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(O-2026-28)
(COR. COPY 2)

ORDINANCE NUMBER O- 22081 (NEW SERIES)

DATE OF FINAL PASSAGE APR 9 2026

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW DIVISION 15, SECTIONS 52.1501 THROUGH 52.1507, ALL RELATING TO DUE PROCESS AND SAFETY.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

A. The State of California and the City of San Diego (City) have adopted numerous laws safeguarding the rights of all individuals regardless of reproductive decisions, reproductive healthcare or gender affirming healthcare, political or religious beliefs, immigration or citizenship status, disability status, gender identity, gender expression, transgender status, sexual orientation, race, ethnicity, national origin, language, or marital or familial status.

B. These protections recognize fundamental rights to bodily autonomy, self-determination, privacy, freedom of expression, and equal treatment under the law.

C. California has expanded these protections through the California Values Act, the TRUTH Act, Immigrant Worker Protection Act, and Reproductive Rights Law Enforcement Act.

D. Despite these protections, these threats undermine California's legal framework, and create fear and mistrust in public institutions.

E. The City is committed through its actions to ensure that no City facilities, program, or partnership is used to facilitate discrimination, or to violate a person's rights under federal or state law.

F. This Ordinance will require certain City agreements awarded after its effective date to contain provisions requiring: (i) compliance with state law regarding immigration enforcement actions, gender affirming care, and reproductive decisions; (ii) information obtained

in the performance of the City agreement relating to a protected personal characteristic or activity be kept confidential; and (iii) the posting of signage at their facilities located in the City regarding the employer's obligations under the California Immigrant Worker Protection Act prohibiting voluntary consent to immigration enforcement agents to non-public areas of the place of employement. This Ordinance is not intended to apply to a City agreement awarded after the effective date, but advertised before the effective date of the Ordinance.

G. This Ordinance is subject to San Diego Municipal Code section 11.0208 and shall not be construed as creating a mandatory duty.

H. This Ordinance is subject to San Diego Municipal Code section 11.0205 titled "Validity of Code –Severability", which shall apply to this Ordinance in the same manner that it applies to all provisions of this Code.

I. In considering this proposed Ordinance, the Council recognizes that the City is a public agency employer under the Meyers-Milias-Brown Act (MMBA), at California Government Code sections 3500 through 3511. The Council recognizes that the City must comply with the collective bargaining requirements in the MMBA before the Council makes final determinations on the Ordinance. By separate Council action, the Council intends to request the assistance of the City's management team for labor relations to ensure compliance with the MMBA, by providing the City's recognized employee organizations the required notice and opportunity to engage in bargaining on mandatory subjects of bargaining related to the proposed Ordinance. The Council acknowledges that the second reading and adoption of the Ordinance cannot be considered until the City's obligations under the MMBA have been satisfied.

J. The Office of the City Attorney prepared this Ordinance based on the information provided by Council staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. Chapter 5, Article 2, of the San Diego Municipal Code is amended by adding Division 15, sections 52.1501 through 52.1507, to read as follows:

Division 15: Due Process and Safety

§52.1501 Purpose and Intent

It is the intent of this Division to demonstrate the City of San Diego's commitment, through its actions, to ensure that City facilities, programs, and partnerships are not used to facilitate discrimination, violate constitutional rights, or support *law enforcement activity* that criminalizes *protected personal characteristics* and *protected personal activity*. Additionally, this Division provides clear direction to the City and its contractors to comply with state and local protections safeguarding the rights of all persons regardless of their *protected personal characteristics* or *protected personal activity*. These protections recognize fundamental rights to bodily autonomy, self-determination, privacy, freedom of expression, and equal treatment under the law.

While the City cannot shield individuals from all risks or guarantee safety in every circumstance, the City affirms its right to act within its legal authority to prevent the use of City resources, personnel, property, or partnerships to facilitate discrimination, unlawful detention, and the criminalization of identity or exercise of fundamental rights. It is the policy of the City to implement and support the requirements established in this Division and in relevant California state law.

§52.1502 Definitions

For the purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Agency, *contract for services,* and *public works contract* have the same meaning as in San Diego Municipal Code section 22.3003.

City agreement means a *contract for services, public works contract,* a lease of *City property*, or a grant advertised and awarded by the City after the effective date of this Division to any person that is not an *agency*.

