employee relations BULLETIN

Date: June 6, 2025

To: **Heads of All Departments**
Departmental Personnel Directors

Subject: **PROHIBITION ON THE USE OF CITY RESOURCES FOR FEDERAL IMMIGRATION ENFORCEMENT - ORDINANCE NO. 188441**

This Employee Relations Bulletin (Bulletin) provides information to all City of Los Angeles departments, offices, and bureaus (Departments) and employees of their duties under Ordinance No. 188441 (Ordinance), which became effective on December 19, 2024.

On February 18, 2025, the Office of the Los Angeles City Attorney (City Attorney) transmitted updated guidance for Departments regarding potential enforcement activities by Immigration and Customs Enforcement (ICE) or other federal Immigration Agents on City property. The City Attorney's memorandum also provides guidance on how to handle requests for information made by an Immigration Agent.

Utilizing this guidance, Departments must ensure that their rules, regulations, and protocols adhere to the provisions of the Ordinance. To the extent that some Departments are, by terms of the City Charter, exempt from the Ordinance, they are strongly encouraged to adopt policies consonant with its provisions.

As previously required under Executive Directive 20 (Garcetti; March 21, 2017), each General Manager or Head of a Department shall designate an Immigrant Affairs Liaison. To ensure proper coordination and address any personnel changes, please submit the name and contact information for the designated Immigrant Affairs Liaison, including any subsequent changes or updates thereto, to dial-la@lacity.org.

As explained in more detail below, the Ordinance precludes City personnel from providing to federal immigration agents or agents employed by ICE (Immigration Agent) or contractors any information that can be used to determine an individual's "Citizenship or Immigration Status" unless the contractor or Immigration Agent has agreed in writing to not provide such data (and to restrict subcontractors and employees from providing such data) to Immigration Agents, except as required by law. Please adhere to the below guidance to ensure compliance with this requirement.

To be consistent with recent updates to the law, this Bulletin provides guidance for Departments and their employees regarding potential enforcement activities by Immigration Agents on City property. This Bulletin also provides guidance on how to handle requests for information made by an Immigration Agent.

The first section of this Bulletin will address handling requests for information made by an Immigration Agent and the second section will address contracting practices.

Section I

A. Immigration Agents Seeking Access to City Facilities Not Open to the General Public

1. If a City facility is *not open to the general public* – such as areas restricted to City employees or City Departments and meeting rooms where only invitees may enter – then City personnel should not grant an Immigration Agent entry to that facility for the purpose of immigration enforcement absent a judicially issued warrant or similar court order.

2. An employee who receives a request by an Immigration Agent to gain entry into an area of a City facility not open to the general public, for the purpose of immigration enforcement, should tell the Immigration Agent that the area is not open to the general public and access is not allowed without a judicially issued warrant or similar court order. Note that ICE administrative warrants or other non-judicial requests to detain or arrest any individual do not give Immigration Agents legal authority to enter City facilities that are not open to the general public.

3. If an Immigration Agent presents an employee with a judicially issued warrant or similar court order to gain entry into an area of a City facility not open to the general public, the employee should obtain a copy of the warrant or order (using the camera on your City-issued mobile phone to take a photo of each page may be easiest) and request that the Immigration Agent wait outside the area until the employee can consult with their supervisor and legal counsel about the warrant. The employee should immediately notify their supervisor and a Department representative should contact the Office of the Los Angeles City Attorney. If the terms of the judicial warrant specify that Immigration Agents have the right to enter into an area of a City facility not open to the general public without the City's permission, the Immigration Agent may insist on entering the area without waiting and the employee should not block or otherwise impede the agent.

4. However, if the text of the warrant does not authorize accessing the specific non-public area in question, the employee should immediately inform their supervisor, the City Attorney and the Los Angeles Police Department's Security Services Division by calling 213-978-4600.

5. If the Immigration Agent still seeks entry but has no judicially issued warrant or similar court order, the employee should 1) request the name and badge/ID number of the Immigration Agent, 2) inform them that they do not have authority to grant consent for the agent to enter the area, and 3) ask the Immigration Agent to wait outside the area until the employee can consult with their supervisor and legal counsel. The employee should immediately notify their supervisor and together call the City Attorney. If the Immigration Agent refuses to wait until the employee consults with the supervisor and the City Attorney and attempts to forcibly enter the area, the employee should make clear their objection to the Immigration Agent's conduct but should not physically attempt to block the Immigration Agent.

