

ORDINANCE NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**AN ORDINANCE AMENDING CHAPTER 2.48 OF TITLE 2 OF THE SAN MATEO
COUNTY ORDINANCE CODE TO AMEND SECTION 2.48.010 TO RESTRICT
ACCESS TO COUNTY OWNED OR CONTROLLED PROPERTY AND ADD
SECTIONS 2.48.020, 2.48.030 AND 2.48.040 TO CHAPTER 2.48 TO REQUIRE
REPORTING ON IMMIGRATION ENFORCEMENT ACTIVITIES AND REGULATE
LAW ENFORCEMENT IDENTIFICATION AND USE OF FACE MASKS**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:

SECTION 1. FINDINGS.

The Board of Supervisors finds and determines that:

- (a) Section 2.48.010 of the San Mateo County Ordinance Code prohibits County employees from using County resources to assist or cooperate with Immigration Authorities. Additions to Chapter 2.48 of the County Ordinance Code will clarify that providing access to firearms training ranges owned or controlled by the County would violate Chapter 2.48.
- (b) Currently, there is no requirement for County Departments to report to the Board of Supervisors or the public regarding communications received from United States Immigration and Customs Enforcement or other federal immigration enforcement authorities or persons, or entities contracted for immigration enforcement purposes ("Immigration Authorities"), actions taken with respect to those communications or for reporting on any immigration enforcement actions in San Mateo County.
- (c) Other than the TRUTH Act, which imposes reporting obligations on law enforcement, there is no requirement that departments report interactions with Immigration Authorities whether such interactions are in response to a subpoena, judicial warrant or otherwise.
- (d) Increased immigration enforcement in San Mateo County, the State of California, and the country is negatively impacting our community by causing fear, displacement, loss of work, and loss of class time, among other significant impacts.
- (e) The Board of Supervisors and the public will benefit from receiving periodic reports on immigration enforcement communications and activity taking place in San Mateo County.

- (f) The federal government has launched broad immigration enforcement efforts in California, deploying personnel from various federal agencies
- (g) The increasing use of face coverings, the absence of visible names, officer identification number, or other individually identifying information, the failure to be clearly and conspicuously identifiable as federal law enforcement, or the use of unmarked vehicles during enforcement activities has raised concerns for public safety.
- (h) Both the individuals involved and onlookers have reported confusion and fear that they were experiencing or witnessing a crime.
- (i) While the federal government has publicly condemned impersonations, the use of face coverings and lack of consistent, visible personal and agency identification are making it difficult for individuals and state and local law enforcement to distinguish between authorized personnel and bad actors.
- (j) The County has both the authority and responsibility, under its police powers, to maintain order and protect the safety and well-being of all people within its jurisdiction.
- (k) In order to carry out this duty effectively, the County has the authority to establish identification requirements for law enforcement operating within the County so that the public and its agents can distinguish between individuals who are exercising law enforcement authority and those who are not, particularly in situations where a person is engaging in potentially unlawful behavior.
- (l) Therefore, the County has a compelling interest in identifying and verifying who is and who is not validly claiming or operating under law enforcement authority within the state.
- (m) Additions to Chapter 2.48 will clarify and enhance the County's commitment to the safety and wellbeing of its residents.

SECTION 2. Section 2.48.010 is hereby amended to add subsections (c) and (d) to be numbered and entitled and to read as follows:

- (c) The prohibition on using County resources expressly prohibits County departments, agencies, commissions, officers, agents, representatives, employees, and volunteers from allowing Immigration Authorities access to the County-owned range at Coyote Point Park without a judicial warrant.
- (d) The prohibition on using County resources expressly prohibits County departments, agencies, commissions, officers, agents, representatives, employees, and volunteers from using funds or personnel to assist in traffic enforcement for the purpose of aiding immigration enforcement or allowing Immigration Authorities access to County property for purposes of staging or establishing an operational base for a federal immigration enforcement action.

