# Welcome!

## CARE Community Briefing:

### SB 580 Model Policies: Promoting Safe and Secure Government Access for All

Thursday, July 16 | 10:00am - 11:00am

The presentation will begin shortly. No audio is currently being played.

CARE
Community Awareness, Response, and Engagement

OFFICE OF THE ATTORNEY GENERAL
liberty and justice under law
CALIFORNIA DEPARTMENT OF JUSTICE

# Accessibility/Accesibilidad

- **Find the menu bar at the bottom of your zoom window**
- **For closed captioning, select “more”**
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# AGENDA

I. **Welcome** – *Community Outreach Manager Efrain Botello-Cisneros*

II. **Introduction to SB 580 Model Policies** – *Special Assistant Attorney General Regina Garza*

III. **Presentation: SB 580 Model Policies** – *Deputy Attorney General Newton Knowles, Analyst Julianna Bardon*

IV. **Questions** – *Supervising Deputy Attorneys General Joel Marrero, Supervising Deputy Attorney General Robin Goldfaden, Deputy Attorney General Newton Knowles, Analyst Julianna Bardon*

V. **Closing**

# REMARKS BY SPECIAL ASSISTANT REGINA GARZA

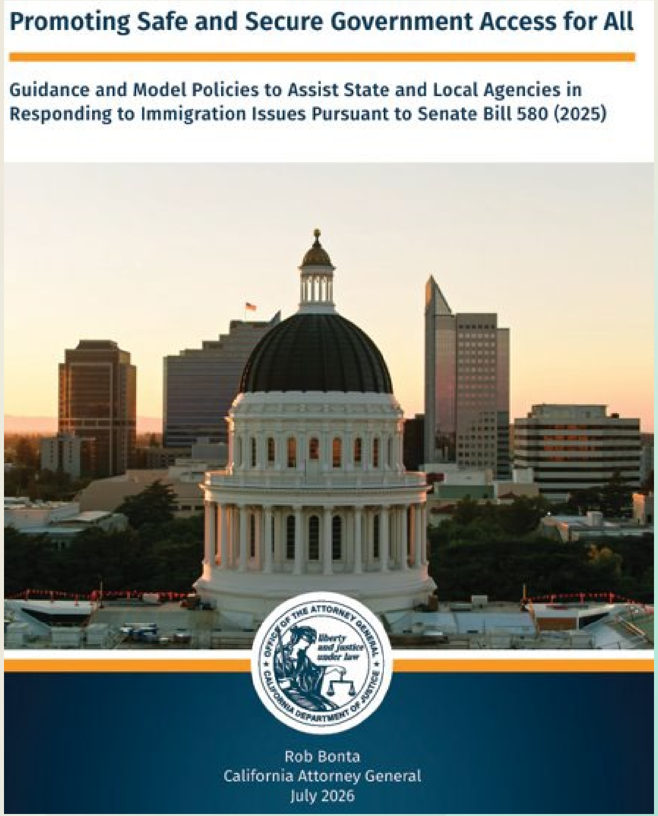
- Significance of Senate Bill 580 (2025)
- Increase in immigration enforcement
  - at and around state and local agencies
  - seeking information held by state and local agencies
- Impact on public trust and public safety, public health, and public welfare

# Senate Bill 580 (2025)

**In enacting SB 580, the Legislature found and declared:**

*"Immigrants are valuable and essential members of the California community…." "A relationship of trust between California's immigrant community and state and local agencies is central to the functioning of the state's government and public safety, health, welfare, and constitutional rights of the people of California." "Protecting the state's limited public resources from being used for federal immigration enforcement actions is a matter of statewide concern…."*

# Overview of Senate Bill 580 (2025)




SB 580, codified at Government Code Section 12532.5:

- Requires the CA Attorney General, by July 1, 2026, “shall publish model policies for state and local agencies relating to interactions with immigration authorities consistent with federal and state law.”
- Requires that state and local agencies, by January 1, 2027, "shall implement" the model policies or equivalent policies.
- Requires that the Attorney General, by July 1, 2026, "shall publish guidance, audit criteria, and training recommendations for databases operated by a state or local agency, including databases maintained for the agency by private vendors, aimed at ensuring that the databases are governed in a manner that makes the availability of information therein to anyone or any entity for the purposes of immigration enforcement limited to the fullest extent practicable, consistent with federal and state law."

# Implementation of Senate Bill 580

- **Where can the guidance and model policies be found?**
  - The SB 580-mandated publication is available under the heading of "Immigration Guides" on the "Publications" page of the Office of the Attorney General's website – https://oag.ca.gov/publications.
- **Were stakeholders engaged prior to publication of the SB 580 guidance and model policies?**
  - Yes, the Attorney General and members of his office thank the Governor's Office and representatives from state and local agencies and nongovernmental organizations who shared knowledge, experience, and insights prior to this guide's publication.
- **By when will state and local agencies need to adopt the model policies or equivalent policies?**
  - SB 580 requires that state and local agencies adopt the model policies or equivalent policies by January 1, 2027.