City facility means *City property* that the City uses for any municipal purpose where the City exercises daily control over access to the property.

City property means real property the City owns in fee or that is leased and occupied by the City.

Federal law enforcement agency personnel means any employee, contractor, or agent of a department or agency of the United States government engaged in *law enforcement activity*.

Gender affirming health care has the same meaning as in California Welfare and Institutions Code section 16010.2(b)(3)(A), as may be amended.

Gender affirming mental health care has the same meaning as in California Welfare and Institutions Code section 16010.2(b)(3)(B), as may be amended.

ICE access has the same meaning as in California Government Code section 7283(d), as may be amended.

Immigration enforcement has the same meaning as in California Government Code section 7284.4(f), as may be amended.

Joint Law Enforcement Task Force has the same meaning as in California Government Code section 7284.4(g), as may be amended.

Law enforcement activity means any action conducted by government personnel or any individual acting under color of law for the purpose of ensuring public safety or enforcing criminal, civil, or regulatory laws, including federal laws and laws of other states and *immigration enforcement*. This includes surveillance, investigation, detention, questioning, arrest, execution of warrants, collection or sharing of personal data, or facilitation of legal process such as subpoenas or transfer requests.

Non-public area means any space on real property that is not generally accessible to the public.

Out-of-state law enforcement personnel means any law enforcement agent, officer, employee, attorney, investigator, or contractor acting under the authority of another state or its subdivisions engaged in *law enforcement activity*.

Private party acting under color of law enforcement authority means any individual or group not employed by a government agency who:

(a) claims, implies, or presents themselves as having legal authority to conduct *law enforcement activity*;

(b) is contracted, deputized, or otherwise authorized by a federal agency or out-of-state jurisdiction to engage in *law enforcement activity* within California; or

(c) engages in surveillance, detention, questioning, or information gathering in a manner that imitates or substitutes for official *law enforcement activity*.

Protected personal activity means an action that an individual has the right to undertake free from undue governmental interference, discrimination, or criminalization under either federal or state law, including:

(a) making reproductive decisions;

(b) accessing or receiving *reproductive healthcare services*;

(c) accessing or receiving *gender affirming healthcare*;

(d) accessing or receiving *gender affirming mental health care;* or

(e) exercising their First Amendment rights, including the expression of political or religious opinions.

Protected personal characteristic means an individual's actual or perceived attributes that are safeguarded from discrimination under federal or state law, including:

(a) immigration or citizenship status;

(b) disability status;

(c) gender identity, gender expression, or transgender status;

(d) sexual orientation;

(e) race, ethnicity, national origin, or language; or

(f) marital or familial status.

Reproductive healthcare services has the same meaning as in California Civil Code section 1798.300(e), as may be amended.

§52.1503 Reporting Requirements

(a) The City Manager shall provide a written report to the City Council by the end of each fiscal year with the following information from the preceding calender year:

(1) A summary of the City's participation in *joint law enforcement task forces* as described in California Government Code section 7284.6(c)(1).

(A) The report shall include the following information in a separate section for each *joint law enforcement task force*:

(i) The purpose of the task force.

(ii) The federal, state, and local law enforcement agencies involved.

(iii) The total number of arrests made during the reporting period.

(iv) The number of people arrested for *immigration enforcement* purposes.

(v) The number of San Diego Police Department officers officially assigned to the *joint law enforcement task force* and a general description of the types of investigations that officers participated in that year.

(vi) The total number of San Diego Police Department personnel hours, pre-operational briefings held at a *City facility* that immediately precede law enforcement action that involves contacting members of the public, and total amount of City funds, including salary costs, allocated to the *joint law enforcement task force*.

(vii) The number of case referrals between San Diego Police Department and the *joint law enforcement task force*.

(viii) A list of the law enforcement databases or data-sharing systems used in the course of the *joint law enforcement task force*, unless such information is exempt from public disclosure under federal or state law.

(B) The City Manager shall not include information in the report that would endanger the safety of a person involved in an investigation or the successful completion of the

investigation or a related investigation, or the disclosure of which is prohibited or exempt under federal or state law.