The employee should document the incident and immediately inform their supervisor, the City Attorney, and the Los Angeles Police Department's Security Services Division by calling 213-978-4600.

6. If a City Department has any question about whether any area or room in a City facility is not open to the general public, the Department's general manager or designee should contact the the City Attorney.

B. ICE Enforcement Activities in City Facilities Open to the General Public

1. As a general matter, if a City facility, or portion of the facility, is *open to the general public,* an Immigration Agent has the right, in that public area, to initiate a consensual encounter with a person, to question the person and ask for identification, to conduct an investigatory stop pursuant to a reasonable suspicion of criminal activity, and to surveil, question, serve papers on, and even arrest a person.

2. If a City employee observes an Immigration Agent engaging in enforcement activities at or in a City facility open to the general public, the employee should document the date, time, location, and details of the encounter. The City employee should not attempt to physically impede an Immigration Agent engaged in immigration enforcement activity.

3. The City employee should immediately report the incident to a supervisor, who should report it to the Department's immigration liaison. The same day, the Department should report the incident to the City Attorney.

4. Any City Department that provides childcare, educational or vocational training, or health care-related programs and services, or which otherwise serves vulnerable populations (including but not limited to children, pregnant women, victims of crimes or abuse, individuals with mental or physical disabilities, senior citizens and people experiencing homelessness) should be aware that the City considers these areas "sensitive sites." If any ICE enforcement activity takes place at a sensitive site, the Department should document and report the incident immediately, with a notation that the incident occurred in a sensitive location.

C. Records and Information Relating to Citizenship and Immigration Status

1. City employees are prohibited from inquiring into or collecting information about an individual's citizenship or immigration status, unless such information is necessary to provide a City service, including the provision of immigration and naturalization assistance, for election-related purposes or appointment to a City office or commission, or as required for purposes of City employment or the disbursement of City funds.

2. ICE may request or otherwise seek to obtain City records or information regarding the citizenship and immigration status of an individual. Under current federal law, the City may not prohibit its employees from providing ICE with existing City records or information responsive to such a request. However, before an employee responds to such a request, the employee should seek legal guidance from the City Attorney to ensure proper compliance with the law.

D. ICE Requests for City Records Not Regarding Citizenship or Immigration Status

1. If ICE seeks access to City records that do not concern the citizenship or immigration status of an individual, then the request will be considered to be a request made pursuant to the California Public Records Act (CPRA). ICE is entitled to receive a response and a production of public, non-exempt records under the CPRA. However, if ICE seeks non-public records, public records exempt from disclosure under the CPRA, or other confidential information maintained by a City Department, then such records should only be provided if ICE has a judicially issued warrant or similar court order, or a properly issued civil subpoena, directing the City Department to provide ICE access to such information. The Department should obtain a copy of the warrant, court order, or subpoena and contact the City Attorney for advice.

2. If ICE seeks confidential, non-public, or exempt City records without a warrant, court order, or subpoena, then the Department should inform ICE that the request will be treated as if it were made under the CPRA, and the City will respond accordingly within the time limits set by law. Before the CPRA response is provided, the Department should first obtain advice from its legal counsel. The Department should immediately report the ICE request by calling the City Attorney.

E. Where this guidance requests that City personnel contact the City Attorney, please call the Deputy City Attorney who regularly advises your Department. Contact information for your Deputy City Attorney or an alternate representative in your contact's absence is available through CityFone.

Section II

A. Los Angeles Administrative Code (LAAC) Chapter 19.192

Ordinance No. 188441 added Chapter 19, Section 19.192 to the Los Angeles Administrative Code. Section 19.192 provides that:

> [e]xcept as required by 8 U.S.C. § 1373 or other applicable federal or state law, no City personnel shall provide access to any City data or information that can be used to determine or trace a person's Citizenship or Immigration Status to any Immigration Agent.