# Sector-Specific Guides

The SB 580 guide addresses state and local agencies generally. Agencies covered by Senate Bill 54 or Assembly Bill 699 should also consult the more specific guidance published for their sector, available on the Attorney General's website:

- Guidance and Model Policies to Assist California's Superior Courts
- Guidance and Model Policies to Assist California's Healthcare Facilities
- Guidance and Model Policies to Assist California's Colleges and Universities
- Guidance and Model Policies to Assist California's K-12 Schools
- Guidance and Model Policies to Assist the Division of Labor Standards Enforcement, the Agricultural Labor Relations Board, and the Division of Workers' Compensation
- Guidance and Model Policies to Assist California's Public Libraries
- Guidance and Model Policies to Assist California Shelters
- Guidance and Model Policies for Early Childhood Education and Child Care Providers (Family Preparedness Plan Act of 2025)

Law enforcement agencies should consult the “Updated Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California TRUTH Act” bulletin (issued Jan. 17, 2025) and other law enforcement bulletins pertinent to compliance with governing state laws, including those established by Senate Bill 54 (2017).

## Core Principles Informing the Guidance

- First: State and local resources should not be used to assist immigration enforcement activities, except as required by state or federal law.
- Second: Agencies should limit or restrict the collection, retention, and disclosure of information that could aid in identifying or apprehending individuals without lawful immigration status, unless required by law or necessary to administer a lawful program.
- Third: Where there is no legal obligation to comply, agencies should require appropriate legal process — a judicial warrant, judicial subpoena, or court order — before complying.
- Fourth: All requests for information should be directed to designated agency staff or legal counsel trained to evaluate such requests.
- Fifth: Agencies should document interactions with immigration authorities, including requests for information, attempts to access facilities, and the presentation of legal process.

# SB 580 Guidance Overview

- **Chapter 1:** Legal Framework
  - *A brief background on federal immigration law enforcement authority, recently changed federal policy on enforcement at "sensitive" locations, states' constitutional right to decline to participate in federal immigration law enforcement, and some of the laws that California has adopted in the exercise of that right.*
- **Chapter 2:** Guidance and Model Policies Regarding Immigration Authorities' Access to State and Local Agency Facilities and Physical Spaces
  - *Model policies for California state and local agency personnel interactions with immigration authorities who seek to access physical locations, such as agency offices or other locations where agencies provide services to members of the public or conduct other agency functions.*
- **Chapter 3:** Guidance and Model Policies Regarding Immigration Enforcement Demands for Information
  - *Model policies for California state and local agency personnel interactions with immigration authorities who seek records, data, or other information from the agency.*
- **Chapter 4:** Guidance, Audit Criteria, and Training Recommendations for Databases
  - *Provides guidance, training recommendations, and audit criteria for databases operated by a state or local agency, including databases maintained for the agency by private vendors.*
- **Chapter 5:** Additional Information for Agencies and Their Stakeholders
  - *Offers additional resources that agencies may wish to consult or make available to members of the public who interact with the agency or are otherwise impacted by the agency.*
- **Appendices**
  - *Samples of legal documents, including warrants, subpoenas, and Notice to Appear forms.*

# Legal Framework

**Federal Responsibility for Immigration Law**

- The federal government is responsible for the formulation, administration, and enforcement of immigration law, primarily through ICE, CBP, and USCIS (components of DHS). This guide uses the term "immigration authorities" to refer to any agency — federal, state, or local — that enforces or facilitates immigration law enforcement.

**No Federal Law Requires State or Local Agency Participation**

- No federal law requires a state or local agency to participate in or facilitate immigration enforcement.
- A federal statute, 8 U.S.C. § 1373 (and similar statute, 8 U.S.C. § 1644), bars prohibitions or restrictions on sharing citizenship or immigration status information, **BUT** (1) does not reach other information (addresses, location, photographs, release dates), and (2) does not require agencies to respond to federal requests.

**Tenth Amendment**

- The federal government cannot compel states to enact or administer a federal regulatory program.
- California is constitutionally permitted to limit the use of state and local resources for immigration enforcement. Examples of doing so:
  - TRUST Act (2013): Limits law enforcement agencies' discretion to grant immigration "detainers.".
  - TRUTH Act (2016): Requires notice and procedural protections when ICE seeks to contact someone in local law enforcement custody, including written consent forms before any jail interview.
  - California Values Act / SB 54 (2017): Prohibits law enforcement agencies from using resources to investigate, detain, or arrest for immigration enforcement purposes, and restricts sharing a person's release date or personal information for immigration enforcement purposes, subject to limited exceptions.

