportation.

### Limits on Local Enforcement

Effective January 1, 2018, this new "sanctuary" legislation prohibits state and local law enforcement agencies from investigating, interrogating, detaining, detecting or arresting people for immigration enforcement purposes, including the following:

- Asking about a person's immigration status;
- Detaining someone on a "hold" request from United States Immigration and Customs Enforcement (ICE);
- Participating in arrests based on civil immigration warrants;
- Placing officers under the supervision of federal immigration agencies or deputizing them as special federal officers for immigration purposes;
- Using ICE agents as interpreters for law enforcement purposes; and
- Participating in border patrol, including warrantless searches.

With some exceptions, SB 54 also prohibits state and local law enforcement agencies from doing the following:

- Providing information regarding an inmate's release date from county jail unless that information is available to the public, or the person has been convicted of certain crimes;
- Transferring someone to ICE, unless a judge finds probable cause, issues a warrant, or the person has certain prior convictions, including serious or violent felonies, felonies punishable by imprisonment in the state prison, and other specified crimes if convicted within the last five years for a misdemeanor punishable as either a misdemeanor or felony or if convicted in the last fifteen years for a felony; and
- Contracting with the federal government to house federal detainees, unless specified in current law.

### Key Amendments Included in Final Version of SB 54

Partly in response to opposition from some law enforcement agencies, several

November 2017  
Number 75



William P. Curley III  
Partner and Co-Chair  
Local Government Practice Group  
Los Angeles Office  
[wcurley@lozanosmith.com](mailto:wcurley@lozanosmith.com)



Iain J. MacMillan  
Associate  
Los Angeles Office  
[jmacmillan@lozanosmith.com](mailto:jmacmillan@lozanosmith.com)

**LS** Lozano Smith  
ATTORNEYS AT LAW

*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*

# CLIENT NEWS BRIEF

November 2017  
Number 75

amendments were included in the final version of SB 54. The amendments include:

- An expanded list of crimes, totaling approximately 800 offenses, under which law enforcement has the discretion to notify and transfer a person to immigration authorities. Law enforcement agencies will be required to report the number of transfers and type of offenses for which transfers occur to the state Attorney General.
- An exemption for the California Department of Corrections and Rehabilitation (CDCR) from the provisions of the bill. However, the bill requires the CDCR to provide immigrant inmates with increased protections, many of which are already required for local law enforcement by the TRUST Act (AB 4), which was one of several immigration-related bills signed by Governor Brown in 2013.
- Permission for immigration authorities to interview individuals in custody, but also, a prohibition on giving immigration authorities permanent office space in jails.
- Deletion of a prohibition on access to databases for immigration enforcement purposes. However, the bill requires the Attorney General to develop guidance, audit criteria and training recommendations on limiting access to information for the purposes of immigration enforcement.
- Technical changes to joint task force language to ensure law enforcement can continue to partner with federal agencies in the interest of public safety.

SB 54 also has implications for schools. ([See 2017 Client News Brief 64.](#))

## Takeaways

SB 54's adoption further complicates the political conflict over "sanctuary" policies and could impact federal funding to local law enforcement agencies. For example, the bill prohibits new or expanded contracts with federal agencies for use of California jail facilities as detention centers, although it does not force the termination of existing contracts. Additionally, SB 54 delineates what local law enforcement conduct is permitted and what conduct is prohibited in working with federal agencies. Therefore, it's important for local law enforcement to understand and assess the scope of any potential cooperation with federal agencies prior to involvement.

For more information on SB 54 or on immigration enforcement and local agencies' role in it, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).