(2) Any information required to be reported to the California Department of Justice under California Penal Code section 13777(a)(2) and all data and reports made publicly available under Government Code section 12525.5(f) of the Racial and Identity Profiling Act of 2015 (RIPA). Disclosure of information under section 52.1503(a)(2) shall be consistent with California Government Code section 12525.5(d) and shall not result in the release of protected information, including personally identifiable information.

(3) A summary of any changes to federal or state law that affect the San Diego Police Department's ability to participate in a *joint law enforcement task force.*

(4) A summary of any known *law enforcement activity* by *federal law enforcement agency personnel, out-of-state law enforcement personnel,* or a *private party acting under color of law enforcement authority* involving any person for a *protected personal characteristic* or *protected personal activity* within the jurisdiction of the City. Section 52.1503(a)(4) is not intended to include investigations of criminal activity unrelated to a *protected personal characteristic* or *protected personal activity* when a *protected personal characteristic* or *protected personal activity* is

part of a suspect description or may be relevant to the investigation of the underlying crime.

(5) A summary of the Transparent Review of Unjust Transfers and Holds (TRUTH) Act forum held by the City under California Government Code section 7283.1(d), including the place and time that the forum was held, and a general description of the information that was presented by the City, if during the reporting period, the City provided *ICE access* to a person in the custody of the San Diego Police Department.

(b) If the San Diego Police Department responds to a call for service related to *law enforcement activity* by *federal law enforcement agency personnel*, *out-of-state law enforcement personnel*, or a *private party acting under color of law enforcement authority* where the alleged crime is a *protected personal characteristic* or *protected personal activity*, the Chief of Police shall issue a publicly available incident report within three business days of the response. The report shall include:

(1) the names of all agencies present;

(2) whether a judicial warrant was presented by any agency to the San Diego Police Department; and

(3) any available identifying information of the law enforcement personnel involved, such as badge numbers, and agency designations, or the *private party acting under color of law enforcement authority.*

(c) If the San Diego Police Department responds to a call or cooperates with *federal law enforcement agency personnel* or *out-of-state law enforcement personnel* in response to an imminent threat to life or public safety where the alleged crime is a *protected personal characteristic* or a *protected personal activity*, the Chief of Police shall report such cooperation in writing to the City Council within three business days.

§52.1504 Guidelines for Upholding Civil Rights in City Operations

(a) Unless otherwise required by law, the City shall not:

(1) Transmit or share data related to any *protected personal characteristic* or *protected personal activity*, unless such transmission or sharing is necessary for *law enforcement activity* where the alleged criminal activity is not a *protected personal characteristic* or *protected personal activity* and is part of a suspect, victim, or missing person description or is relevant to the crime being investigated.

(2) Use City monies, personnel, or resources to carry out *law enforcement activity* or to assist *law enforcement activity* by *federal law enforcement agency personnel*, *out-of-state law enforcement personnel*, or a *private party acting under color of law enforcement authority* where the alleged criminal activity is a *protected personal characteristic* or *protected personal activity*. Section 52.1504(a)(2) is not intended to prohibit investigations of criminal activity unrelated to a *protected personal characteristic* or

protected personal activity when a *protected personal characteristic* or *protected personal activity* is part of a suspect description or may be relevant to the investigation of the underlying crime.

(3) Participate in a joint operation, task force, or patrol that involves, in whole or in part, an *immigration enforcement* action or other *law enforcement activity* that specifically investigates a *protected personal characteristic* or *protected personal activity* as criminal activity.

(b) Section 52.1504 does not prohibit:

(1) the City's participation in a *joint law enforcement task force,* if the task force is not related to investigating a *protected personal characteristic* or *protected personal activity* as criminal activity; or

(2) cooperation with *federal law enforcement agency personnel* or *out-of-state law enforcement personnel* in response to an imminent threat to life or public safety. The City's cooperation shall be narrowly tailored to respond to the imminent threat to life or public safety. If the alleged crime is a *protected personal characteristic* or *protected personal activity*, the City's cooperation shall be reported in writing to the City Council as required under section 52.1503(c).

§52.1505 Access to City Facilities

(a) *Federal law enforcement agency personnel*, *out-of-state law enforcement personnel,* or a *private party acting under the color of law enforcement authority* shall not voluntarily be given access to any *non-public area* of a *City facility* for the purpose of carrying out *law enforcement activity* where the alleged criminal activity is a *protected personal characteristic* or *protected personal activity* unless access is required by statute, judicial warrant, or court order.