# Access to Agency Facilities for Immigration Enforcement – Types of Requests & Concerns Raised

- Immigration officers may seek to enter agency facilities to locate and arrest individuals, question employees or members of the public, or conduct other enforcement activity.
- Request or demands for access may be accompanied by administrative documents, judicial warrants, subpoenas, or no documents at all.
- Immigration enforcement activity in or around state or local agency locations can distract and divert agency personnel, hinder an agency's public functions, disrupt agency operations, diminish public trust, adversely impact access, and substantially undermine public safety, health, and welfare.
- Voluntarily granting access to nonpublic areas of agency locations will in many instances violate state law.

# Access to Agency Facilities – Governing Law

- **General Principle**
  - A facility being open to the public in some areas does not mean all areas are subject to unrestricted entry by immigration officers.
- **Fourth Amendment, U.S. Constitution**
  - Protects against unreasonable searches and seizures
  - Applies where there is a reasonable expectation of privacy, which can include nonpublic areas of government facilities.
- **The Immigrant Worker Protection Act (AB 450)**
  - Except as otherwise required by federal law, an agency "shall not provide voluntary consent" for an immigration enforcement agent to enter any nonpublic area or to access, review, or obtain employee records, without a subpoena or judicial warrant.
    - "Voluntary consent" means a decision made free of duress or coercion.
    - Public versus nonpublic distinction is critical.
  - AB 450's prohibition applies regardless of how a request is presented (e.g., verbally, with an administrative warrant). It does not apply where the agent has a judicial warrant or for records accessed under a properly noticed I-9 audit.
- **The Workplace Know Your Rights Act** (Labor Code section 1550)
  - Requires employers to distribute a standalone annual written notice of workers' rights, and to allow workers to designate an emergency contact to be notified if the employee is arrested or detained during work hours.

# Documents That May Accompany Requests for Physical Access

## Notice to Appear

- Issued by ICE, CBP, or USCIS to commence formal removal proceedings against an individual.
- Does not authorize or require state or local agency staff to grant access to nonpublic areas.
- Does not authorize or require state or local agency personnel to take any action or otherwise grant or cooperate with requests from immigration enforcement authorities
- An example of a Notice to Appear (Form I-862) is seen here and has been included in Appendix A of the Guidance.

U.S. Department of Homeland Security

**Notice to Appear**

**In removal proceedings under section 240 of the Immigration and Nationality Act:**

Subject ID: FINS: DOB:

File No: ____________
Event No:

In the Matter of:

Respondent: ______________________ currently residing at:

______________________
(Number, street, city and ZIP code) (Area code and phone number)

☐ 1. You are an arriving alien.
☐ 2. You are an alien present in the United States who has not been admitted or paroled.
☐ 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

SAMPLE

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
☐ Section 235(b)(1) order was vacated pursuant to: ☐8CFR 208.30(f)(2) ☐8CFR 235.3(b)(5)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

______________________
*(Complete Address of Immigration Court, including Room Number, if any)*

on ____________ at ____________ to show why you should not be removed from the United States based on the
*(Date)* *(Time)*

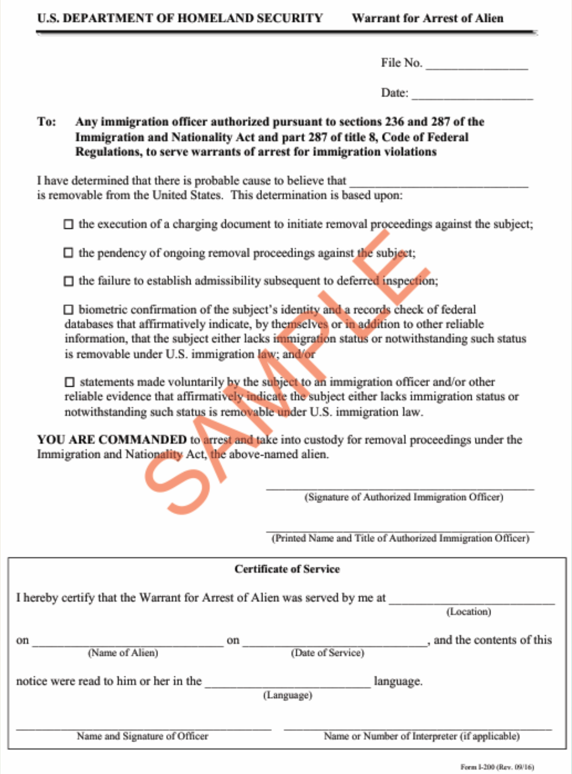
charge(s) set forth above. ______________________
*(Signature and Title of Issuing Officer)*

Date: ____________ ______________________
*(City and State)*

**See reverse for important information**

Form I-862 (Rev. 08/01/07)

# Other Types of Documents That May be Presented



U.S. DEPARTMENT OF HOMELAND SECURITY  Warrant for Arrest of Alien

File No. _______________

Date: _________________

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that ___________________________ is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

SAMPLE

_________________________________
(Signature of Authorized Immigration Officer)

_________________________________
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at ______________________ (Location)

on ______________________ (Name of Alien) on ______________________ (Date of Service), and the contents of this notice were read to him or her in the ____________________ (Language) language.