LAAC Section 19.192 places further limitations on sharing of City data with contractors, stating that:

> In furtherance of this restriction, as of the effective date of this ordinance, City personnel shall not provide City data or information that can be used to determine or trace a person's Citizenship or Immigration Status to any City contractor *unless the contractor first agrees in writing to prohibit the contractor's employees and subcontractors from providing that data or information to any Immigration Agent, to the extent permitted by law.*

LAAC Section 19.190 defines "Citizenship or Immigration Status" as "all information or classification regarding citizenship of the United States or any other country, place of birth, the authority to reside in or otherwise be present in the United States, including visa status, and the time or manner of a person's entry into the United States." "Immigration Agent" is also defined in LAAC Section 19.190. Thus, under LAAC Section 19.192, City personnel cannot share certain City data with a contractor unless the contractor has first provided the required agreement in writing.

B. Standard Provisions Revised to Comply with this Requirement

To comply with LAAC Section 19.192, the City Attorney released a new version of the Standard Provisions for City Contracts (Rev. 1/25 [v.2]), which modifies Section PSC-43 (Confidentiality) to include the written agreement required by Section 19.192. That provision now states in whole:

> All documents, information, City Data (as that term is defined in PSC-22), and materials provided to **CONTRACTOR** by **CITY** or developed by **CONTRACTOR** pursuant to this Contract (collectively "Confidential Information") are confidential. ***CONTRACTOR*** *shall not provide, and shall prohibit its employees and subcontractors from providing or disclosing, any Confidential Information or their contents or any information therein either orally or in writing, to any person or entity, etc. except as authorized by* ***CITY*** *or as required by law.* **CONTRACTOR** shall immediately notify **CITY** of any attempt by a third party to obtain access to any Confidential Information. This provision will survive expiration or termination of this Contract.

"City Data" and "Confidential Data" are defined broadly enough to include the "Immigration Data" referenced in LAAC Section 19.192. The previous iteration of PSC-43 did not specifically require contractors to prohibit its employees and subcontractors from disclosing Confidential Information, as now mandated by the Ordinance.

C. Recommended Contracting Process

1. New Contracts**:** Departments will comply with LAAC Section 19.192 by ensuring their contracts incorporate the latest version of the Standard Provisions for City Contracts (Rev. 1/25 [v.2]). Any amendments or amended and restated agreements should likewise replace any previous version of the Standard Provisions with the latest version. For new contracts that do not incorporate the Standard Provisions, Departments must comply with LAAC Section 19.192 by obtaining a separate written agreement signed by the contractor. A form letter for this purpose is provided as an Attachment to this Bulletin.

2. Existing Contracts: For existing contracts that do not incorporate the latest revision of the Standard Provisions, Departments should identify those contracts under which they intend to share (or are sharing on an ongoing basis) information that can be used to determine Citizenship or Immigration Status. Prior to sharing any new data under such contracts, Departments must obtain a letter signed by the contractor containing the agreement required by LAAC Section 19.192. The form letter provided as an Attachment can be used to satisfy this requirement.

D. Please direct questions regarding this Bulletin to the Deputy City Attorney who regularly advises your Department on contracting and procurement.

A team of representatives from the Mayor's Office, Office of the City Administrative Officer, Personnel Department, City Attorney, Office of the Chief Legislative Analyst, and the Community Investment for Families Department will assist with coordinating information, developing educational materials, and responding to inquiries for Department Immigrant Affairs Liaisons. Please direct questions to Susan Oh, Office of the Chief Legislative Analyst, at (213) 473-5972 or Susan.Oh@lacity.org.

ATTACHMENT

FORM TEMPLATE

Date: _____

City Department _____

Contractor Name_____("Contractor")

Contract Number:_____("Contract")

Re: Agreement Re: Provision of City Data

The City of Los Angeles ("City") and Contractor have entered into the above-referenced Contract. To facilitate the performance of Contractor's services under the Contract, City has shared with (or intends to share with) Contractor or provided (or intends to provide) Contractor access to certain information. In addition to any provisions in the Contract imposing confidentiality agreements upon Contractor, Contractor agrees as follows with respect to such information:

All documents, information, and materials provided to **CONTRACTOR** by **CITY** or developed by **CONTRACTOR** pursuant to this Contract (collectively "Confidential Information") are confidential. **CONTRACTOR** shall not provide, and shall prohibit its employees and subcontractors from providing or disclosing, any Confidential Information or their contents or any information therein either orally or in writing, to any person or entity, etc. except as authorized by **CITY** or as required by law. **CONTRACTOR** shall immediately notify **CITY** of any attempt by a third party to obtain access to any Confidential Information. This provision will survive expiration or termination of this Contract.

_____

Authorized Representative of Contractor

_____

Date