(b) The City Manager shall report access to *non-public areas* of a *City facility* by any *federal law enforcement agency personnel*, *out-of-state law enforcement personnel*, or a *private party acting under color of enforcement authority* for the purposes of carrying out *law enforcement activity* where the alleged criminal activity is a *protected personal characteristic* or *protected personal activity* in writing to the City Council within three business days of the access.

§52.1506 Contractor Compliance

(a) All *City agreements* shall include language requiring compliance with the following:

(1) California Government Code sections 7285.1 and 7285.2, as may be amended, regarding immigration worksite enforcement actions;

(2) California Penal Code section 13778.3, as may be amended, prohibiting cooperation, providing information, or expending

resources in furtherance of an investigation of an individual for legally protected health care activity;

(3) Calfornia Penal Code sections 1524.2(c) and 1546.5, as may be amended, regarding reproductive rights;

(4) A requirement to keep confidential any information relating to a *protected personal characteristic* or *protected personal activity* received or obtained through performance of the *City agreement*, and prohibiting the sharing or transmitting of such information to any third party unless required to do so under federal or state law, to perform the *City agreement*, or if the City is required to provide such information;

(5) Display of public-facing signage required by section 52.1507(b) at public entrances to facilities of contractors, vendors, lessees, or grantees located in the City;

(6) A requirement that sections 52.1506(a)(1) through (a)(5) shall be included in any subcontracts related to the performance of the *City agreement*; and

(7) Notice to the City within five business days of any request from *federal law enforcement personnel, out-of-state law enforcement personnel,* or a *private party acting under the color of law enforcement authority* for assistance with any *law enforcement activity* for the purposes of carrying out *law enforcement activity*

where the alleged criminal activity is a *protected personal characteristic* or *protected personal activity.*

(b) The City Council may grant exceptions to section 52.1506(a) by resolution.

§52.1507 Notice Requirements

(a) City Facilities. The City Manager shall post signage in multiple languages, as determined by the City Manager, at public entrances to all *City facilities*:

"NOTICE:

This facility is protected by the San Diego Due Process and Safety Ordinance.

Non-public areas may not be accessed by federal law enforcement personnel, out-of-state law enforcement personnel, or a private party acting under the color of law enforcement for the purpose of carrying out law enforcement activity where the alleged criminal activity is a protected personal characteristic or protected personal activity unless expressly authorized by statute, judicial warrant, or court order.

All individuals have the constitutional right to decline to speak with any law enforcement personnel without legal representation."

(b) Contractor Facilities. The City Manager shall require any party to a *City agreement* to post signage at public entrances to their facilities located in the City containing the following language:

"NOTICE: SAN DIEGO MUNICIPAL CODE § 52.1507 REQUIRES POSTING THE FOLLOWING:

California law (the Immigrant Worker Protection Act) prohibits an employer, or a person acting on behalf of the employer, from providing voluntary consent to immigration enforcement agents to enter non-public areas of the business premises without providing a judicial warrant.

All individuals have the constitutional right to decline to speak with any such law enforcement personnel without legal representation."

Section 2. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 3. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage and shall not apply retroactively to City agreements.

APPROVED: HEATHER FERBERT, City Attorney

By _____
Jose A. Garcia
Deputy City Attorney

JAG:jdf
10/10/2025
10/17/2025 COR. COPY
04/02/2026 COR. COPY 2
Or.Dept: Council District 9
Doc. No. 4158504_3

(O-2026-28)
(COR. COPY 2)

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on APR 07 2026.

DIANA J.S. FUENTES
City Clerk

By Krystell Medina
Deputy City Clerk

Approved: 4/9/26
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

_____
TODD GLORIA, Mayor

54 9-7-26

(O-2026-28)
(COR. COPY 2)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING NEW DIVISION 15, SECTIONS 52.1501 THROUGH 52.1507, ALL RELATING TO DUE PROCESS AND SAFETY.