SECTION 3. COUNTY DEPARTMENT REPORTING REQUIREMENTS: A new Section 2.48.020 is hereby added to Chapter 2.48 to be numbered and entitled and to read in its entirety as follows:

- (a) No later than January 1, 2026, the Sheriff and Chief Probation Officer shall each place on a Board of Supervisors meeting agenda and post on the Sheriff's Office website a written report stating the number of immigration detainer requests from Immigration Authorities received from January 1, 2025, to the reporting deadline. Thereafter, the Sheriff and Chief Probation Officer shall each submit a written report to the Board of Supervisors by March 1st, June 1st, September 1st, and December 1st of each year, addressing the following issues for the time period covered by the report:
 - 1. A description of all communications received from any Immigration Authorities, including but not limited to, the number of civil immigration detainers, notification requests, or other types of communications related to immigration enforcement including the failure to notify any inmates of a detention request as required by the TRUTH Act (Cal Gov Code sec. 72831.1(b).)
 - 2. A description of any communications the Department made to the Immigration Authorities, including but not limited to any Department's responses to inquiries as described herein.
- (b) The Sheriff and Chief Probation Officer shall additionally include in their periodic reports a description of any immigration enforcement actions that the Department is aware of that were undertaken by the Immigration Authorities within the County, including but not limited to deportations, detentions, workplace raids or other surveillance observed by the Sheriff or Chief Probation Officer.
- (c) All County Departments shall report any interactions with Immigration Authorities, including, but not limited to, any service of subpoenas, warrants or surveillance of County facilities to the County Executive within 24 hours of their occurrence. The County Executive shall keep a log of such Departmental reports and provide a summary of Departmental interactions with Immigration Authorities to the Board according to the schedule provided in subsection (a).
- (d) County Parks Department shall provide a report to the County Executive of any identifiable Immigration Authorities accessing County Parks within 24 hours of the occurrence.

SECTION 4. LAW ENFORCEMENT IDENTIFICATION: A new Section 2.48.030 is hereby added to Chapter 2.48 to be numbered and entitled and to read in its entirety as follows:

(a) Beginning on January 1, 2026 the Sheriff shall maintain and publicly post a written policy on the visible identification of law enforcement agency personnel as defined in Government Code Section 7288(c)(2). The policy shall include, at minimum, the following:

1. A purpose statement affirming the agency's commitment to both of the following:

A. Transparency, accountability, and public trust.

B. Restricting situations in which sworn personnel do not visibly display identification to specific, clearly defined, and limited circumstances.

2. A requirement that all sworn personnel visibly display identification that includes their agency and either a name or badge number, or both name and badge number, when performing enforcement duties.

3. A list of narrowly tailored exemptions for the following:

A. Officers engaged in active undercover operations or investigative activities.

B. Officers wearing personal protective equipment that prevents display.

C. Exigent circumstances, involving an imminent danger to persons or property, or the escape of a perpetrator, or the destruction of evidence, including if the officer is responding to those circumstances while off-duty.

D. When there is a specific, articulable, and particularized reason to believe identification would pose a significant danger to the physical safety of the peace officer.

(b) The Sheriff shall develop, maintain and publicly post a written policy regarding the use of facial coverings. The policy shall include, but not be limited to, each of the following:

1. A purpose statement affirming the Sheriff's commitment to the following:

A. Transparency, accountability and public trust.

B. Restricting the use of facial coverings to specific, clearly defined, and limited circumstances.

- C. The principle that generalized and undifferentiated fear and apprehension about officer safety shall not be sufficient to justify the use of facial coverings.
- 2. A requirement that all sworn personnel not use a facial covering when performing their duties.
- 3. A list of narrowly tailored exemptions for the following:
 - A. Active undercover operations or assignments authorized by supervising personnel or court order.
 - B. Tactical operations where protective gear is required for physical safety.
 - C. Applicable law governing occupational health and safety.
 - D. Protection of identity during prosecution.
 - E. Applicable law governing reasonable accommodations.
- 4. Opaque facial coverings shall only be used when no other reasonable alternative exists and the necessity is documented.
- 5. Pursuant to the policy, a supervisor shall not knowingly allow a peace officer under their supervision to violate state law or agency policy limiting the use of a facial covering.

SECTION 5. MISCELLANEOUS: A new Section 2.48.040 is hereby added to Chapter 2.48 to be numbered and entitled and to read in its entirety as follows:

(a) Construction with Other Laws

Nothing in this chapter shall be construed to violate any State or Federal laws with regard to immigration or other law enforcement. Nothing in this chapter shall be construed as contrary to or in defiance of any Federal or State Law.

(b) Severability

If any section, subsection, sentence, clause, phrase, or word of this chapter or its application is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The Board of Supervisors hereby declares that it would have passed this chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this chapter would be subsequently declared invalid or unconstitutional. To this end, the provisions of this chapter, and each of them, are severable.

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