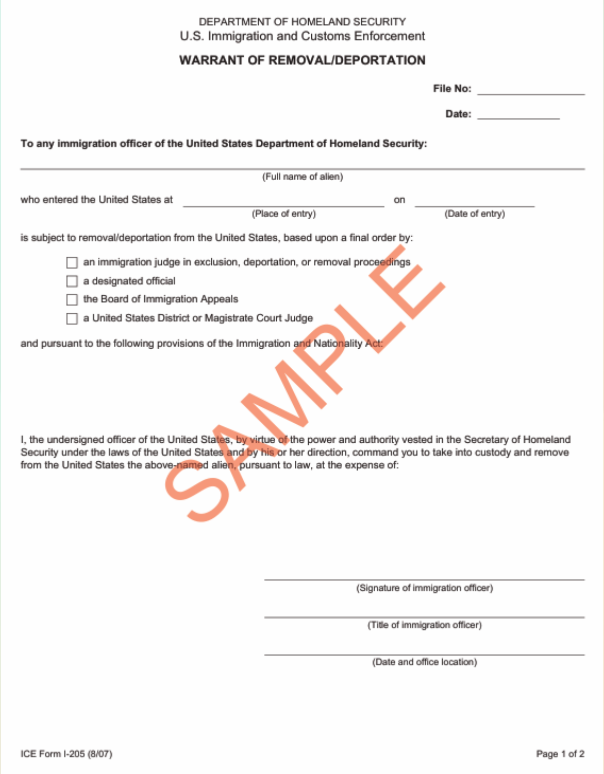
______________________ Name and Signature of Officer

______________________ Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

## Administrative Arrest and Removal Warrants

- Typically issued by immigration enforcement officers with ICE or other agencies within DHS.
- Not issued by a court
- An example of an ICE "Arrest Warrant" (Form I-200) is seen to the left and in Appendix B.
- An example of an ICE "Removal Warrant" (Form I-205) is seen on the right and has been included in Appendix B.



DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

File No: _______________

Date: _____________

To any immigration officer of the United States Department of Homeland Security:

_________________________________
(Full name of alien)

who entered the United States at ______________________ (Place of entry) on ______________ (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

SAMPLE

_________________________________
(Signature of immigration officer)

_________________________________
(Title of immigration officer)

_________________________________
(Date and office location)

ICE Form I-205 (8/07)  Page 1 of 2

## Other Documents That May Be Presented – Judicial Arrest and Search Warrants

- Issued by a court upon a finding of probable cause.
- Bear a magistrate or judge's signature, identify the issuing court, and typically include a case number and court seal.
- A judicial arrest warrant authorizes officers to arrest the named individual; a judicial search warrant authorizes a search of a specific location, person, or vehicle. Authority is limited to the scope of the warrant.
- *Samples (Federal Search Warrant, Form AO 93, and Federal Arrest Warrant, Form AO 442) have been included in Appendices C and D of the Guidance.*

# Model Policies – Access to Facilities and Physical Spaces

- **General Response Protocols**
  - When immigration authorities seek access to agency locations, personnel shall respond in a manner that is consistent with governing law and agency policies and procedures. Agency personnel should calm and professional, request identification and any documents pertaining to the requested access/search, and immediately notify designated personnel and/or agency counsel.
  - Personnel shall not physically interfere with an enforcement authority and shall not provide false information, destroy records, or voluntarily assist officers.
- **Designated Personnel or Legal Counsel**
  - Each agency shall designate agency counsel or personnel with sufficient training to evaluate and respond to requests or attempted intrusions by immigration authorities, and to coordinate the agency's response.

# Model Policies – Access to Agency Locations

- **Distinction Between Public and Nonpublic Areas**
  - Agency policies shall clearly define and identify nonpublic areas, including any areas not open to the public or requiring authorization, escort, or credentialed access, through signage, access controls, and visitor protocols.
- **Public Areas**
  - Agency personnel shall not interfere with immigration authority's access to or presence in areas of an agency facility or other agency location that is open to the general public.
- **Nonpublic Areas**
  - Agency personnel shall not permit, grant, or facilitate access to nonpublic areas of the agency facility or other agency location, **UNLESS** the officer presents a judicial warrant, court order, or a properly noticed I-9 inspection form.
  - See the model policies for steps agency personnel should take when presented with any of these forms or other forms that do not authorize access.

