

LEGISLATIVE DIGEST

[Administrative Code - Due Process for All Ordinance on Civil Immigration Detainers]

Ordinance amending the Administrative Code by adding Chapter 12I to prohibit law enforcement officials from detaining individuals on the basis of a civil immigration detainer after they become eligible for release from custody.

Existing Law

No City law prohibits law enforcement officials from complying with a civil immigration detainer request to continue to detain an individual after the individual becomes eligible for release from custody.

Amendments to Current Law

This legislation would prohibit law enforcement officials from detaining an individual on the basis of an immigration detainer after that individual becomes eligible for release from custody.

The intent of this Chapter is to address civil immigration detainer requests. Nothing in this Chapter shall be construed to apply to matters other than those relating to federal civil immigration detainers. In all other respects, local law enforcement agencies may continue to collaborate with federal authorities to protect public safety. This collaboration includes, but is not limited to, participation in joint criminal investigations that are permitted under local policy or applicable city or state law.

Committee Amendments

On September 5, 2013, Supervisor Avalos introduced technical amendments that clarified the intent and purpose of this Ordinance.