

## **Contra Costa County Non-Cooperation Policy**

### **Section 1. Findings.**

- (a) The County of Contra Costa is home to people of diverse racial, ethnic, and national backgrounds, including a large immigrant population.
- (b) Immigrants are valuable and essential members of the Contra Costa County community.
- (c) A relationship of trust between the County of Contra Costa's immigrant community and the County of Contra Costa, its departments, programs, and personnel is central to the public safety of Contra Costa County residents.
- (d) This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear seeking basic health services, attending school, or contacting or cooperating with law enforcement when they are victims of or witnesses to crimes, to the detriment of public safety and the well-being of all Californians, including Contra Costa County residents.
- (e) Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.
- (f) There are legal concerns with leveraging the County of Contra Costa's resources for federal immigration endeavors, including but not limited to the prospect of Contra Costa County residents being denied due process, detained in violation of the Fourth Amendment of the United States Constitution, or targeted on the basis of race, ethnicity, language, accent, occupation, or presence at certain locations.
- (g) This Policy seeks to protect the safety, well-being, and constitutional rights of Contra Costa County residents, and to direct the County's limited resources to matters of greatest concern.
- (h) The Board of Supervisors and the public will benefit from receiving monthly reports from the Sheriff's Office regarding interactions with Immigration Authorities.

### **Section 2. Definitions.**

For purposes of this Policy, the following words and phrases are defined as follows:

- (a) "**Immigration Authority**" means any person or agency engaging in Immigration Enforcement, including but not limited to the U.S. Department of Homeland Security or its component agencies, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or U.S. Citizenship and Immigration Services.

(b) “**Immigration Enforcement**” means any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States.

**Section 3. Prohibition on the Use of County Funds or Resources.**

Unless required by federal or state law, no County funds or resources, including, but not limited to, County personnel and County property, shall be utilized to:

(a) Assist or cooperate with requests by United States Immigration and Customs Enforcement or other Immigration Authorities, to hold, detain, house, transfer, or otherwise facilitate the investigation, detention, or arrest of any person in the custody of the Contra Costa County Sheriff’s Office, or any other County department, unless pursuant to a judicial warrant (as defined in California Government Code § 7284.4(i)) or otherwise required by law.

(b) Provide any Immigration Authority with access to any non-public areas of property owned or controlled by the County, including but not limited to, County jails, stations, conference rooms, and databases, for the purpose of Immigration Enforcement, unless pursuant to a judicial warrant (as defined in California Government Code section 7284.4(i)) or otherwise required by law.

(c) Make any person in County custody available to any Immigration Authority for an interview for the purpose of Immigration Enforcement.

(d) Respond to any administrative warrant from an Immigration Authority, such as a Form I-200. An administrative warrant is not a judicial warrant.

(e) Allow Immigration Authorities access to County property for purposes of staging or establishing an operational base for the purpose of Immigration Enforcement.

**Section 4. Access to County Services.**

(a) No County department, officer, or employee who collects information for the purpose of determining eligibility for services or benefits; for seeking reimbursement from federal, state, or third-party payors; or in the course of providing County services to clients shall use any County funds or resources to provide that information to an Immigration Authority for the purpose of assisting with Immigration Enforcement, except as mandated by state or federal law, including but not limited to, 8 U.S.C. § 1373.

(b) No County department, agency, officer, or employee shall condition the provision of County services or benefits on the citizenship or immigration status of the individual except where such

conditions are lawfully imposed by federal or state law or local public assistance eligibility criteria.

(c) Nothing in this Policy shall prohibit or otherwise restrict the County from complying with a valid judicial warrant issued by a federal or state judge, or other order evidencing a judicial determination of probable cause. This Policy does not prohibit assistance or cooperation as required by law.

(d) This Policy does not limit or prohibit any County officer or employee from investigating suspected violations of criminal law.

(e) Except for Sheriff's Office personnel, which Office is subject to the separate reporting requirements in Section 5, all County personnel shall immediately notify their supervisor of any request by an Immigration Authority to access any non-public area of any County property or any non-public County records.

(f) The County calls on Immigration Authorities performing official business in the County to identify themselves as federal immigration officers, to make clear that they are not officers, agents, or employees of the County, and to comply with legal mandates and constitutional requirements.

#### **Section 5. Reporting Required.**

(a) Beginning \_\_\_\_\_, 2026, the Sheriff's Office shall monthly report its contact with any Immigration Authority for the purposes of Immigration Enforcement on the regular agenda of the Board of Supervisors as a consent item and post the information on the Sheriff's Office Transparency Portal on the Sheriff's Office's website. This requirement is excused only when the Board is on recess for longer than one (1) month. Reports shall include the following categories of information:

1. Number of ICE Form I-247 Immigration Notification requests and dates of requests received during the preceding month;
2. Number of notifications provided in response to requests and dates of notifications during the preceding month; and
3. Number of people transferred to an Immigration Authority from the Sheriff's custody during the preceding month.

(b) If the Sheriff's Office participates in a joint law enforcement task force as described in Government Code section 7284.6(c)(1), and Sheriff's Office personnel assists in any way with Immigration Enforcement as part of its participation in the joint law enforcement task force, the Sheriff's Office shall report the following information to the Board of Supervisors on a bi-annual basis:

1. The purpose of the task force.

2. The federal, state, and local law enforcement agencies involved.
3. The total number of arrests made during the preceding six-month period.
4. The number of people arrested for Immigration Enforcement purposes during the preceding six-month period.
5. The number of Contra Costa County Sheriff sworn personnel assigned to the joint law enforcement task force and a general description of the types of investigations that officers participated in during the preceding six-month period.

The Sheriff's Office shall report this information on the regular agenda of the Board of Supervisors as a consent item and shall post the information on the Sheriff's Office Transparency Portal on the Sheriff's Office's website. If there is no information to report for any six-month period, the Sheriff's Office shall include a statement in this regard on its website and is not required to report any information on the regular agenda of the Board of Supervisors for that six-month period.

(c) Reporting under this Policy does not replace the Sheriff's obligations under the Truth Act and/or other applicable laws.

#### **Section 6. Conflict With Other Policies**

In the event of a conflict between this policy and a specific departmental policy, the specific policy shall govern.