Division 15: Due Process and Safety

§52.1501 Purpose and Intent

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While the City cannot shield individuals from all risks or guarantee safety in every circumstance, the City affirms its right to act within its legal authority to

prevent the use of City resources, personnel, property, or partnerships to facilitate discrimination, unlawful detention, and the criminalization of identity or exercise of fundamental rights. It is the policy of the City to implement and support the requirements established in this Division and in relevant California state law.

§52.1502 Definitions

For the purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

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City agreement means a *contract for services*, *public works contract*, a lease of *City property*, or a grant advertised and awarded by the City after the effective date of this Division to any person that is not an *agency*.

City facility means *City property* that the City uses for any municipal purpose where the City exercises daily control over access to the property.

City property means real property the City owns in fee or that is leased and occupied by the City.

Federal law enforcement agency personnel means any employee, contractor, or agent of a department or agency of the United States government engaged in *law enforcement activity*.

Gender affirming health care has the same meaning as in California Welfare and Institutions Code section 16010.2(b)(3)(A), as may be amended.

Gender affirming mental health care has the same meaning as in California Welfare and Institutions Code section 16010.2(b)(3)(B), as may be amended.

ICE access has the same meaning as in California Government Code section 7283(d), as may be amended.

Immigration enforcement has the same meaning as in California Government Code section 7284.4(f), as may be amended.

Joint Law Enforcement Task Force has the same meaning as in California Government Code section 7284.4(g), as may be amended.

Law enforcement activity means any action conducted by government personnel or any individual acting under color of law for the purpose of ensuring public safety or enforcing criminal, civil, or regulatory laws, including federal laws and laws of other states and *immigration enforcement*. This includes surveillance, investigation, detention, questioning, arrest, execution of warrants, collection or sharing of personal data, or facilitation of legal process such as subpoenas or transfer requests.

Non-public area means any space on real property that is not generally accessible to the public.

Out-of-state law enforcement personnel means any law enforcement agent, officer, employee, attorney, investigator, or contractor acting under the authority of another state or its subdivisions engaged in *law enforcement activity*.

Private party acting under color of law enforcement authority means any individual or group not employed by a government agency who:

(a) claims, implies, or presents themselves as having legal authority to conduct *law enforcement activity*;

(b) is contracted, deputized, or otherwise authorized by a federal agency or out-of-state jurisdiction to engage in *law enforcement activity* within California; or

(c) engages in surveillance, detention, questioning, or information gathering in a manner that imitates or substitutes for official *law enforcement activity*.

Protected personal activity means an action that an individual has the right to undertake free from undue governmental interference, discrimination, or criminalization under either federal or state law, including:

(a) making reproductive decisions;

(b) accessing or receiving *reproductive healthcare services*;

(c) accessing or receiving *gender affirming healthcare*;

(d) accessing or receiving *gender affirming mental health care*; or

(e) exercising their First Amendment rights, including the expression of political or religious opinions.

Protected personal characteristic means an individual's actual or perceived attributes that are safeguarded from discrimination under federal or state law, including:

(a) immigration or citizenship status;

(b) disability status;

(c) gender identity, gender expression, or transgender status;

(d) sexual orientation;

(e) race, ethnicity, national origin, or language; or

(f) marital or familial status.

Reproductive healthcare services has the same meaning as in California Civil Code section 1798.300(e), as may be amended.

§52.1503 Reporting Requirements

(a) The City Manager shall provide a written report to the City Council by the end of each fiscal year with the following information from the preceding calender year:

(1) A summary of the City's participation in *joint law enforcement task forces* as described in California Government Code section 7284.6(c)(1).

(A) The report shall include the following information in a separate section for each *joint law enforcement task force*:

(i) The purpose of the task force.

(ii) The federal, state, and local law enforcement agencies involved.

(iii) The total number of arrests made during the reporting period.

(iv) The number of people arrested for *immigration enforcement* purposes.

(v) The number of San Diego Police Department officers officially assigned to the *joint law enforcement task force* and a general description of the types of investigations that officers participated in that year.

(vi) The total number of San Diego Police Department personnel hours, pre-operational briefings held at a *City facility* that immediately precede law enforcement action that involves contacting members of the public, and total amount of City funds, including salary costs, allocated to the *joint law enforcement task force*.

(vii) The number of case referrals between San Diego Police Department and the *joint law enforcement task force*.