# Model Policies – Requirements Regarding Nonpublic Areas

- **When No Judicial Warrant, Court Order or I-9 Inspection Form Is Presented, Agency Personnel Shall:**
  - Immediately notify designated personnel or legal counsel that an agent is onsite.
  - Request to copy any documents presented or notate the agent's credentials.
  - Immediately contact security, a supervisor, or legal counsel if the agent attempts to enter a nonpublic area.
  - Avoid becoming confrontational and do not physically interfere with or assist the agent.
  - Decline to provide access to nonpublic areas.

# Model Policies – Requirements Regarding Nonpublic Areas

- **When Presented with a Judicial Search or Arrest Warrant, Court Order, or I-9 Inspection Form, Staff Shall:**
  - Immediately notify designated personnel or legal counsel that an officer is onsite.
  - Request a copy of the warrant and the officer's credentials; verify the warrant is court-issued, judicially signed, and matches the location at which the officer seeks to execute the warrant; and communicate that access is limited to the warrant's scope.
  - Request that the officer wait while the above is verified, but do not block or impede entry if the agent refuses to wait.
  - The agency should comply as required by law and dictated by the warrant/court order. Agency counsel or other designee can and should facilitate such compliance in a manner that does not afford access to areas not covered by the warrant.
  - Agencies shall require personnel to document all interactions with immigration authorities, including date/time/location, officer identity, the nature of the request, and the agency's response. Agencies shall maintain such documentation in a centralized location.

# Demands for Information – Types of Requests & Concerns Raised

- State and local agencies collect and maintain significant personally identifiable information (PII) while administering programs and services. Data collected for one purpose can later be sought for purposes not intended when the information was provided.
- The federal government has increasingly been seeking sensitive data it wants for immigration enforcement.
- Requests and demands for the production of data or access to data come in different forms. Regardless of the form, these requests/demands should always be directed or forwarded to the agency’s legal counsel or designated personnel for evaluation and a determination of how to proceed.
- Requests and demands for files, records, data, or other information held by state or local agencies raise serious concerns, including diversion of agency personnel and other resources from core responsibilities, significant costs, hindrance of the agency's public functions, diminished public trust, a chilling effect on access to critical services and supports, and adverse impacts on public safety, health, and welfare.
- Disclosure of personal information increases the risk of identity theft and very often violates the law. Great care must be taken to ensure that any production of data or other sharing of personal or otherwise protected information occurs only when in accordance with all applicable law.

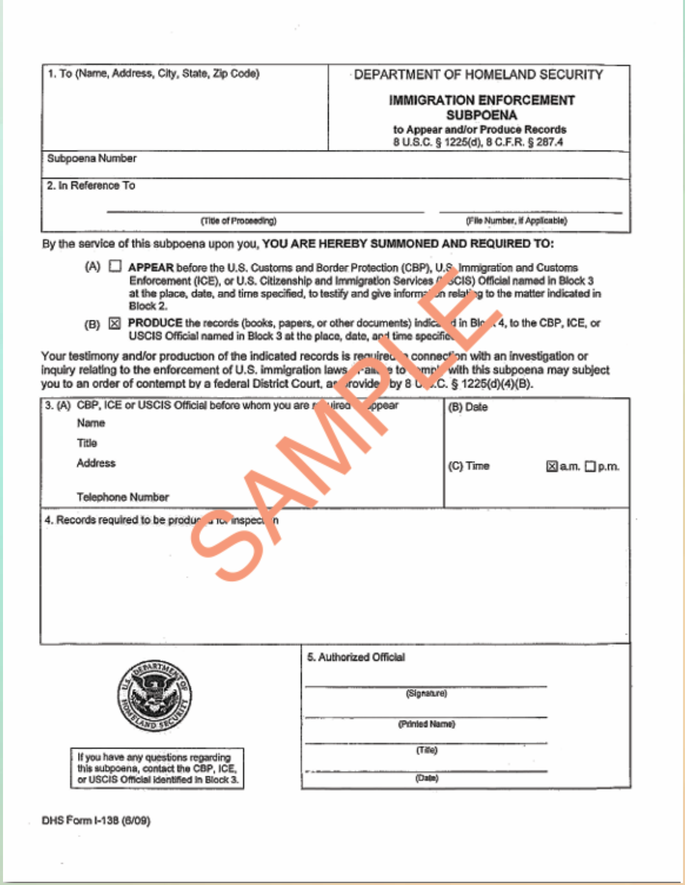
# Demands for Information– Governing Law