(viii) A list of the law enforcement databases or data-sharing systems used in the course of the *joint law enforcement task force*, unless such information is exempt from public disclosure under federal or state law.

(B) The City Manager shall not include information in the report that would endanger the safety of a person involved in an investigation or the successful completion of the investigation or a related investigation, or the disclosure of which is prohibited or exempt under federal or state law.

(2) Any information required to be reported to the California Department of Justice under California Penal Code section 13777(a)(2) and all data and reports made publicly available under Government Code section 12525.5(f) of the Racial and Identity Profiling Act of 2015 (RIPA). Disclosure of information under section 52.1503(a)(2) shall be consistent with California Government Code section 12525.5(d) and shall not result in the release of protected information, including personally identifiable information.

(3) A summary of any changes to federal or state law that affect the San Diego Police Department's ability to participate in a *joint law enforcement task force.*

(4) A summary of any known *law enforcement activity* by *federal law enforcement agency personnel, out-of-state law enforcement personnel,* or a *private party acting under color of law enforcement authority* involving any person for a *protected personal characteristic* or *protected personal activity* within the jurisdiction of the City. Section 52.1503(a)(4) is not intended to

include investigations of criminal activity unrelated to a *protected personal characteristic* or *protected personal activity* when a *protected personal characteristic* or *protected personal activity* is part of a suspect description or may be relevant to the investigation of the underlying crime.

(5) A summary of the Transparent Review of Unjust Transfers and Holds (TRUTH) Act forum held by the City under California Government Code section 7283.1(d), including the place and time that the forum was held, and a general description of the information that was presented by the City, if during the reporting period, the City provided *ICE access* to a person in the custody of the San Diego Police Department.

(b) If the San Diego Police Department responds to a call for service related to *law enforcement activity* by *federal law enforcement agency personnel*, *out-of-state law enforcement personnel*, or a *private party acting under color of law enforcement authority* where the alleged crime is a *protected personal characteristic* or a *protected personal activity*, the Chief of Police shall issue a publicly available incident report within three business days of the response. The report shall include:

(1) the names of all agencies present;

(2) whether a judicial warrant was presented by any agency to the San Diego Police Department; and

(3) any available identifying information of the law enforcement personnel involved, such as badge numbers, and agency designations, or the *private party acting under color of law enforcement authority.*

(c) If the San Diego Police Department responds to a call or cooperates with *federal law enforcement agency personnel* or *out-of-state law enforcement personnel* in response to an imminent threat to life or public safety *where the alleged crime is a protected personal characteristic or protected personal activity*, the Chief of Police shall report such cooperation in writing to the City Council within three business days.

§52.1504 Guidelines for Upholding Civil Rights in City Operations

(a) Unless otherwise required by law, the City shall not:

(1) Transmit or share data related to any *protected personal characteristic* or *protected personal activity*, unless such transmission or sharing is necessary for *law enforcement activity* where the alleged criminal activity is not a *protected personal characteristic* or *protected personal activity* and is part of a suspect, victim, or missing person description or is relevant to the crime being investigated.

(2) Use City monies, personnel, or resources to carry out *law enforcement activity* or to assist *law enforcement activity* by *federal law enforcement agency personnel, out-of-state law*

enforcement personnel, or a *private party acting under color of law enforcement authority* where the alleged criminal activity is a *protected personal characteristic* or *protected personal activity*. Section 52.1504(a)(2) is not intended to prohibit investigations of criminal activity unrelated to a *protected personal characteristic* or *protected personal activity* when a *protected personal characteristic* or *protected personal activity* is part of a suspect description or may be relevant to the investigation of the underlying crime.

(3) Participate in a joint operation, task force, or patrol that involves, in whole or in part, an *immigration enforcement* action or other *law enforcement activity* that specifically investigates a *protected personal characteristic* or *protected personal activity* as criminal activity.

(b) Section 52.1504 does not prohibit:

(1) the City's participation in a *joint law enforcement task force*, if the task force is not related to investigating a *protected personal characteristic* or *protected personal activity* as criminal activity; or

(2) cooperation with *federal law enforcement agency personnel* or *out-of-state law enforcement personnel* in response to an imminent threat to life or public safety. The City's cooperation shall be

narrowly tailored to respond to the imminent threat to life or public safety. If the alleged crime is a *protected personal characteristic* or *protected personal activity*, the City's cooperation shall be reported in writing to the City Council as required under section 52.1503(c).