- **General Principles**
  - Review all requests and demands against the authority the requestor claims for request. Statutes provide limited authority, and the interplay of different provisions can be significant. Regulations may impose additional requirements. Constitutional limits may also pertain.
  - Administrative subpoenas are not the equivalent of court issued subpoenas. Different procedures will apply, but in either case there should be an opportunity for court review of whether a subpoena should be enforced or quashed based on the applicable standard. A court may also narrow the scope of a subpoena or issue a protective order.
  - Do not produce more information than is legally required.
  - Agencies should have designated personnel or legal counsel evaluate any regulatory data demand, assess whether data can be de-identified or limited, and document the request and response. Appropriate data security measures should be employed when data is shared.
- **Privacy Laws May Prohibit or Limit Disclosure of Information**
  - The California Constitution's “inalienable right” to privacy limits disclosure of personal information.
  - Federal and state statutes, including HIPAA, FERPA, and California's Confidentiality of Medical Information Act, impose limits specific to certain data categories.

# Types of Demands Agencies May Receive

## Administrative Subpoenas

- Administrative subpoenas are issued by an agency, not a court.
- Administrative subpoenas are not "self-executing."
- There is a significant body of law on permissible and impermissible uses of administrative subpoenas. (See, e.g., *Peters v. United States* (9th Cir. 1988) 853 F.2d 692.)
- Administrative subpoenas should be properly served.
- Agency staff should immediately contact designated staff, a supervisor, +/or legal counsel upon receipt.
- An example of a DHS-issued administrative subpoena (Form I-138) is seen here and has been included in Appendix E of the Guidance.



| 1. To (Name, Address, City, State, Zip Code) | DEPARTMENT OF HOMELAND SECURITY<br>**IMMIGRATION ENFORCEMENT SUBPOENA**<br>**to Appear and/or Produce Records**<br>8 U.S.C. § 1225(d), 8 C.F.R. § 287.4 |
|---|---|
| Subpoena Number | |
| 2. In Reference To<br>(Title of Proceeding) | <br>(File Number, if Applicable) |

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

(A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.

(B) ☒ **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

| 3. (A) CBP, ICE or USCIS Official before whom you are required to appear<br>Name<br>Title<br>Address<br>Telephone Number | (B) Date<br>(C) Time ☒ a.m. ☐ p.m. |
|---|---|
| 4. Records required to be produced for inspection | |

5. Authorized Official

(Signature)

(Printed Name)

(Title)

(Date)

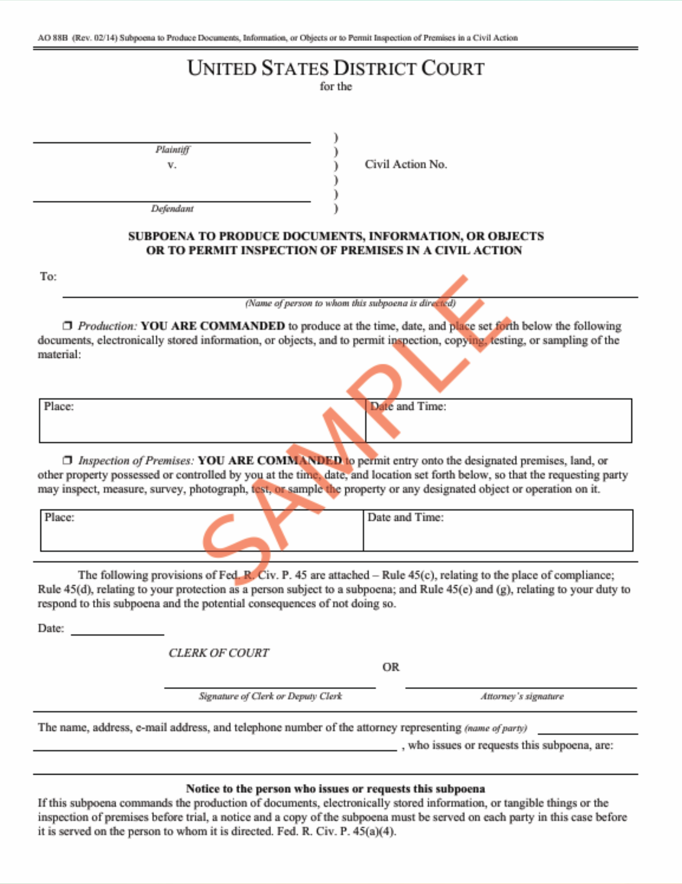
If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

DHS Form I-138 (6/09)

# Types of Demands Agencies May Receive

## Judicial / Grand Jury Subpoenas

- Judicial subpoenas are issued under the authority of a court.
- They may be issued in civil or criminal proceedings and can require the sharing of documents or testimony.
- They do not authorize or require disclosure of information or documents beyond what is specified in the subpoena.
- Motions to quash or narrow or for protective order may be appropriate.
- An example of a Federal Judicial Subpoena (Form AO 88B) is seen here and has been included in Appendix F of the Guidance.



AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the

_Plaintiff_
v.
_Defendant_

Civil Action No.

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:
_(Name of person to whom this subpoena is directed)_

☐ _Production:_ YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

| Place: | Date and Time: |
| --- | --- |

☐ _Inspection of Premises:_ YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

| Place: | Date and Time: |
| --- | --- |

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date:

CLERK OF COURT

OR

_Signature of Clerk or Deputy Clerk_ _Attorney's signature_

The name, address, e-mail address, and telephone number of the attorney representing _(name of party)_ , who issues or requests this subpoena, are:

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

SAMPLE

# Types of Demands Agencies May Receive

- **Court Orders**
  - A court order authorizes or requires the actions specified but does not require or authorize actions beyond its terms.
  - A party subject to a court order may seek relief from the court.

- **Public Records Act Requests**
  - The Public Records Act establishes a general rule of disclosure, providing that public records are open to inspection, subject to statutory exemptions and other legal limitations. Under the Public Records Act, a request made by an immigration authority is evaluated under the same legal framework as a request made by any member of the public. (Gov. Code Section 7920.000 et seq.)

# Guidance and Model Policies Regarding Immigration Enforcement Demands for Information

**Model Policies**

- **General Response Protocols:** Agency protocols should apply across agency operations and should be designed to ensure consistent, legally compliant responses. Personnel should understand that they are generally not expected to independently determine the legal sufficiency of subpoenas, warrants, or requests for information. Rather, personnel should be trained to route requests to designated agency personnel and seek supervisory support.
- **Designated Personnel +/or Legal Counsel:** The agency shall designate personnel responsible for evaluating and responding to requests for information by immigration authorities. Designated personnel shall be trained on the legal standards governing information sharing with or access by immigration authorities and evaluate whether any document presented constitutes a legally sufficient process, determine whether compliance is required and, if so, what will constitute compliance, and coordinate the agency's response.

# Guidance and Model Policies Regarding Immigration Enforcement Demands for Information

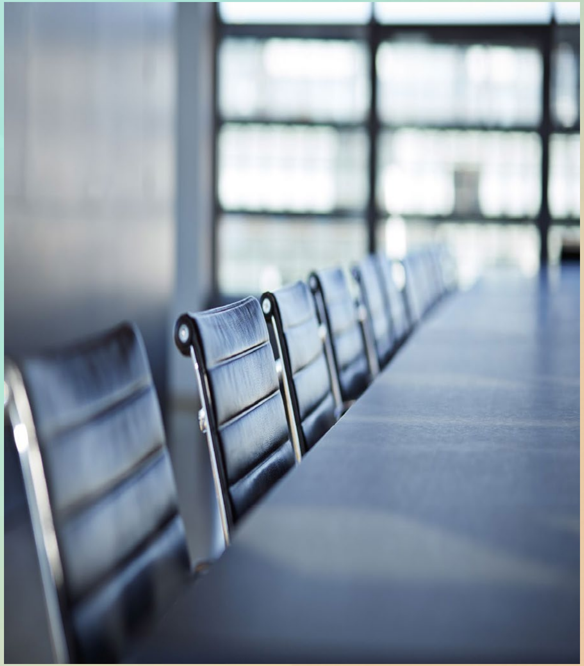
**Model Policies (continued)**

- **Collecting and Retaining Information:** Agencies shall maintain in writing policies and procedures for the gathering, handling, and retention of sensitive client information. Appropriate personnel should receive training regarding those policies and procedures. Any sensitive information, such as a person's personally identifying information or immigration or citizenship status information collected by or disclosed by the client, should be maintained only when necessary and only for as long as necessary or otherwise required by law.
- **Responses to Information Requests:** Agency policies shall establish procedures governing responses based on the type of demand presented, as seen earlier in the slides.
- **Documentation Requirements:** Agencies shall require comprehensive documentation of all requests for information from immigration authorities.

# Guidance and Recommendations Regarding Agency Databases

**Minimize Data**

- Agencies should only collect information necessary for the agency's function or legally required for agency operations or determinations.
- Data collection should be limited to the agency's needs and purpose; agencies must evaluate each data field to determine whether it is necessary to a legitimate operational objective. Information that is not collected cannot be disclosed.
- Agencies should also minimize collection of “proxy data” — fields such as year of arrival, place of birth, language indicators, or household composition that, alone or combined, can allow inferences about immigration status.
- Retention should be limited to what is strictly necessary, with routine deletion or anonymization once data is no longer needed.



# Guidance and Recommendations Regarding Databases

## Adopt Access Controls

- Agencies should implement access controls, so information is available only to personnel who require it for legitimate purposes — extending to employees, contractors, interns, volunteers, and third-party vendors.
- Access controls should include role-based permissions, authentication mechanisms, and monitoring systems that track and record access to sensitive information.

## Core Guiding Principles

  - Least Privilege — users receive only the minimum access required to perform their duties.
  - Need-to-Know — access is restricted to those with a legitimate functional need.
  - Separation of Duties — critical tasks are divided among multiple users to reduce misuse.
  - Accountability — every user has a unique, attributable ID to catalog access and search history.
- Access should be granted only after verifying role and identity, and conditioned on completed privacy training and supervisor approval.

# Guidance and Recommendations Regarding Databases

**Special Considerations for High-Risk Database Systems**

- Federal Program Data (e.g., benefits systems): Sharing program data with one federal agency increases the risk that data collected for one purpose becomes accessible for another.
- Third-Party Vendors: Vendor arrangements should not expand the availability of data beyond what state and federal law permits; contracts should prohibit unauthorized redisclosure.
- Bulk or Blanket Data Requests: These present heightened risk and should receive elevated legal scrutiny before any response.
- Interagency or Interoperable Databases: Consider data-sharing agreements or MOUs that limit use and distribution of shared agency data.
- Integration or Usage of Artificial Intelligence: Agencies using LLMs (Large Language Models), machine learning, or generative AI should have policies governing usage, with regular review of AI query activity.

# Training Recommendations Regarding Databases

- **Implement Scenario Based Training**
  - Scenario-based training is a teaching approach where learners engage in simulated or reality-based training. In applying this principle, agencies should center training around the types of databases that they manage, own, or into which they enter client information.
- **Center Training on the Relevant Legal Frameworks Governing Information Sharing with Immigration Enforcement**
  - Personnel should be trained on the laws discussed in this guidance, including:
    - The meaning of 8 U.S.C. sections 1373 and 1644.
    - The applications of privacy protections including laws that apply to the agency or those it serves (for example, Health Insurance Portability and Accountability Act, and Family Educational Rights and Privacy Act).
    - The requirements of the Public Records Act.
- **Training should reinforce the following principles**:
  - A review of the agency's internal notice and elevation procedures.
  - The requirement to limit collection to necessary information.
  - The agency's access control policy and protocols.
  - The risks associated with retaining unnecessary data.
  - The potential for information to be used beyond its original purpose.
  - The obligation to evaluate requests for information under applicable law.

# Recommendations Regarding Database Audit Criteria

- **Audits Should Examine Data Collection Practices:** Audits should evaluate whether agency personnel and systems are collecting only information necessary for the administration of agency programs, services, or legal obligations.
- **Agencies Should Require Access Logs:** Agencies should maintain systems capable of creating detailed access logs for databases containing personally identifiable information or sensitive records.
- **Incident Documentation:** Agencies should maintain written procedures requiring documentation and review of incidents involving suspected unauthorized access, disclosure, sharing, misuse, or attempted acquisition of agency information for immigration enforcement purposes or for reasons unrelated to the data's programmatic purposes.
- **Implement Monitoring, Reporting, and Corrective Actions:** Agencies should establish ongoing monitoring, reporting, and corrective action procedures designed to ensure compliance with laws and agency policies governing interactions with immigration enforcement authorities including unauthorized disclosures of protected personally identifiable information.

# Additional Resources for Community Members

- **ICE Detainee Locator**
  - locator.ice.gov — helps determine if someone has been detained and where, using date of birth and A-Number if available. The site is not updated in real time.
- **Rapid Response Networks**
  - Community-based responses (not involving government agencies) to immigration enforcement – offer hotlines for reporting of enforcement activity and connecting individuals to legal assistance and “Know Your Rights” information.
- **Legal Assistance**
  - State Bar of California attorney search (calbar.ca.gov), legal aid directories (e.g., National Immigration Legal Services Directory - Immigration Advocates Network), and California Courts Self-Help Centers.
- **Immigration Court Hotline: 1-800-898-7180, and the EOIR case status website.**
- **Consulate or Embassy of an individual's country of origin may offer additional assistance.**

## Resources

- For the full document, please visit: https://oag.ca.gov/system/files/media/guidance-state-local-sb580.pdf
- To access CA DOJ immigration resources visit:
  - https://oag.ca.gov/immigrant/resources
    - Know your rights materials; resources for employers
- To report federal agent misconduct:
  - https://oag.ca.gov/reportmisconduct

# Thank You!

**Video and Presentation Materials Will Be Available At:**
**[https://oag.ca.gov/care](https://oag.ca.gov/care)**

*Note: Please allow at least one week for the video to be uploaded.*

## Share Your Feedback

Feedback Survey: CARE Community Briefing

## Upcoming Event