§52.1505 Access to City Facilities

(1) *Federal law enforcement agency personnel, out-of-state law enforcement personnel*, or a *private party acting under the color of law enforcement authority* shall not voluntarily be given access to any *non-public area* of a *City facility* for the purpose of carrying out *law enforcement activity* where the alleged criminal activity is a *protected personal characteristic* or *protected personal activity* unless access is required by statute, judicial warrant, or court order.

(b) The City Manager shall report access to *non-public areas* of a *City facility* by any *federal law enforcement agency personnel, out-of-state law enforcement personnel*, or a *private party acting under color of enforcement authority* for the purposes of carrying out *law enforcement activity* where the alleged criminal activity is a *protected personal characteristic* or *protected personal activity* in writing to the City Council within three business days of the access.

§52.1506 Contractor Compliance

(a) All *City agreements* shall include language requiring compliance with the following:

(1) California Government Code sections 7285.1 and 7285.2, as may be amended, regarding immigration worksite enforcement actions;

(2) California Penal Code section 13778.3, as may be amended, prohibiting cooperation, providing information, or expending resources in furtherance of an investigation of an individual for legally protected health care activity;

(3) Calfornia Penal Code sections 1524.2(c) and 1546.5, as may be amended, regarding reproductive rights;

(4) A requirement to keep confidential any information relating to a *protected personal characteristic* or *protected personal activity* received or obtained through performance of the *City agreement*, and prohibiting the sharing or transmitting of such information to any third party unless required to do so under federal or state law, to perform the *City agreement*, or if the City is required to provide such information;

(5) Display of public-facing signage required by section 52.1507(b) at public entrances to facilities of contractors, vendors, lessees, or grantees located in the City;

(6) A requirement that sections 52.1506(a)(1) through (a)(5) shall be included in any subcontracts related to the performance of the *City agreement*; and

(7) Notice to the City within five business days of any request from *federal law enforcement personnel, out-of-state law enforcement personnel,* or a *private party acting under the color of law enforcement authority* for assistance with any *law enforcement activity* for the purposes of carrying out *law enforcement activity* where the alleged criminal activity is a *protected personal characteristic* or *protected personal activity.*

(b) The City Council may grant exceptions to section 52.1506(a) by resolution.

§52.1507 Notice Requirements

(a) City Facilities. The City Manager shall post signage in multiple languages, as determined by the City Manager, at public entrances to all *City facilities*:

"NOTICE:

This facility is protected by the San Diego Due Process and Safety Ordinance.

Non-public areas may not be accessed by federal law enforcement personnel, out-of-state law enforcement personnel, or a private party acting under the color of law enforcement for the purpose of carrying out

law enforcement activity where the alleged criminal activity is a protected personal characteristic or protected personal activity unless expressly authorized by statute, judicial warrant, or court order.

All individuals have the constitutional right to decline to speak with any law enforcement personnel without legal representation."

(b) Contractor Facilities. The City Manager shall require any party to a *City agreement* to post signage at public entrances to their facilities located in the City containing the following language:

"NOTICE: SAN DIEGO MUNICIPAL CODE § 52.1507 REQUIRES POSTING THE FOLLOWING:

California law (the Immigrant Worker Protection Act) prohibits an employer, or a person acting on behalf of the employer, from providing voluntary consent to immigration enforcement agents to enter non-public areas of the business premises without providing a judicial warrant.

All individuals have the constitutional right to decline to speak with any such law enforcement personnel without legal representation."

JAG:jdf
08/19/2025
10/17/2025 COR. COPY
04/02/2026 COR. COPY 2
Or.Dept: Council District 9
Doc. No. 4216883_2

Passed by the Council of The City of San Diego on April 7, 2026, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Henry L. Foster III	☒	☐	☐	☐
Marni von Wilpert	☒	☐	☐	☐
Kent Lee	☐	☐	☒	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☒	☐	☐	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage APR 09 2026.

(Please note: When an ordinance is approved by the Mayor, the date of final passage is the date the approved ordinance was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By _____, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on OCT 20 2025, and on APR 09 2026.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By _____, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number **O-22081**